

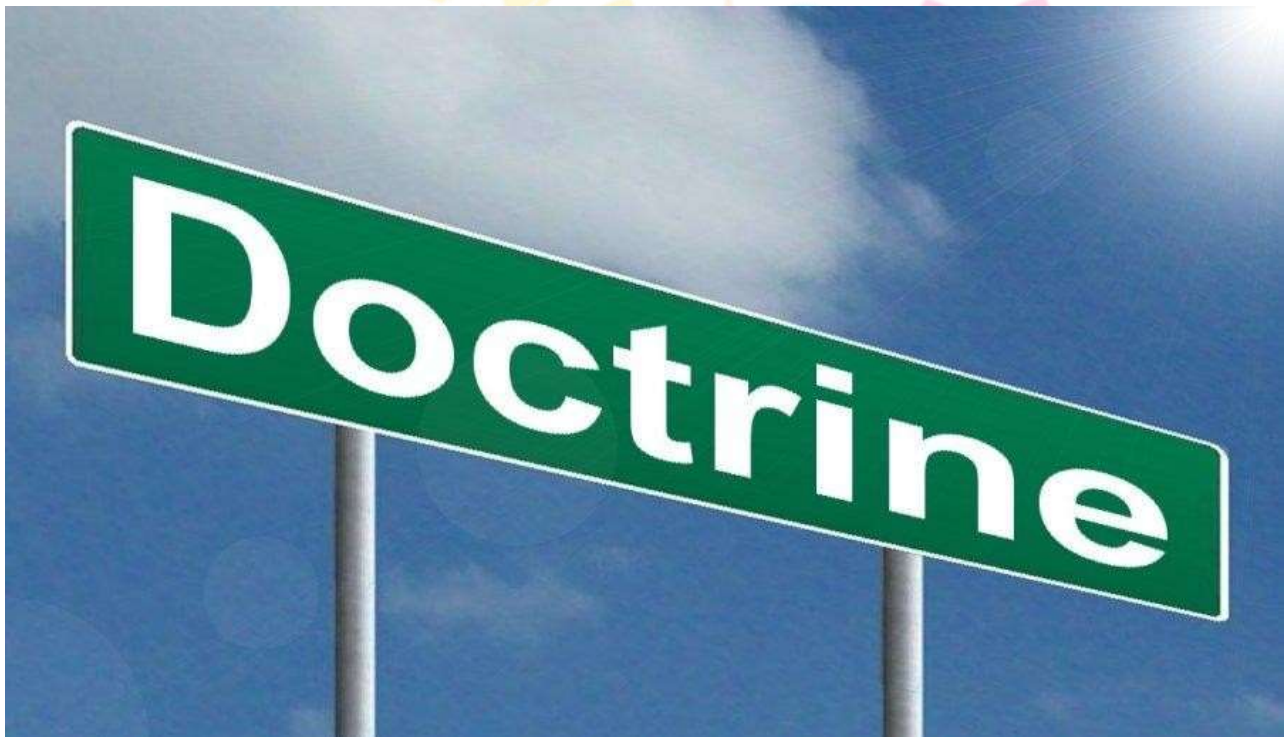


Doctrine of Legitimate Expectation

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INTRODUCTION

In situations where an individual has an expectation against an administrative authority or a government body for a promise that has been in place for a while or has been made specifically for the individual, the doctrine of legitimate expectation applies the principles of reasonableness and fairness. In administrative and public law, the theory of legitimate expectation often predominates. This notion guards against a person being a victim of an administrative authority's arbitrary use of power.

Although the concept has been used by courts for a while, it is still in its infancy. When and under what conditions may this doctrine be applied remain open questions. The standard response is that it often applies when a public entity promises something or follows a particular method, but this time it didn't. But this response is insufficient.

This philosophy lacks coherence and distinctiveness since it is unclear when it will be followed, on what promise or practice, for example. However, this notion has also been crucial in the development of administrative law, particularly as it relates to judicial review.

