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FROM DICEY TO MANEKA GANDHI: TRANSFORMATION OF THE RULE OF LAW IN INDIAN ADMINISTRATIVE LAW

~ *Tanya Shah*

ABSTRACT

This paper examines the transformation of the rule of law in Indian administrative law from A.V. Dicey's influential principles to the landmark *Maneka Gandhi v. Union of India* (1978). It traces the evolution of substantive due process and judicial review, highlighting how courts have shaped governance and rights protection. The study analyzes key judicial interventions, comparing pre- and post-Maneka Gandhi eras, and explores implications for administrative discretion and accountability. The pre-Maneka Gandhi era was marked by Dicey's principles of the rule of law, emphasizing formal justice and limited judicial review. However, Maneka Gandhi marked a paradigm shift, with the Supreme Court asserting its power to review administrative actions on grounds of reasonableness and fairness. This led to the emergence of substantive due process, enabling courts to scrutinize the content of laws and administrative actions. The study critically examines this evolution, highlighting the tension between administrative discretion and individual rights. It argues that while Maneka Gandhi expanded judicial review, it also created challenges for governance and the implementation of policy. The paper concludes by exploring the current state of the rule of law in India, assessing the impact of judicial activism on administrative law and governance.

The research adopts a doctrinal and analytical methodology, relying on secondary sources, including constitutional provisions, statutes, judicial decisions, and scholarly articles. By examining the evolution of substantive due process, this study provides insights into the complex dynamics between administrative power and individual rights in India.

Keywords: Substantive Law, Administrative Law, Rule of Law, Judicial Role

INTRODUCTION

A.V. Dicey's Law of the Constitution (1885) laid the foundational principles for the rule of law, emphasising the supremacy of law, equality, and judicial oversight. Albert Venn Dicey, a prominent British jurist, profoundly shaped modern constitutional theory through his seminal work, *Introduction to the Study of the Law of the Constitution*. He popularised the concept of the "rule of law," defining it as the supremacy of ordinary law over arbitrary power, equality before the law, and constitutional rights derived from judicial decisions rather than abstract declarations.¹ His idea of parliamentary sovereignty, emphasizing Parliament's absolute legislative authority without legal limits, remains foundational in common law jurisdictions, including India. These ideas shaped India's legal framework, influencing administrative law and judicial review. *Maneka Gandhi V. Union of India*² (1978) marked a pivotal moment in Indian jurisprudence, expanding Article 21³'s "procedure established by law" to require fairness, reasonableness, and non-arbitrariness, thereby aligning it closely with Dicey's rule of law principle. Strengthened judicial review to protect personal liberty, reinforcing Dicey's idea of courts as guardians of the legal spirit⁴, which advanced the rules of law as a basic constitutional feature, influencing subsequent cases on human rights and governance.⁵

EVOLUTION OF THE RULE OF LAW

The evolution of the rule of law in Indian administrative law traces back to A.V. Dicey's principles—supremacy of ordinary law, equality before the law, and judicial enforcement of rights—which were adopted post-independence as a core constitutional feature to curb administrative arbitrariness. Initially rigid, it expanded through judicial interpretation to address discretionary powers in administration.

A.V. Dicey formalized the modern theory of the rule of law in his 1885 book, *Introduction to the Study of the Law of the Constitution*, building on ancient and medieval precedents to emphasize the supremacy of law over arbitrary power. His framework marked a significant evolutionary step amid Britain's transition from monarchical rule to parliamentary democracy

¹ MS. CHINTU JAIN, 'RULE OF LAW BY DICEY' (LAW CENTRE II) <https://lc2.du.ac.in/DATA/Presentation%20on%20Rule%20of%20Law_Chintu%20Jain.pdf> accessed on 11 January 2026

² AIR 1978 SC 597

³ Article 21, the Constitution of India

⁴ RUPAHUJA LAW ACADEMY, 'RULE OF LAW IN INDIA; DICEY'S LEGACY AND ITS CONTEMPORARY RELEVANCE' <<https://www.pahujalawacademy.com/rule-of-law-in-india-diceys-legacy-and-its-contemporary-relevance>> accessed on 13th January, 2026

⁵ DRISHTI JUDICIARY, 'PREVALANCE OF THE RULE OF LAW (11 SEP. 2023)' <<https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/prevalance-of-the-rule-of-law>> accessed on 13th January, 2026

and administrative expansion. This theory has since influenced global constitutional systems, including adaptations in jurisdictions like India.

