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CRITICAL ANALYSIS OF THE DOCTRINE OF LEGITIMATE EXPECTATION: WITH REFERENCE TO LANDMARK CASE LAWS

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SYNOPSIS

STATEMENT OF PROBLEM-

Although the doctrine of legitimate expectation is recognised in Indian administrative law, courts have largely confined it to the procedural sphere while leaving its substantive dimension underdeveloped, resulting in weak protection against arbitrary administrative action. This judicial hesitation has created conceptual ambiguity and undermined the doctrine's potential as a safeguard of fairness in governance.

HYPOTHESIS-

Clear recognition and development of substantive legitimate expectation in Indian law will strengthen the doctrine's application and provide citizens with more robust safeguards against arbitrary administrative conduct. Such recognition will also ensure coherence in administrative jurisprudence and align Indian practice with global standards of fairness and natural justice.

RESEARCH QUESTIONS-

1. What is the jurisprudential foundation and evolution of the doctrine of legitimate expectation in administrative law?
2. How have courts in the United Kingdom, United States, and India interpreted and applied procedural and substantive legitimate expectations?
3. Why has Indian jurisprudence given limited recognition to substantive legitimate expectation as compared to its procedural counterpart?
4. What challenges arise in distinguishing legitimate expectation from related doctrines such as promissory estoppel and Article 14 arbitrariness?
5. How can substantive legitimate expectation be better developed and applied in India to ensure fairness and accountability in administrative decision-making?

RESEARCH METHODOLOGY-

This project is largely based on the Doctrinal method. The Study collected from the journals, books, and the publication in a various website.

RESEARCH OBJECTIVES-

1. To trace the origin and evolution of the doctrine of legitimate expectation across jurisdictions.
2. To critically analyse the judicial interpretations of procedural and substantive legitimate expectations in India.
3. To identify the reasons for the underdevelopment of substantive legitimate expectation in Indian administrative law.
4. To examine overlaps and distinctions between legitimate expectation, promissory estoppel, and constitutional guarantees under Article 14.
5. To propose reforms and recommendations for the clear recognition and effective application of substantive legitimate expectation in India.

REVIEW OF LITERATURE-

BOOKS

1. Judicial Control of Administrative Action in India by A.T. Markose¹

Markose's seminal text is one of the earliest systematic explorations of judicial review of administrative action in India. The work situates doctrines such as legitimate expectation within the broader context of checks against arbitrary governance. It was useful in highlighting the judiciary's historical role in shaping standards of fairness and accountability in administrative law. However, the book predates the contemporary expansion of legitimate expectation, particularly the debate on its substantive dimension, and therefore does not engage with the complexities that later emerged in Indian case law. The contribution of this text lies in offering the historical and normative foundation, while leaving the current challenges to be explored by subsequent scholarship.

2. Principles of Administrative Law by M.P. Jain & S.N. Jain²

Jain and Jain's *Principles of Administrative Law* provides one of the most authoritative Indian accounts of the doctrine of legitimate expectation. The text carefully outlines its evolution

¹ AT Markose, *Judicial Control of Administrative Action in India* (2nd edn, N M Tripathi 1997).

² M P Jain and S N Jain, *Principles of Administrative Law* (8th edn, LexisNexis 2018).

through key judgments such as *Union of India v Hindustan Development Corporation* and *State of Kerala v K.G. Madhavan Pillai*, emphasising its linkage with fairness and natural justice under Article 14. This work was indispensable in understanding the procedural dimension of the doctrine, particularly the obligation of public authorities to provide a fair hearing before altering established practices. However, its treatment of substantive legitimate expectation is limited and cautious, offering little by way of critical engagement with its independent recognition in Indian jurisprudence. This left scope for the present research to address the doctrinal underdevelopment and to situate the principle within a comparative and constitutional framework.

3. Judicial Remedies in Public Law by Clive Lewis³

Lewis's work provides a comprehensive analysis of judicial remedies available in public law, with a significant focus on the doctrine of legitimate expectation as developed in the United Kingdom. The book's value lies in its detailed discussion of the tension between protecting individual expectations and safeguarding public interest, thereby offering a structured framework for evaluating substantive legitimate expectations. While highly instructive in terms of comparative perspective, its orientation towards the UK legal system means that it does not directly engage with the Indian judiciary's hesitancy to recognise substantive legitimate expectation. This limitation underscores the need for research that applies and adapts these comparative insights to the Indian context.