Saying that this concept has not yet developed as it ought to would be an understatement considering that, in some circumstances, it generates an enforceable entitlement. Regularity, the application of the law, predictability, and assurance in regards to government interactions with the public are the main qualities associated with this philosophy.

OBJECTIVE

The objective of this paper is to study the doctrine of legitimate expectation and critically analyse the application of it.

SCOPE

The Scope of this project extends to the provisions in the Constitution of India, 1950 which are related to the doctrine of legitimate expectation.

RESEARCH QUESTION

1. What are the different classifications of legitimate expectation and how do they vary?
2. What is the Indian legal framework for a substantive legitimate expectation, and how can it be clarified?
3. What is the position in Britain and how it is different from India?
4. What is estoppel and how different is it from legitimate expectation?
5. What are the effects of the doctrine of legitimate expectation?

TOOLS OF DATA COLLECTION

The researcher has relied on books, articles, research papers and online portals with discussion relating to the concerned question in this paper.

CHAPTERIZATION

Chapter I- Introduction

Chapter II- Types of Legitimate Expectation

Chapter III- When May Legitimate Expectation Arise?

Chapter IV- Comparisons Between the Positions in India and the UK. Chapter V- Distinction between Estoppel

and Legitimate Expectation. Chapter VI- Estoppel under English Law.

Chapter VII- Estoppel under Indian Law.

Chapter VIII- Doctrine of Legitimate Expectation: Legal Consequences. Chapter IX- Conclusion.

METHOD OF WRITING

The method of writing is descriptive and analytical.

MODE OF CITATION

A uniform mode of citation, as presented in the NLS Guide to Uniform Citation, has been followed throughout the paper.

TYPES OF LEGITIMATE EXPECTATION

Legitimate expectation that a person may have is broadly classified into two categories, namely:

1. PROCEDURAL LEGITIMATE EXPECTATION

This kind of legitimate expectation demonstrates the existence of a prior right that the claimant asserts to have as a result of an express promise or action by the public entity that gave rise to the expectation. Only the court will offer procedural protection where a person has rights to those protections, such as the right to a fair hearing or consultation before any decision is made that affects that person.

1 Fairness is the realisation of the right to a hearing or other form of procedural protection. Fairness requires that when a person expects a benefit of a substantial character to be provided, or if one has already been provided and is being enjoyed by the application and will continue, the anticipation of the benefit should provide the claimant the right to make an argument for its fulfilment.

In cases like this the decision making authority just merely has to hear what the individual expects to be continued and need not give substantive benefit.³ There have been many questions raised whether a legitimate expectation can give rise to substantive protection?

In India mostly procedural legitimate expectation would generally mean an individual has a right to certain procedure and right to fair hearing as per the principles of natural justice.⁴

¹ Seemeen Muzafar, *Doctrine of Legitimate Expectation : An Analysis*, 2(1) INTERNATIONAL JOURNAL OF ADVANCED RESEARCH IN MANAGEMENT AND SOCIAL SCIENCES 115, 123 (January, 2013)

² C.K. Thakker, *Administrative Law* 1573 (2nd edn, 2012).

³ *Id* at 1574

⁴ *Concept of Legitimate Expectation*, LAW TEACHER available at <https://www.lawteacher.net/free-lawessays/constitutional-law/concept-of-legitimate-expectation-constitutional-law-essay.php> (Last visited on April 2, 2017).

2. SUBSTANTIVE LEGITIMATE EXPECTATION

This kind of valid expectation is concerned with the applicant's desire for a certain benefit or item. The basis for the claim to this benefit will be the government action that led to the emergence of the pertinent expectation. Some legal scholars are of the opinion that individuals will become more reliant on and trust their government when it comes to upholding the rule of law and the concept of equality as a result of these kinds of legitimate expectations.⁵ The procedural expectation is safeguarded simply by adhering to the promised procedure, whereas substantive expectations are procedurally protected, for example, by giving the person who would be impacted a chance to make a representation before such expectation is dashed.