The rule of law predates Dicey, tracing to ancient codes like Hammurabi's in Mesopotamia and pivotal UK documents such as the 1215 Magna Carta, which limited royal authority.⁶ Enlightenment thinkers like John Locke further advanced ideas of governance by consent and law over prerogative power. These foundations addressed unchecked authority, setting the stage for Dicey's systematic articulation in the 19th century.⁷

Pre-Independence Foundations:

Dicey's doctrine influenced British colonial administration, rejecting wide discretionary powers and emphasizing ordinary courts over special tribunals. Indian courts applied it selectively, but administrative law grew with cases limiting executive overreach.

Post-Independence Phase:

The Constitution enshrined the rule of law via Articles 14 (equality), 21 (liberty), and judicial review under Articles 13, 32, and 226. *A.K. Gopalan v. State of Madras*⁸ (1950) adopted a narrow "procedure established by law," permitting administrative actions without substantive review. There are some transformative judicial milestones of India:

- *A.K. Kraipak v. Union of India*⁹ (1970) applied natural justice to administrative actions, rejecting bias and ensuring fairness.
- *Maneka Gandhi v. Union of India*¹⁰ (1978) interlinked Articles 14, 19, and 21, mandating "due process" and non-arbitrariness.
- *Indira Nehru Gandhi v. Raj Narain*¹¹ (1975) and *Kesavananda Bharati*¹² (1973) affirmed the rule of law as part of the Constitution's basic structure, immune from amendment.

Modern Developments:

⁶ LAW NOTES 'ORIGIN AND EVOLUTION OF RULE OF LAW' (LAW NOTES, NOVEMBER 8, 2018) <<https://lawnotes.co/tag/origin-and-evolution-of-rule-of-law>> accessed on 14th January, 2026

⁷ LAW NOTES 'ORIGIN AND EVOLUTION OF RULE OF LAW' (LAW NOTES, NOVEMBER 8, 2018) <<https://lawnotes.co/tag/origin-and-evolution-of-rule-of-law>> accessed on 14th January, 2026

⁸ AIR 1950 SC 27

⁹ AIR 1970 SCC 150

¹⁰ AIR 1978 SC 597

¹¹ AIR 1975 SC 2299

¹² *KESAVANANDA BHARATI V. STATE OF KERALA* AIR1973 SC 1461

Contemporary application focuses on controlling administrative discretion through principles of natural justice, reasonableness, and proportionality. Courts enforce it against corruption, excessive delegation, and violations of fundamental rights in governance.¹³

DICEY'S PRINCIPLE AND THE INDIAN CONTEXT

A.V. Dicey's core ideas on the rule of law emphasize three interconnected principles: supremacy of law, equality before the law, and the primacy of judicial enforcement over abstract rights declarations. These form the foundation for limiting arbitrary governance, ensuring all actions conform to ordinary legal standards administered by courts. While India's written Constitution diverges from Dicey's parliamentary sovereignty model, courts have operationalized these ideas to constrain administrative discretion and protect liberties. Three principles are¹⁴:

- **Supremacy of Law:**

This principle rejects arbitrary power or wide discretion, insisting that no one suffers except for a clear breach of ordinary law proved in regular courts. In Dicey's view, it precludes prerogative powers or unchecked executive actions, promoting legal certainty and due process. Article 13 mandates judicial review of laws violating fundamental rights, embodying Dicey's rejection of arbitrary executive power. *Post-Maneka Gandhi (1978)*, Article 21 requires procedures that are fair, just, and reasonable, evolving Dicey's formal approach into substantive due process.

- **Equality Before Law:**

Everyone, including officials, stands equal under ordinary law without privileges or exemptions based on status. Dicey stressed impartial application—no distinctions for wealth, rank, or position—binding government actions to the same standards as private citizens. Article 14 guarantees equality, aligning with Dicey's impartiality principle, though permitting reasonable classifications. Cases like *Anwar Ali Sarkar*¹⁵ (1952) struck down discriminatory laws, ensuring officials face ordinary courts without special privileges.