BLOGS/ARTICLES

4. Public Law Foundation of the Doctrine of Legitimate Expectations in India (Indian Law Review, 2019)⁴

This article offered a detailed doctrinal mapping of how legitimate expectation has been invoked in Indian jurisprudence. It highlighted the judiciary's tendency to subsume the doctrine under promissory estoppel and to confine its application largely to procedural fairness. The article was particularly useful in showing statistical trends in the Supreme Court's treatment of the doctrine, thereby lending empirical weight to the observation of judicial reluctance towards substantive legitimate expectation. However, while it explained the doctrinal trajectory well, it stopped short of prescribing a clear normative framework for recognising substantive legitimate expectation as a distinct standard. This limitation left room for the present research

³ Clive Lewis, *Judicial Remedies in Public Law* (6th edn, Sweet & Maxwell 2020).

⁴ Anuj Bhawania, 'Public Law Foundation of the Doctrine of Legitimate Expectations in India' (2019) 3(1) *Indian Law Review* 49.

to move from description to prescription, by examining why and how the substantive aspect could be systematically developed.

5. The Role of Legitimate Expectation in Judicial Review of Administrative Decisions (International Journal of Legal Literature and Research, 2021)⁵

This article provided a broad and accessible overview of how legitimate expectation operates within the framework of judicial review in India. Its value lay in clarifying the basic contours of the doctrine, its reliance on principles of fairness, and its intersection with Article 14. It also compiled a range of illustrative cases, making it a useful resource for consolidating the doctrinal landscape. Yet, its discussion remained generalised and descriptive, without addressing the nuanced difference between procedural and substantive legitimate expectations. Moreover, it did not critically analyse the Indian judiciary's cautious approach or offer suggestions for doctrinal reform, which made it insufficient for answering the deeper questions of this research.

COMMENTARIES

6. Doctrine of Legitimate Expectation: Understanding its Role in Administrative Law (LegalServiceIndia Commentary, 2021)⁶

This commentary offered a concise explanation of the doctrine's meaning and importance in India. It drew attention to leading Indian cases, including *Navjyoti Co-operative Housing Society v Union of India* and *Food Corporation of India v Kamdhenu Foods*, in which legitimate expectation was discussed in relation to fairness and government policy. It was helpful in capturing how courts have relied on legitimate expectation to control arbitrary administrative behaviour, while at the same time recognising its limits. Nonetheless, its scope was primarily expository and lacked any sustained critique of why Indian courts have been reluctant to extend the doctrine to substantive expectations. The commentary was therefore helpful for factual grounding but insufficient as a critical analytical source,

⁵ 'The Role of Legitimate Expectation in Judicial Review of Administrative Decisions' (2021) *International Journal of Legal Literature and Research* <https://www.ijlrr.com/post/the-role-of-legitimate-expectation-in-judicial-review-of-administrative-decisions> accessed 7 September 2025.

⁶ 'Doctrine of Legitimate Expectation: Understanding its Role in Administrative Law' (LegalServiceIndia, 2021) <https://www.legalserviceindia.com/legal/article-18353-doctrine-of-legitimate-expectation-protecting-individual-rights-and-ensuring-fair-governance.html> accessed 7 September 2025.

INTRODUCTION

In administrative law, the doctrine of *legitimate expectation* plays a central role in defining how individuals interact with public authorities. Grounded in the principles of administrative justice, it gives citizens a reasonable expectation that they will be treated fairly and consistently by decision-making bodies. Such expectations often arise from the prior conduct of authorities, including promises, representations, or established practices, creating a sense of entitlement to certain treatment. In the United Kingdom, this idea is formally known as the “doctrine of legitimate expectation,” while in the United States it is often referred to as the “consistency principle.”

This study examines the origins, growth, and modern application of the doctrine, with particular focus on its two key dimensions: procedural and substantive. Far from being an abstract legal notion, legitimate expectation has become a vital principle that influences a wide range of administrative decisions affecting individuals, corporations, and communities. Its roots can be traced back to the landmark 1970 judgment in *Schmidt v Secretary of State for Home Affairs*, where Lord Denning first employed the phrase “legitimate expectation.” That decision established the possibility of recognising fairness-based expectations even when no strict legal right exists.