WHEN MAY LEGITIMATE EXPECTATION ARISE

There are some instances in which legitimate expectation may arise⁶:

- a) A public official makes a formal commitment; or
- b) There is some form of custom that has been upheld consistently for some time upon which the person asserting genuine expectation can expect it to continue.⁷

This concept would not apply if public policy changed or if the state decided to change the stance of the practice by legislation or a rule in the benefit of the general public. This approach would not apply when an appropriate authority takes such a choice either by executive policy or under law. The capacity to design and lay down a policy by an executive order or legislative also includes the right to withdraw the same.⁸

When the government occasionally modifies its policy for the benefit of the people, such actions cannot be characterised as arbitrary or irrational under Article 14.⁹

⁵ T.K. Tope, *CONSTITUTIONAL LAW OF INDIA* 17 (2010).

⁶ *M P Jain & S N Jain Principles of Administrative Law* 128 (G.P. Singh, 6th edn, 2013).

⁷ *Secretary of State of Karnataka v. Uma Devi*, AIR 2006 SC 1806 (Supreme Court of India).

⁸ *D.S. Rana v. Ahmedabad Municipal Corporation*, AIR 2000 Guj 45 (Gujarat High Court).

⁹ *Thakkar Dharatiben Hirabhai v. State of Gujarat*, AIR 200 Guj 114 (Gujarat High Court).

In situations when there are contract issues, this doctrine would not apply. For instance, the theory of legitimate application would not be applied in this situation if two parties entered into an agreement only after extensive and thorough negotiation. This theory cannot be used to modify the stated terms of a contract, especially one that

is statutory in character. Any reasonable hope relative to a contract concluded through a public auction might be declared invalid under the law.¹¹

The idea of legitimate expectation will not be applied where a public authority's counsel is contrary to the law, its representation is discovered to be false or is against the public interest since it cannot force a man to do what he is unable to accomplish.¹²

Therefore, a legitimate expectation is not an unique legally enforceable right in and of itself, but a decision may become arbitrary if it is not taken into account and given the proper weight.

A case for a valid expectation would often arise when a body created an expectation that it would be in its power to satisfy by representation or prior behaviour.¹³

Legislation wouldn't be hindered by legitimate expectation. When the govt is required by law or by a compelling public interest, such as national security, this doctrine would not apply. It would also not apply, for instance, when a selection list for an appointment is cancelled due to legitimate reasons like corruption or double dealing by Board members.¹⁵

Instead of what the claimant believes to be valid, the court must decide whether the claimant's expectation is legitimate while taking the public interest into account.¹⁶

A person may not have a legal claim to a profit or privilege in private law, so under public law, he may have a genuine expectation of getting such advantage or privilege.¹⁷

¹⁰ Indian Aluminum Co. Ltd. v. Karnataka State Electricity Board, AIR 1992 SC 2169 (Supreme Court of India).

¹¹ J.P. Bansal v. State of Rajasthan, AIR 2003 SC 1405 (Supreme Court of India).

¹² Hira Jikkoo v. Union Territory, Chandigarh, AIR 2004 SC 3648 (Supreme Court of India).

¹³ Osmania University v. R. Madhavi, AIR 1998 AP 130 (Andhra Pradesh High Court). ¹⁴

State of HP v. Kailash Chand Mahajan, AIR 1992 SC 1277 (Supreme Court of India).

¹⁴ Union Territory of Chandigarh v. Dilbagh Singh, AIR 1993 SC 796 (Supreme Court of India). ¹⁶

Food Corporation v. Kamdhenu Cattle Feed Industries, AIR 1993 SC 1601 (Supreme Court of India)

¹⁷ C.C.S.U. v. Min., (1984) 3 All ER 935 HL (House of Lords).