¹³ DRISHTI JUDICIARY, 'PREVALANCE OF THE RULE OF LAW (11 SEP. 2023) <<https://www.drishitijudiciary.com/to-the-point/ttp-constitution-of-india/prevalance-of-the-rule-of-law>> accessed on 13th January, 2026

¹⁴ INDIAN LEGAL SYSTEM, 'EXPLORING DICEY'S FUNDAMENTAL PRINCIPLE OF RULE OF LAW' (THE LAW INSTITUTE, NOVEMBER 2, 2023) <<https://thelaw.institute/indian-legal-system/diceys-principles-rule-of-law/>> accessed on 13th January, 2026

¹⁵ *STATE OF WEST BENGAL V. ANWAR ALI SARKAR AIR 1952 SC 75*

- **Role of Judiciary:**

Constitutional rights emerge not from declarations but from court-enforced precedents, positioning judges as guardians of liberties. Dicey saw the "legal spirit" evolving through judicial decisions, ensuring practical remedies against state overreach. Unlike Dicey's common law focus, India's Articles 32 and 226 empower courts to enforce rights directly. Public interest litigation expands access, reinforcing Dicey's legal spirit while addressing India's social inequalities through affirmative action.

ADOPTION AND ADAPTATION IN INDIA

Dicey's rule of law principles—supremacy of ordinary law, equality before the law, and judicial enforcement of rights—were adopted in India through constitutional provisions but adapted to fit a written constitution with fundamental rights and limited parliamentary sovereignty.

Direct Adoption

Article 14 embodies equality by subjecting all, including officials, to ordinary laws without privileges, mirroring Dicey's rejection of exemptions. Early cases like *State of West Bengal v. Anwar Ali Sarkar*¹⁶ (1952) invoked this to invalidate discriminatory statutes, ensuring no arbitrary classifications. Article 21¹⁷"procedure established by law" initially adopted Dicey's formal approach in *A.K. Gopalan*.¹⁸ (1950), prioritizing legal over substantive review.

Key Adaptations

India's written Constitution diverges from Dicey's common law model by deriving rights from explicit guarantees, not just judicial precedents, with Articles 32 and 226 enabling direct enforcement. *Maneka Gandhi* (1978) adapted the supremacy of law by expanding Article 21 to require fairness and non-arbitrariness, introducing substantive due process absent in Dicey's strict formalism. Judicial review under Article 13 adapts Dicey's judicial role, striking down executive actions while allowing affirmative action under Article 14, balancing equality with social justice.

Contemporary Relevance

¹⁶ AIR 1952 SC 75

¹⁷ ARTICLE 21 OF THE CONSTITUTION OF INDIA

¹⁸ *A.K. GOPALAN V. STATE OF MADRAS: AIR 1950 SC 27*

*Kesavananda Bharati*¹⁹ (1973) entrenched the rule of law in the basic structure, adapting Dicey's ideas to limit amendments. Public interest litigation further evolves judicial enforcement, addressing Dicey's anti-arbitrariness in India's welfare state context.

MENAKA GANDHI'S IMPACT

*Maneka Gandhi v. Union of India*²⁰ (1978) revolutionized Indian constitutional law by expanding Article 21's protection of life and personal liberty beyond mere procedural compliance. The Supreme Court ruled that any procedure depriving liberty must be fair, just, and reasonable, effectively overruling the restrictive *A.K. Gopalan*²¹ interpretation.

Case Overview:

Maneka Gandhi's passport was impounded without notice or hearing under the Passports Act, 1967, citing public interest. She challenged this under Articles 14, 19, and 21, arguing arbitrariness. A seven-judge bench unanimously held the action unconstitutional, interlinking these articles into a "golden triangle" requiring state actions to pass tests of equality, reasonableness, and non-arbitrariness.