Across jurisdictions such as the United States and India, the doctrine has served as a tool to curb arbitrary action, uphold established practices, and reinforce natural justice. Over time, courts have distinguished between procedural expectations—relating to fair processes like consultation or hearings—and substantive expectations, which concern the conferral of a tangible benefit or advantage. While the procedural aspect has received strong judicial support, substantive legitimate expectation has struggled to gain full recognition, particularly in India. Courts have hesitated to treat it as a standalone principle, limiting its development and effectiveness.

This paper argues that the substantive dimension has the potential to serve as a vital safeguard against unjust administrative conduct, yet it remains underdeveloped and overshadowed by the procedural strand. The challenge lies in its constrained interpretation, which has limited its role in Indian administrative law. Accordingly, this research seeks to explore how substantive legitimate expectation can be given firmer recognition, both in judicial reasoning and in administrative practice, thereby enhancing its capacity to promote fairness and accountability.

Purpose and Significance of the Study

The purpose of this study is to conduct a comprehensive examination of the doctrine of legitimate expectation, tracing its development, applications, and implications across multiple jurisdictions, particularly the UK, the US, and India. The research distinguishes between procedural legitimate expectation, which requires adherence to fair decision-making processes, and substantive legitimate expectation, which concerns the expectation of receiving a promised benefit or advantage. By critically engaging with judicial decisions and scholarly commentary, the study identifies the gaps in how Indian courts have approached substantive legitimate expectation and considers how the doctrine can be better developed to enhance administrative justice.

The significance of this research lies in its potential to advance both academic understanding and practical application of the doctrine. For legal scholars and practitioners, it provides clarity on a complex area of administrative law, while for policymakers and administrators, it highlights the practical impact of legitimate expectation on governance and decision-making. By clarifying its scope and addressing its shortcomings, this study contributes to the call for reforms that can make the doctrine a more effective tool for ensuring fairness. Comparative analysis across jurisdictions also enriches the discussion, fostering cross-border perspectives and offering lessons for Indian law. Ultimately, the research aspires to strengthen the principle as a safeguard of equity, accountability, and justice in public administration.

DEFINITION OF THE CONCEPT

In *Halsbury's Laws of England*⁷, the “doctrine of legitimate expectation” is explained as the principle that a person may have a legitimate expectation of being treated in a certain way by an administrative authority, even if they do not possess a specific legal right under private law to receive such treatment. This expectation can arise either from a representation or promise made by the authority, including an implied representation, or from a consistent pattern of past practice. In the United States, this doctrine is referred to as the “consistency principle.” Lewison L. Harold⁸ observes that this principle fits particularly well within the contractual context. According to him, when a party complains about a breach of contract, they are essentially asserting that the other party created a legitimate expectation at the time of entering into the contract, and later frustrated these expectations either by threatening or actually

⁷ *Halsbury's Laws of England* vol 1(1) (4th edn, LexisNexis 1973) para 151.

⁸ L Harold Levinson, ‘The Legitimate Expectation that Public Officials Will Act Consistently’ (1998) 46 *American Journal of Comparative Law* (Supp) 549.

committing a breach. The consistency principle is closely associated with the rule of law, which recognizes that every citizen can legitimately expect public officials to act consistently with the governing legal framework. Its most compelling application occurs when it aligns with established legal norms, such as the rule of law, guarantees of equal protection and due process, and the principles of contract law. Conversely, its influence is weakest in circumstances where a certain level of inconsistency is built into the governmental system.

Professor Clive Lewis, in his book *Judicial Remedies in Public Law*⁹, explains that the doctrine of legitimate expectation typically arises in two situations. The first is when a person already enjoys a particular benefit or advantage and contends that they can reasonably expect this benefit or advantage to continue. The second situation occurs when an individual does not yet enjoy a benefit or advantage but argues that they are rightfully entitled to expect that it will be granted to them.