When a government changes in policy subverts a substantive lawful expectation, the same must be satisfied against the loss of Wednesbury reasonableness. When a change in policy results in the denial of rights through the denial of a valid expectation, the courts have the authority to intervene and declare the change to be arbitrary, discriminatory, or in violation of natural justice principles. Laws cannot simply be contested on the grounds that they violate someone's reasonable expectations, but policy directives must not be applied arbitrarily or unjustly.¹⁶

A statement or undertaking¹⁷ or any action by a public authority that would appear unfair or inconsistent with good administration to deny the person with such opportunity; or the claimant being denied some practise that existed in the past and is still standard; are some examples of reasonable bases for expectations.¹⁸

¹⁵ Punjab Communications Ltd. v. Union of India, AIR 1999 SC 1801 (Supreme Court of India).

¹⁶ Sri Srinivas Theatre v. Government of Tamil Nadu, AIR 1992 SC 999 (Supreme Court of India).

¹⁷ A.G. v. Ng Yuen, (1983) 2 All ER 346 PC (Privy Council).

¹⁸ C.C.S.U., (1984) 3 All ER 935 HL (House of Lords).

COMPARISON BETWEEN THE POSITIONS IN INDIA AND THE UK

POSITION IN INDIA

The notion of substantive legitimate expectation is something that Indian courts have only started to pay attention to. However, an examination of the pertinent instances reveals some degree of conceptual ambiguity. It has been referred to as procedural doctrine and occasionally mixed up with promissory estoppel. These misconceptions are false; legitimate expectation doctrine is a substantive law that extends beyond promissory estoppel.

Any activity carried out in favour of a change in policy by the government that is legal would not be rejected only on the basis of a genuine expectation.¹⁹

In India, an employee has a right under Article 16 of the Indian Constitution to expect oneself to be considered for promotion in a timely manner and to be given the opportunity to submit a claim if that expectation is not met.²¹

In India the classification of the Doctrine of Legitimate expectation could be done in 3 ways:

ARTICLE 14 AS THE ESSENCE OF DOCTRINE OF LEGITIMATE EXPECTATION

The concept of a valid expectation is sometimes based on Article 14 of the Indian Constitution, which requires every public authority to operate in a fair, just, and reasonable manner. As a result, citizens have a legitimate expectation that they would be treated fairly by the State.

No governmental authority in India has unrestricted discretion; instead, these rights are exclusively used for the greater benefit. The aforementioned clause of the constitution, which the State may implement by administrative legislation, protects against the abuse and misuse of such authorities. In some situations, the legitimate expectation theory would call for the public body to provide the subjects with some significant advantages, and the refusal to do so by the public body would amount to abuse of power, prompting the court to step in.

In accordance with Article 14 of the Constitution, which states that "the state must not deny equality or equal protection under the law within the territory of India," the notion of legitimate expectation derives from the principle of non-arbitrariness. This doctrine's fundamental tenet is "Rule of Law," which stipulates that government acts must be swift, predictable, and certain when dealing with the public.

¹⁹ Kuldeep Singh v. Govt. of NCT of Delhi, (2006) 5 SCC 702 (Supreme Court of India).

²⁰ Art. 16, The Constitution of India, 1950.

²¹ Union of India v. Hemraj Singh Chauhan, (2010) 4 SCC 290 (Supreme Court of India)

WHEN NO PROMISE IS MADE

The idea of promissory estoppel would not apply in situations where the government had not made a commitment. If the government makes a choice that is in the wider public interest, the theory of promissory estoppel won't stand in the way of that decision.²⁴

JUDICIAL DEVELOPMENTS IN INDIA

In several cases, Indian courts have considered how to apply the idea of legitimate expectation in opposition to a public body's directives. The researcher will concentrate on a few of the most significant examples in India in this chapter:

HINDUSTAN DEVELOPMENT OF CORPORATION

The lawsuit centres on the solicitation of bids for the supply of waggons to the railways. A few tiny manufacturers coexisted with three major ones. The smaller businesses provided price quotes that were somewhat higher than those provided by the three major manufacturers. As the major firms had established a cartel, the railroads decided to have this price discrimination in order to have healthy competition. They implemented a dual pricing approach and made counter offers to the big companies at a lower rate and at a higher rate to the little companies. The three main businesses argued that they were also entitled to increased prices for the delivery of waggons and an order for a significant quantity of bogies.