Judicial Review Expansion:

The judgment broadened judicial scrutiny to include substantive due process, empowering courts to review not just legislative procedures but executive actions for fairness. It infused natural justice principles into Article 21, enabling review of laws and policies for arbitrariness, thus strengthening the judiciary's role as a check on state power.²²

Broader Impacts:

This decision spurred public interest litigation, expanded personal liberty to include dignity and livelihood, and aligned Indian law closer to Dicey's rule of law by curbing administrative discretion. Subsequent cases on privacy, environment, and socio-economic rights trace their origins here.²³

¹⁹ *KESAVANANDA BHARATI V. STATE OF KERALA AIR1973 SC 1461*

²⁰ AIR 1978 SC 597

²¹ *AK. GOPALAN V. STATE OF MADRAS: AIR 1950 SC 27*

²² PUDRANSH DHAR SHARMA, 'MANEKA GANDHI V. UNION OF INDIAN (1978): A LANDMARK CASE IN INDIAN CONSTITUTIONAL LAW (LAWFUL LEGAL, 1YEAR AGO) <<https://lawfullegal.in/maneka-gandhi-v-union-of-india-1978-a-landmark-case-in-indian-constitutional-law/>> accessed on 14th January, 2026

²³ AKELLA POORNIMA, 'MANEKA GANDHI V. UNION OF INDIA, 1978: CASE ANALYSIS' (Ipleaders, February 21, 2024) <<https://blog.ipleaders.in/maneka-gandhi-v-union-of-india/>> accessed on 14th January, 2026

Maneka Gandhi's Case Shifted to Substantive Due Process and Proportionality:

Maneka Gandhi v. Union of India (1978) marked India's shift from procedural due process—mere compliance with enacted law—to substantive due process, requiring state procedures to be fair, just, reasonable, and non-arbitrary. This evolution infused Article 21 with principles of natural justice, overruling A.K. Gopalan's narrow view and interlinking it with Articles 14 and 19.

Substantive Due Process:

The ruling transformed "procedure established by law" into a substantive standard, empowering courts to scrutinize the fairness of laws and executive actions depriving life or liberty. It rejected mechanical legality, asking if deprivations are justified, thus preventing oppression through irrational state power.

Introduction of Proportionality:

Later, building on Maneka, courts adopted proportionality—requiring state restrictions on rights to be suitable, necessary, and balanced—to test administrative actions. This principle ensures measures are the least intrusive while achieving legitimate aims, aligning with global standards and curbing excess in areas like preventive detention and speech curbs.

Judicial Implications:

Expanded review strengthened judicial activism, enabling strikes against arbitrary governance and fostering rights like privacy and dignity. It adapted Dicey's rule of law for India's context, prioritizing substantive justice over formal procedure.

EVOLUTION OF THE SUBSTANTIVE RULE OF LAW

Pre-Maneka Gandhi Era (1950-1978)

Courts adopted a literal, compartmentalized view of fundamental rights, as in A.K. Gopalan v. State of Madras (1950), where Article 21's "procedure established by law" meant strict legislative compliance without substantive judicial scrutiny. Judicial activism remained restrained; rights protection focused on procedural validity, allowing state actions like preventive detention if enacted by law, limiting challenges to legislative competence rather than fairness.

Post-Maneka Gandhi Shift (1978 Onward)

Maneka Gandhi v. Union of India interlinked Articles 14, 19, and 21 into a "golden triangle," mandating procedures to be fair, just, reasonable, and non-arbitrary, effectively introducing substantive due process. This spurred expansive judicial activism through public interest litigation (PIL), enabling suo motu interventions and broadening rights to include dignity, privacy, environment, and livelihood.²⁴

COMPARISON TABLE:

ASPECT	Pre-Maneka (Restrictive)	Post-Maneka (Expansive)
Judicial Review	Narrow; procedural only, deference to the executive	Substantive; tests arbitrariness, proportionality
Rights Protection	Siloed Articles; limited to explicit guarantees	Interlinked rights; evolving via precedents
Activism Level	Passive; state- favouring	Proactive PIL, balancing individual vs. state
Key Cases	A.K. Gopalan (1950)- upheld detention law	Olga Tellis ²⁵ (1985)- right to livelihood

This shift transformed the judiciary into a dynamic guardian of rights, adapting Dicey's rule of law to India's welfare state needs.

IMPLICATIONS FOR INDIAN ADMINISTRATIVE LAW

Maneka Gandhi v. Union of India (1978) profoundly reshaped Indian administrative law by embedding substantive due process and natural justice into executive actions, curbing unbridled discretion. It shifted administrative law from positivist compliance to rights-based scrutiny, mandating fairness in decisions affecting fundamental rights.