Overall, the doctrine of legitimate expectation signifies that an individual can anticipate fair and consistent treatment from an administrative authority, even in the absence of a concrete legal entitlement under private law. This expectation may originate from explicit or implicit representations or promises made by the authority, or from a consistent course of past conduct. In the United States, a parallel concept exists in the form of the “consistency principle,” which is particularly relevant in the contractual arena, where a breach of contract may be perceived as a violation of legitimate expectations established during the contract’s formation. The consistency principle reinforces the rule of law by ensuring that citizens can reasonably anticipate actions by public officials to be consistent with established legal standards, including equal protection, due process, and contract law. Professor Clive Lewis identifies two primary scenarios involving legitimate expectation: one in which an individual already possesses a benefit and expects its continuation, and another where a person anticipates the grant of a benefit or advantage they do not yet hold.

LEGITIMATE EXPECTATION: ORIGIN AND DEVELOPMENT

One of the key principles in public law that courts frequently use to assess and review administrative decisions is the doctrine of legitimate expectation. This principle focuses on the relationship between an individual and a governmental authority, and it was developed to protect those who have been adversely affected when their reasonable expectations are not met,

⁹ Clive Lewis, *Judicial Remedies in Public Law* (6th edn, Sweet & Maxwell 2020).

even if they cannot formally establish a legal claim. A “legitimate expectation” refers to the reasonable anticipation that a person holds regarding a public authority’s conduct, based on the authority’s prior consistent behavior or a specific promise. Put differently, it is the belief that an individual will receive a certain benefit or advantage because of a promise made or an established custom. The term “established practice” refers to the regular, consistent, predictable, and specific conduct, procedure, or activity of a governmental authority. For a legitimate expectation to exist, it must be reasonable, meaning that it should be rational, logical, and justifiable. Expectations arising from irregular, careless, erratic, or irrational behavior do not qualify. Through this doctrine, a public authority may be held accountable for failing to meet such expectations.

Since legitimate expectation is not a statutory legal right, it cannot be enforced as one. Instead, the term is used by courts as a tool to evaluate the actions of administrative bodies. The first recorded use of this expression was in the 1970 case *Schmidt v. Secretary of State for Home Affairs*¹⁰, in which Lord Denning employed it. In that instance, the plaintiffs, who were Scientology students, had applied for extensions of their stay in the United Kingdom but were denied. The court held that the plaintiffs had no rights, interests, or “reasonable expectations,” and therefore their exclusion from the hearing process was not discriminatory. Lord Denning notably used the phrase “legitimate expectation” as a substitute for the word “right.”¹¹

Later, in the case of *Council of Civil Services Union v. Minister of Civil Services*¹², Lord Diplock elaborated on the fundamental idea behind legitimate expectation. The court observed that a legitimate expectation arises when an individual is deprived of an advantage or benefit previously granted by a public authority and that the person can reasonably anticipate that such advantage will continue unless the authority communicates valid grounds for withdrawing it.

The doctrine has since been applied in numerous other contexts. For example, in *R v. Liverpool*¹³, the local corporation had assured several taxi drivers that, until proposed legislation was passed by Parliament, neither their licenses nor the number of taxis would be revoked without prior consultation. The majority of the court held that the plaintiffs were disadvantaged by the corporation’s misleading behavior. Even in the absence of a formal public obligation, the petitioners were entitled to consultation. The corporation was expected to act fairly, even while performing administrative duties, and it had a duty to consult those affected

¹⁰ *Schmidt v Secretary of State for Home Affairs* [1968] 2 Ch 149.

¹¹ CF Forsyth, ‘The Province of Legitimate Expectation’ (1988) *Cambridge Law Journal* 238.

¹² *Council of Civil Service Union v Minister for the Civil Service* [1985] AC 374.

¹³ *R v Liverpool Corporation ex p Liverpool Taxi Fleet Operators* [1984] UKHL 9.

before making decisions adverse to their interests. The Liverpool corporation's actions were deemed improper because the cab owners had a genuine expectation that had been established. Similarly, the Privy Council invalidated a removal order issued by the Hong Kong Immigration Authority in *A.G. of Hong Kong v. Ng. Yuen Shiu*¹⁴, which was executed without notice or a fair hearing. The court noted that any promise or established practice could generate a legitimate expectation, which, in turn, creates an obligation for adequate consultation.

In India, the doctrine was developed by courts to curb the arbitrary exercise of power by administrative authorities. In public law, the principle of reasonable expectation softens the rigid application of locus standi, allowing individuals to approach the court when their legitimate expectations are disregarded. In private law, a person can seek judicial relief if their statutory or contractual rights are violated. For the principle of legitimate expectation to apply, it is essential that the individual or group was led to believe that a particular course of action would be followed by the relevant public authority and relied upon a policy or set of rules that had previously guided a certain executive action.