The court determined that the dual price policy in question was justified and not vitiated in this instance. The court additionally noted that anticipation is not the same as the theory of legitimate expectation. Furthermore, it asserted that a legitimate expectation differs from a simple want, hope, or wish. It is not a demand or claim based on a right either. A simple dissatisfaction with all of these wouldn't result in legal repercussions. The legality of the expectation may only be inferred if it is based on the approval of law, custom, or a set method that is followed in a regular and natural sequence, according to the court's ruling. Such an expectation must be legitimately justified and safeguardable.

²² *HALSBURY'S laws of England ADMINISTRATIVE LAW* Vol. 20, 92 (Robert Blackburn ed, 5th end, 2014).

²³ D.D.Basu, *COMMENTARY ON THE CONSTITUTION OF INDIA*, VOL. II, 1898 (8th edn., 2011).

²⁴ *Official Liquidator v. Dayananda*, (2008) 10 SCC 1 (Supreme Court of India).

²⁵ *Union of India v. Hindustan Development Corporation*, AIR 1994 SC 988 (Supreme Court of India).

The legitimate expectation provides the claimant with sufficient locus standi for judicial review, according to the court's ruling. It is mostly limited to situations requiring natural justice principles, such as the right to a fair trial. Even when a substantial protection of a valid expectation is envisioned, an absolute right to a specific individual is not provided. It just guarantees the conditions under which the expectation may be rejected or met.

WINE MERCHANTS CASE²⁶

The Tamil Nadu (TN) Prohibition Act, 1937, authorised the promulgation of two sets of regulations: the TN Liquor (Retail Vending in Bar) Rules, 1992, and the TN Liquor (Retail Vending) Rules, 1989. One for retail selling and the other for providing alcohol in bars and running bars, both established licence systems. Only those with a licence under the earlier regulations were eligible to hold the latter licence. This bar's permit was valid for a full year.

The 1992 Bar Rules were eliminated in 1993. The issue that was brought before the court was whether or not the licensee of this Bar who held a licence under the 1992 Rules had a reasonable expectation that their licences would be renewed after a year, as well as whether or not this repeal of the rules was legitimate.

The Supreme Court ruled that the government had not promised to renew these permits after a year, hence the idea of legitimate expectation could not be used in the current cases. The Bar Rules were subordinate law, hence there are no restrictions that may be put on repealing subordinate legislation when it is in the public's best interest to do so. This rule's repeal was decided upon prior to the deadline for renewing these licences. According to the administration, it was essential to remove these Bar regulations for the sake of the public.

In light of this case, the following situations might warrant the application of the theory of legitimate expectation:

1. when a public authority makes an express guarantee;
2. if the claimant may fairly anticipate that a regular practise would continue;
3. such an expectation, as stated above, must be reasonable.

²⁶ Madras Wine Merchants Association v. State of Tamil Nadu, (1994) 5 SCC 509 (Supreme Court of India).

POSITION IN UK

Due to the courts' rejection of this idea on the grounds that a public authority shouldn't be constrained in its discretion, the doctrine of promissory estoppel in the UK hasn't progressed all that much. But as an alternative, the idea of "reasonable expectation" is gaining popularity as a component of fairness in order to prevent injustice to a person by an administration decision. The researcher will be concentrating on the substantive part of the theory of the legitimate expectation, which, according to the courts, is "based in fairness,"ⁱ along with certain case studies, in this chapter rather than the procedural side.

According to Lord Scarman in the Preston case, injustice in the alleged use of authority might be considered an abuse or excess of power. In this instance, the concept of unfairness was applied to determine that, under certain conditions, a public authority's statements may have been broken.