Procedural Safeguards

Authorities must now provide reasoned orders and post-decisional hearings, even in urgent cases, preventing arbitrary passport impoundments or detentions. Principles of natural justice—*audi alteram partem* (hear the other side) and *nemo judex in causa sua* (no bias)—apply universally to administrative orders.

Limits on Discretion

²⁴ AKELLA POORNIMA, 'MANEKA GANDHI V. UNION OF INDIA, 1978: CASE ANALYSIS' (Ipleaders, February 21, 2024) <<https://blog.ipleaders.in/maneka-gandhi-v-union-of-india/>> accessed on 14th January, 2026

²⁵ OLGA TELLIS V. BOMBAY MUNICIPAL CORPORATION: 1985 AIR 180

The "golden triangle" (Articles 14, 19, 21) enables courts to quash irrational or disproportionate actions, as seen in later cases challenging licensing or regulatory powers. This aligns administrative law with Dicey's supremacy of law, rejecting executive absolutism.

Judicial Review Expansion

Courts gained authority to probe the substance of decisions for arbitrariness, fostering transparency and accountability. Public interest litigation surged, allowing challenges to opaque governance, thus reinforcing the rule of law in welfare administration.

Maneka Gandhi v. Union of India (1978) fundamentally curtailed administrative discretion by mandating that executive actions conform to fairness, reasonableness, and non-arbitrariness under Articles 14, 19, and 21. It rejected unbridled power, requiring reasoned orders and post-decisional hearings even in urgent cases.

Curb on Discretion

Pre-*Maneka*, wide discretionary powers like passport impoundments faced minimal scrutiny if procedurally valid. Post-judgment, courts quash irrational or opaque decisions, applying natural justice universally and proportionality to ensure measures are the least intrusive, thus preventing abuse in licensing, detentions, and regulations.

Enhanced Accountability

Authorities must furnish reasons for actions affecting rights, enabling effective judicial challenges and reducing arbitrariness. This transparency fosters responsibility, as seen in mandates for speaking orders and PILs holding officials liable for violations.

Governance Reforms

The ruling promotes rights-conscious administration, balancing state objectives with individual protections in a welfare state. It spurred good governance norms like procedural safeguards and judicial oversight, aligning discretion with constitutional values and curbing corruption or excess.

Maneka Gandhi v. Union of India (1978) faces ongoing implementation challenges like vague "fairness" standards leading to inconsistent judicial application, executive resistance through ordinances bypassing scrutiny, and overburdened courts delaying relief. Despite these, it retains strong contemporary relevance by underpinning rights to privacy, the environment, and digital freedoms amid emergencies like COVID-19 restrictions.

Key Challenges

Judicial Inconsistency: Ambiguous tests for "reasonableness" yield varying outcomes across benches, risking arbitrariness in PILs or detention reviews.

Executive Overreach: Frequent use of preventive detention laws and ordinances tests substantive due process limits, as seen in ongoing sedition or UAPA cases.

Resource Constraints: Backlogs hinder timely accountability, diluting protections against administrative delays.

Contemporary Relevance: The ruling guides proportionality reviews in data privacy (*K.S. Puttaswamy*²⁶(2017) and hate speech regulations, ensuring governance balances security with liberty. It bolsters anti-corruption via transparency mandates and adapts to AI-driven decisions, reinforcing the rule of law in digital administration.

CONCLUSION

Maneka Gandhi v. Union of India (1978) catalyzed a profound transformation in Indian jurisprudence, evolving the rule of law from Dicey's formal framework—mere procedural adherence and equality under ordinary law—into a substantive, rights-centric doctrine integrated with judicial activism. Pre-*Maneka* restraint gave way to expansive review, interlinking Articles 14, 19, and 21 to curb administrative discretion while promoting accountability and fair governance.

Core transformation of the shift from A.K. Gopalan's positivist "procedure established by law" to substantive due process and proportionality empowered courts to scrutinize executive actions for arbitrariness, infusing natural justice universally and fostering PILs for broader rights protection and future directions for emerging challenges like AI governance, data privacy, and emergency powers demand refined proportionality tests and legislative codification of reasonableness standards. Strengthening judicial capacity and digital transparency will sustain Dicey's legacy, adapting it to India's evolving welfare-security balance.

²⁶ K.S. PUTTASWAMY & ANR. V. UNION OF INDIA: AIR 2017 SC 4161