The concept first emerged in India in *State of Kerala v. K.G. Madhavan Pillai*¹⁵. In this case, the claimants, who ran private schools, applied for approval to start additional unassisted schools and to improve existing ones. After appropriate inquiries, the government initially issued sanctions but then, after fifteen days, placed the approvals in abeyance. The respondents challenged the legality of this cancellation, arguing it violated principles of natural justice. The Supreme Court held that because the initial sanction created a "legitimate expectation," the subsequent cancellation contravened natural justice and was sufficient to invalidate the administrative action.

The Supreme Court further defined "established practice" in *R.P. Singh v. State of Bihar*¹⁶ as a practice, action, or procedure that has been carried out continuously or routinely in the past. The expectation arising from such practice must be genuine, understandable, and reasonable. This doctrine is relevant in situations where a public authority's actions are found to be unjust, irrational, or contrary to the public interest. For instance, in *FCI v. Kamaldhenu Food Industries*¹⁷, the government invited tenders, and Kamaldhenu submitted the highest bid. Subsequently, the corporation called all participants for negotiations. Kamaldhenu challenged this, citing legitimate expectations. However, the court ruled in favor of the corporation, stating

¹⁴ *Attorney-General of Hong Kong v Ng Yuen Shiu* [1983] 2 AC 629.

¹⁵ *R P Singh v State of Bihar*, Patna High Court, 3 November 2015.

¹⁶ *R P Singh v State of Bihar*, Patna High Court, 3 November 2015.

¹⁷ *FCI v Kamaldhenu Food Industries* [1993] 1 SCC 71.

that all participants had been given an equal opportunity to negotiate and that the highest bid should have been made at that stage. The court emphasized that applying the doctrine of legitimate expectation requires careful consideration of fairness, non-arbitrariness, and the extent to which the expectations of affected parties were reasonable.

ANALYSIS OF JUDGEMENTS OF LEGITIMATE EXPECTATION

The concepts of procedural legitimate expectation and substantive legitimate expectation are commonly used to categorize the types of valid expectations recognized in public law. A procedural legitimate expectation arises when an individual anticipates that a decision-making authority will follow a certain process before arriving at a decision. These processes can take various forms, such as holding a hearing, conducting consultations, initiating inquiries, or simply providing sufficient time for affected parties to submit appropriate suggestions. In contrast, a substantive legitimate expectation comes into existence when a public authority makes a reasonable representation suggesting that a person or group will receive or continue to receive a specific benefit or advantage¹⁸

The notion of substantive legitimate expectation was first formally recognized in the 1984 case *R v. Secretary of State for the Home Department*. This case introduced the idea that while policy changes may sometimes be justified, courts have the authority to assess whether the public interest should prevail in a given scenario. Although the procedural aspects of legitimate expectations are well-established in India, the substantive aspect remains in a nascent stage. While multiple Supreme Court decisions have addressed substantive legitimate expectation, they have not clearly articulated how it should be applied in practice.

One of the significant discussions of this idea occurred in *UOI v. Hindustan Development Corp*¹⁹. In that case, the Indian Railways adopted a dual pricing mechanism to promote competition between large-scale producers and small-scale manufacturers. Under this mechanism, the Railways issued lower-priced counter-proposals while simultaneously providing high-priced tenders to small-scale manufacturers. The larger producers challenged this policy, arguing that the railway authorities' actions were unreasonable because they violated the justified expectations created by their historical conduct. The Supreme Court, in its ruling, acknowledged that a reasonable expectation could serve as a valid basis for judicial review.

¹⁸ Melanie Roberts, 'Public Representations and Substantive Legitimate Expectation' (2001) *The Modern Law Review* 112.

¹⁹ *Union of India v Hindustan Development Corp* [1994] AIR 988.

However, a closer examination of this judgment reveals that the court primarily emphasized procedural legitimate expectation. It held that the doctrine should largely be restricted to ensuring a fair hearing before any decision is made that could nullify a prior promise. The ruling placed a significant burden on claimants to demonstrate that they had a valid expectation which was denied and that the public authority's actions were arbitrary or irrational. The court also observed that it could overturn an administrative order if it found that depriving a party of a fair hearing resulted in a "failure of justice."