When might a judgement be deemed invalid because it falls short of a meaningful benefit or advantage that was anticipated? Can a person rely on a genuine expectation to claim a benefit or substantive right?

The researcher will examine some of the most significant UK instances in order to respond to the points raised above.

²⁷ Adam Perry and Farah Ahmed, *Constitutional Conventions and Legitimate Expectation*, UK CONSTITUTIONAL LAW ASSOCIATION (October 18, 2013), available at <https://ukconstitutionallaw.org/2013/10/18/adam-perry-and-farah-ahmed-constitutional-conventions-and-legitimate-expectations/> (Last visited on April 06, 2017).

²⁸ *Preston v. IRC*, (1985) 2 All ER 326 (House of Lords).

²⁹ *Preston*, (1985) 2 All ER 326 (House of Lords).

CCSU³⁰

In this instance, trade union membership was prohibited for security grounds for GHQ workers, who worked for Britain's intelligence agency. An Order of Council, which was a form of Royal Prerogative Power exercise comparable to an Ordinance issued by the President, was used to enact this prohibition.

In the current situation, the problem was that certain employees were unable to rely on specific employment law requirements.

It is believed that the court's rulings in this case envision a realistic expectation of advantage that may result from:

- a) the rights that a person has been granted permission to exercise and which he may expect to be upheld until "there have been disclosed to him some logical grounds for exercising it on which he has been given time to react";
- b) He obtains confirmation from the relevant authorities that the benefit won't be terminated without first providing him the chance to provide arguments for why it shouldn't.

³⁰ *C.C.S.U.*, (1984) 3 All ER 935 (House of Lords).

- a) it may also extend to a benefit in the future which has not yet been enjoyed but has been promised.

The court further observed that the representation made to a person, which led to legitimate expectation, must be clear and unambiguous.

Finally, the court held that legitimate expectation can be defeated on the grounds of national security.

COUGHLAN CASE³¹

In the present case, a home for very seriously injured patients was to be closed down by a health authority because of practical and financial constraints. The court ruled that it was a breach of promise to the patients that it would be a home for life. The court prevented the authority from closing down this home. The court rejected the "rationality test", held that it was for the court to judge 'whether there was sufficient overriding interest to justify a departure from what has been previously promised'.

The Court of Appeal thought that in the instant case, a lawful promise by the concerned authority had induced a substantive legitimate expectation.

Thus, this case recognized that substantive legitimate expectation form part of the law of Britain. The court made certain distinctions:

"The court may decide that the public authority is only required to bear in mind its previous policy or other representations, giving it the weight, it thinks right, but no more before deciding whether to change course. Here the court is confined to renewing the decision on Wednesbury grounds."³²

1. *The court may decide that the promise or practice has induced a legitimate expectation of being consulted before the particular decision is taken.*
2. *The court may consider that a lawful promise or practice has induced a legitimate expectation of a benefit which is substantive in nature. It is for the court to decide in a proper case whether to frustrate the expectation is so unfair that to take a new and different course will amount to an abuse of power, here, once the legitimacy of expectation is established, the court will have the task of weighing the requirements of fairness against any overriding interest relied upon for the change of policy³³.*

It is for the court to decide in which of the three categories a specific fact situation falls. The Coughlan situation was held to fall under the third category.

This ruling brought the English law near to the European law which seeks to balance the protection of the general public interest against the individual's legitimate expectation.³⁴

³¹ Regina v. North and East Devon Health Authority, ex parte Coughlan (2001) Q.B. 213 (Court of Appeal of England and Wales).

DISTINCTION BETWEEN ESTOPPEL AND LEGITIMATE EXPECTATION

Arguments under both, doctrine of legitimate expectation and estoppel are generally the same. Both of them demands fairness and fair play in action.

