Polity & Governance · GS - II

Examine the role of judicial review in ensuring transparency and accountability in India's immigration administration. How can procedural clarity improve the protection of foreign residents' legal rights?

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
10	~150 words

Answer Hint

Rule of law, administrative discretion, Article 226, visa procedures, natural justice, procedural transparency, grievance redressal, national security, accountable governance.

Model Answer

Introduction

Immigration administration involves balancing national security, sovereign control over entry and stay, and compliance with applicable laws. Clear procedures are essential to ensure predictable and lawful decisions.

Role of Judicial Review

Article 226 empowers High Courts to issue writs to enforce fundamental rights and for other purposes. Courts can examine whether administrative authorities have acted within their legal powers, followed required procedures and avoided arbitrary decisions. Judicial review strengthens accountability but does not automatically entitle a foreign national to a particular visa or permanent residency.

Importance of Procedural Clarity

Unclear eligibility criteria, inconsistent decisions and prolonged delays can create uncertainty for foreign residents. Published guidelines, reasoned decisions, accessible application procedures and time-bound grievance redressal can improve transparency. Natural justice and equal treatment under applicable law should guide administrative decision-making.

Way Forward

Authorities should clarify visa categories, documentation requirements, renewal procedures and appeal mechanisms. Digital tracking and coordination between immigration agencies can reduce delays. Legitimate national security and public-order concerns must continue to be addressed within the framework of law.

Conclusion

A transparent immigration system combines effective border governance with lawful, consistent and accountable administration. Judicial review provides an important safeguard against arbitrary exercise of executive power.

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