In another case, *Navjyoti Corp. Housing Society v. UOI*²⁰, a government policy change was challenged. Initially, land allocation was based on the registration date of housing societies, but the requirement was later amended to consider the date on which the registrar approved the final list. The court held that the doctrine of legitimate expectation imposes a duty on public authorities to act fairly. This includes providing those affected by a decision adequate opportunity for a fair hearing to make necessary representations. Accordingly, the court determined that individuals who had benefited from previous government practices had a reasonable expectation to be heard before the policy was altered.

Similarly, in *Schedule Caste & Weaker Section v. State of Karnataka*²¹, the government issued a notice regarding the clearance of slum areas, which was later modified, leaving certain slum areas unaddressed. The court ruled that due to the earlier communication, individuals had a legitimate expectation, which could not be disregarded without providing them a fair hearing. In these and other similar cases, the courts have predominantly focused on procedural aspects of legitimate expectation, limiting their inquiry to ensuring a fair hearing and associating the failure to do so with violations of natural justice, while largely overlooking the substantive dimension of the doctrine.

In *Punjab Communication Ltd v. UOI*²², the Supreme Court acknowledged the concept of substantive legitimate expectation, recognizing it as part of Indian law, but provided limited elaboration. In *National Buildings Construction Corp. v. Raghunathan*²³, the court defined substantive legitimate expectation as arising from reliance on a representation and resulting detriment to the claimant, similar to claims based on promissory estoppel. The court upheld this definition, but it appears to conflate substantive legitimate expectation with promissory estoppel rather than distinguishing it as an independent principle, emphasizing the role of

²⁰ *Navjyoti Corp Housing Society v Union of India & Ors* [1993] AIR SC 155.

²¹ *Scheduled Caste & Weaker Section Assn v State of Karnataka* [1991] AIR 117.

²² *Punjab Communication Ltd v Union of India* [1999] (49) DRJ 47.

²³ *National Building Construction Corp v Raghunathan* [1998] 7 SCC 66.

promises or representations as prerequisites for its applicability.

Additionally, in this case, the Wednesbury test was applied to determine whether denying a legitimate expectation was justified. According to this test, the mere existence of a legitimate expectation does not automatically invoke judicial intervention. However, if the denial is unreasonable, unfair, arbitrary, or constitutes a deprivation of a guaranteed right, it can be challenged under Article 14 and principles of natural justice. Essentially, the court linked the concept of legitimate expectation with the denial of a legal right, applying it even in the absence of any substantive entitlement.

Taken together, these cases indicate that Indian courts have not yet fully recognized substantive legitimate expectation as a distinct and independent principle, with judicial attention largely confined to procedural guarantees such as the right to a fair hearing.

ANALYSIS

The doctrine of legitimate expectation is a fundamental principle in administrative law that governs the anticipations individuals have regarding fair treatment and consistency in the actions of public authorities. It serves as a safeguard against arbitrary or unfair administrative decisions, even in cases where individuals do not possess a formal legal right. The doctrine acknowledges that people may reasonably anticipate certain treatment, benefits, or outcomes based on the prior conduct, promises, representations, or established practices of an administrative authority.

Foundation and Legal Understanding: The roots of this doctrine lie in the principles of fairness, natural justice, and the rule of law. It functions as a check on the exercise of administrative power, ensuring that authorities act consistently, predictably, and fairly. Importantly, legitimate expectation is not an absolute legal right but rather a substantive legal concept that has developed progressively through judicial precedents.

Types of Legitimate Expectation: Legitimate expectations are generally classified into two categories: procedural and substantive. Procedural legitimate expectation relates to the anticipation that certain procedures or formalities will be followed before an administrative decision is made, thereby ensuring transparency and fairness. Substantive legitimate expectation, on the other hand, concerns the expectation of receiving a specific benefit, outcome, or advantage as promised or historically provided by the authority.

Legal Precedents and Evolution: The development of this doctrine can be traced through landmark cases that laid its foundation and clarified its application. Early cases such as *Schmidt*

v. Secretary of State for Home Affairs and Council of Civil Services Union v. Minister of Civil Services helped establish the basic principles of legitimate expectation. Over time, courts across different jurisdictions have refined the concept, interpreting and applying it in diverse legal contexts.