However certain distinction may be made:

1. The doctrine of legitimate expectation involves express promise made by a public authority based on past practices which a claimant can reasonably expect the government to fulfill

³² *Re Findlay*, (1984) 3 All ER 801 (House of Lords).

³³ *Coughlan*, (2001) Q.B. 213 (Court of Appeal of England and Wales).

³⁴ Peter Cane, *Administrative Law* 258 (5th edn, 2011).

such promise, while doctrine of estoppel involves representation by an authority or a person and an act by a person to whom such representation has been made. Estoppel doctrine bars the former to denying the validity of such representation that he or she has made if the latter performs certain acts based on the representation made, the authority or the person who made such representation is bound to pay damages to the latter for any injury occurred.

2. Legitimate expectation is generally against the public authorities while doctrine of estoppel is applicable against any person.
3. In the case of doctrine of legitimate expectation there is no requirement to prove loss or injury, while in case of estoppel one has to prove loss or injury suffered due to such promise.
4. Estoppel generally concerns itself with any representation while doctrine of legitimate expectation is concerned with established practices, unreasonableness, fairness, natural justice etc.
5. Every fact situation giving rise to promissory estoppel also creates a legitimate expectation in the representee that the Administration will fulfill its representation. But the reverse is not true. A fact situation may create a legitimate expectation without at the same time giving rise to promissory estoppel.

ESTOPPEL UNDER ENGLISH LAW

The doctrine of promissory estoppel or estoppel has been accepted in English law since several years but the doctrine of legitimate expectation is new in Britain. The researcher will analyze some important cases in English law to highlight the distinction between estoppel and legitimate expectation.

NORFOLK COUNTY COUNCIL V. SECY. OF STATE³⁵

An application for planning something was rejected by the authority. But due to some mistake by the Planning Officer, he informed the applicant that his application has been granted. But before the applicant acted upon the misinformation, the mistake of the Planning Officer was discovered and rectified. The court in this case held that the doctrine of estoppel wouldn't be applicable as it would go against the public interest etc.

³⁵ *Norfolk County Council v. Secy. of State*, (1973) 3 All ER 673 (House of Lords).

LAKER AIRWAYS LTD³⁶

This case involves a government department encouraging an airline to invest in an aircraft on an undertaking that the license granted to the airlines would be continued, but then the government department rescinded such promise. The court held that the government department can't be estopped from withdrawing such license in case the government changes its policy.

ESTOPPEL UNDER INDIAN LAW

The position in India is no different. The researcher will analyze some cases to highlight the position in India with regards to estoppel.

ANGLO AFGHAN AGENCIES CASE³⁷

This case is one of the important cases relating to the doctrine of promissory estoppel. The facts of this case are: An "Export Promotion Scheme" was published by the Textile Commissioner, which provided that the exporters will be entitled to import raw material valuing 100% of their exports. Relying on this publication (representation), the respondent in this case exported goods worth Rs 5 lakhs and applied to the Textile Commissioner for import certificate for the full amount of the goods exported. The Textile Commissioner did not grant the export agency any import certificate. No opportunity was given to the respondent to present his case before the Commissioner as to why he should be granted license and no opportunity of being heard was given to the respondent before the Commissioner took the impugned action.

³⁶ Laker Airways Ltd. v. Department of Trade, (1977) 2 WLR 234 (Queens Bench Division).

³⁷ Union of India v. Anglo Afghan Agencies, AIR 1968 SC 718 (Supreme Court of India).

The respondent challenged the Commissioner's order. The government's contention was that the scheme so published didn't create any enforceable right as it was administrative in nature. Another argument forwarded by the government was that as per Article 299(1)³⁸ of the Constitution no formal contract was required, and therefore, the scheme was not binding on the government.

The court rejected the government's arguments and held that the government is bound to honor obligations undertaken in the scheme. Albeit the scheme was merely executive in nature and even though the promise wasn't formal in nature and wasn't recorded as per Article 299(1) of the Constitution of India, yet it was open for a party to claim the government to carry out the promise it has made if he, the respondent has acted upon such promise.