Principle of Consistency and Fairness: A central tenet of the doctrine is that public authorities must act consistently and fairly, adhering to their prior practices, representations, or promises. This ensures that individuals have a reasonable basis to expect a particular treatment or outcome and are not subjected to sudden, arbitrary changes in administrative decisions.

Balancing Act and Public Interest: While recognizing and protecting legitimate expectations is essential, it must be balanced against broader public interest and policy considerations. Courts often weigh the individual's expectation against the need for policy changes or administrative decisions that serve the greater good, ensuring that public interest is not unduly compromised.

Application Challenges: One of the key challenges in applying this doctrine lies in distinguishing between mere desires or hopes and genuinely reasonable expectations. Courts must carefully examine the circumstances, prior conduct, and representations of the administrative authority to determine whether an expectation is legitimate.

Development and Future Scope: The doctrine of legitimate expectation continues to evolve, particularly with regard to clarifying and applying substantive legitimate expectations. Greater focus on balancing procedural and substantive aspects and providing clear guidelines for their application will enhance legal clarity, consistency, and fairness.

In conclusion, the doctrine of legitimate expectation is a vital legal principle that promotes fairness, consistency, and transparency in administrative actions. It protects individuals from arbitrary or unjust decisions by recognizing their reasonable expectations based on past conduct, representations, or established practices of public authorities. Although the concept has been widely accepted and refined over time, ongoing development and clearer guidance will further strengthen its application, contributing to a more just and predictable administrative framework.

SCOPE FOR DEVELOPMENT IN SUBSTANTIVE LEGITIMATE EXPECTATION

A notable development in Indian public law is the emergence of the doctrine of legitimate expectation. This principle gives a voice to individuals who, while lacking formal legal rights,

have reasonable expectations regarding the conduct of public authorities. The Supreme Court of India has repeatedly recognized this theory in assessing and analyzing administrative behavior. However, the notion of substantive legitimate expectations remains controversial. Unlike procedural expectations—which primarily require authorities to follow natural justice standards—substantive expectations arise when an individual seeks a specific benefit or advantage from the government.

Although the Supreme Court has affirmed in several rulings that legitimate expectation forms “part of our law,” a deeper examination reveals that India has yet to fully develop the substantive aspect of this concept. Courts have consistently prioritized procedural expectations over substantive ones, as highlighted in the previous chapter. Consequently, there is significant room for improvement in the practical application of legitimate expectations, particularly concerning their substantive dimension. The notion of substantive reasonable expectation is still evolving, leaving Indian courts struggling with its interpretation and implementation.

From early cases, courts have been cautious about acknowledging substantive legitimate expectations. Natural justice principles enshrined in Article 14 of the Indian Constitution serve as the foundation for legitimate expectations, emphasizing fairness and preventing arbitrariness. In *E.P. Royappa v. State of T.N.*²⁴, Justice J. Bhagwati stated that arbitrariness undermines the principle of equality and denies equal treatment before the law under Article 14. He further explained that effective governance under Article 14 fosters a fair expectation of equitable treatment by public authorities. Therefore, the doctrine of legitimate expectation is deeply rooted in the fair hearing principles of natural justice, which are constitutionally protected.

Despite this constitutional grounding, the courts’ ambiguous interpretation has limited the doctrine’s effectiveness and potential. Judicial decisions often focus more on preventing arbitrariness than on actively safeguarding legitimate expectations. By relying heavily on constitutional remedies for arbitrary conduct, courts have set a high threshold for claiming legitimate expectation, which has made the doctrine largely redundant in practice. Establishing a lower threshold that allows individuals to successfully claim violations could significantly enhance the doctrine’s utility in India.

Another complication arises from courts incorporating the concept of genuine expectation into the doctrine of promissory estoppel under contract law, rather than treating it as an independent

²⁴ *E P Royappa v State of Tamil Nadu* [1974] SCC 555.

legal norm. For instance, in *Lalram v. Jaipur Development Authority*²⁵, the government was found to have unreasonably altered policy. While the court held the government accountable and ensured justice, it applied substantive legitimate expectation as a supplement to promissory estoppel rather than recognizing it as a distinct public law principle. This blending of “reasonable expectation” with “legitimate expectation” has created conceptual confusion. The court could have used the doctrine to prioritize public interest and address the incoherence in administrative action, thereby establishing a separate public law standard for substantive legitimate expectation.