CENTURY MFG CASE³⁹

In this case, the petitioner set-up an industrial unit in the "Industrial Area". No octroi duty was to be imposed for the goods imported in this area. In 1960, the Maharashtra government published a notification indicating the 'industrial Area' into a newly constituted municipality. The state government then excluded the Industrial Area from this municipality after objections from the petitioner company and other manufacturers. But in furtherance of an agreement between the Municipal authority and the state government that the Municipality wouldn't charge octroi for the next seven years, the industrial area was retained within the jurisdiction of this new municipality.

The Municipal authority levied octroi on the petitioner company before the completion of seven years. The court held that public bodies are as much bound, for the promises they have made, as private individuals, relying on which the other person has acted upon it and has altered his position to his prejudice. Thus, a public body is liable to carry out its obligations arising out of representations it has made to a citizen who has acted upon such promise.

³⁸ Art. 299(1), The Indian Constitution, 1950.

³⁹ Century Spg. & Mfg. Co. Ltd. v. Ulhasnagar Municipal Council, AIR 1971 SC 1021 (Supreme Court of India).

THE DOCTRINE OF LEGITIMATE EXPECTATION: LEGAL CONSEQUENCES

The consequences of court allowing the claim of a claimant on the doctrine of legitimate expectation is different in different situation. In a proceeding before an administrative court if the court allows the claim, then the consequences would be that such claim would result in review of such regulation and will be deemed non-binding and hence quashed.⁴⁰ This will also be followed by other courts generally to quash the same regulation in similar fact situations.⁴¹ If a civil court decides to allow a claim based on this doctrine, then it could choose which order to pass, between different kinds of judgment⁴²:

1. A judgment giving declaration, the court may give its opinion on whether a regulation which is in dispute is binding or not;
2. Injunction- the court may pass an injunction, suspending the regulation which it deems to be unlawful, thereby preventing administrative bodies to perform any act based on such deemed unlawful regulation;
3. Selective injunction, this kind of injunction prevents the administrative bodies to apply the dispute regulation deemed to be unlawful on certain class of persons or individuals;
4. Compensatory order, the court may allow a claim of compensation against the administrative authorities as the individuals suffer damages because of their unlawful legislation. The kind of liability attached here is strict liability.

Generally, the courts are reluctant to grant such kind of orders but it is not uncommon for them to grant injunction against an administrative authority. In most of the cases the injunction order is sought in an interim proceeding as any future.

⁴⁰ Seemeen, *supra* note 1, at 125.

⁴¹ A.J. Bok, ADMINISTRATIVE LAW 216 (1991).

⁴² *Id* at 174.

CONCLUSION

The doctrine of legitimate expectation is not merely an expectation but is something superior to expectation- it is some kind of guarantee or representation given by the administration to a person. Such expectation is acknowledged over a period of time. What is important with respect to the doctrine of legitimate expectation is that it is not a legal right, if it is denied by a change in policy then one can't force the government to uphold his expectation also the expectation should be logical, rational and valid.

Thus, the researcher has focused on what does one mean by the doctrine of legitimate expectation, when may it arise, under what circumstances etc. Then the researcher looks at the different types of legitimate expectation, how different are they in application. Further the researcher looked and compared the position of the doctrine of legitimate expectation in India with UK vis-a-vis case laws and also analyzing doctrine of legitimate through the Constitution of India. After comparing this the positions in the two countries, the researcher looked at what is the distinction between estoppel and legitimate expectation, how different are they, what is the position of doctrine of estoppel under English law and Indian law as per the judicial decisions in the respective countries. Finally the researcher looked at what are the consequences of court allowing the claim of legitimate expectation, what impact such allowance of claim has on the administrative authorities.

Finally, the researcher concludes by saying that the doctrine of legitimate expectation is a useful doctrine to ensure that the administrative authorities decision don't suffer from arbitrariness and unequal application.

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