Similar patterns are evident in other cases where legitimate expectations were either denied, merged with promissory estoppel claims, or treated as insignificant. While these decisions may achieve justice in individual cases, they do little to clarify or strengthen the doctrine itself. This demonstrates that India’s approach to substantive legitimate expectation remains underdeveloped and comparatively weaker than in other jurisdictions. For the doctrine to provide effective protection against improper administrative actions, it must be formally recognized and developed as an independent standard within public law.

CONCLUSION AND SUGGESTIONS

CONCLUSION

This research stands fully consistent with the hypothesis: clear recognition and development of substantive legitimate expectation in Indian law would strengthen the doctrine’s application, provide citizens with more robust safeguards against arbitrary administrative conduct, and ensure greater coherence in administrative jurisprudence, aligning India’s practice with global standards of fairness and natural justice. The doctrine of legitimate expectation plays a vital role in administrative law by regulating the reasonable anticipations individuals have regarding fair treatment and consistency in administrative actions. While procedural legitimate expectations—ensuring fair hearings and adherence to natural justice—have been widely recognized and applied, substantive legitimate expectations, which concern the anticipation of receiving a specific benefit or advantage, remain underdeveloped. Indian courts have often prioritized procedural aspects and have merged substantive expectations with contract law doctrines like promissory estoppel, resulting in conceptual ambiguity and limited practical effectiveness.

²⁵ *Lalram v Jaipur Development Authority* [2015] SCC 12.

SUGGESTIONS

- Substantive legitimate expectation should be formally recognized as an independent legal principle, distinct from procedural expectation and contract law doctrines.
- Courts could adopt a lower threshold for establishing substantive expectations, enabling individuals to meaningfully challenge arbitrary administrative actions.
- Judicial guidelines should clearly differentiate between procedural and substantive expectations, ensuring authorities are accountable for both fair processes and the fulfillment of legitimate promises or benefits.
- Training and awareness programs for administrative authorities could be introduced to promote understanding and consistent application of the doctrine.
- Legislative clarification or codification may be considered to provide clearer standards and reduce ambiguity in judicial interpretation.

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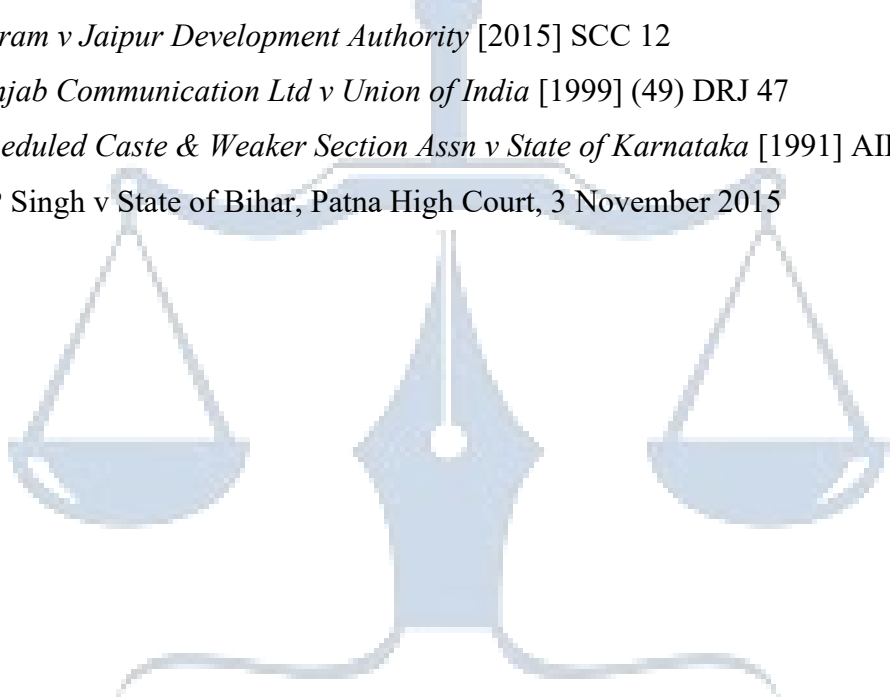
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