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Critical Analysis of Mandamus Writ in Relation to the Administrative Law

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ABSTRACT

This paper highlights detailed analysis of mandamus writ in context of administrative law. From initiation it discusses about the definition of mandamus and its legal foundation and requisites, it also describes about the application of mandamus writ and accordingly its impact. The goal or purpose behind the mandamus writ is also put light upon in this paper and also the historical development of the particular mandamus writ is unveiled. The prevalence of mandamus writ in Indian law prior to the Constitution is also mentioned. The framework of law in relation to mandamus writ is also highlighted. The interconnection between administrative law and mandamus writ is also enshrined in this paper. The critical analysis of mandamus writ with case laws is also mentioned. Lastly it also provided some suggestions.

Keywords: writ, mandamus, constitution, administrative law, interconnection.

I. INTRODUCTION

Administrative law, with its intricate web of regulations and procedures, plays a crucial role in ensuring the efficient and fair functioning of government agencies and public officials. However, there are instances where these authorities may falter in fulfilling their legal obligations, causing delays, injustices, or bureaucratic stagnation. This is where the mandamus writ emerges as a powerful tool to uphold the principles of justice and accountability.

The mandamus writ is a legal remedy employed in administrative law to compel public officials or agencies to perform specific acts or duties mandated by law. Mandamus, a Latin word which means “we command,” is a writ issued by a court to a government official, inferior court, or public authority to perform a duty. As with all writs, a writ of mandamus can only be issued by the Supreme Court and the various High Courts which is vested with them under Articles 32 and 226 of the Constitution of India respectively. Its primary objective is to prevent administrative bodies from exceeding their authority or neglecting their duties, thereby restoring the balance between individual rights and governmental actions.

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II. LEGAL BASIS AND PREREQUISITES

To seek a mandamus writ, certain prerequisites must be met. Firstly, there must be a clear legal duty imposed on the public official or agency by statute, regulation, or common law. Secondly, the petitioner must demonstrate a direct and substantial interest in the performance of the duty. Lastly, the petitioner must show that there is no other adequate legal remedy available. Once these criteria are satisfied, the court may issue a mandamus writ to ensure the desired action is undertaken.

(A) Applications of the mandamus writ:

The mandamus writ finds application in a wide range of administrative law contexts. For example, it may be utilized to compel government agencies to process permits, licenses, or applications in a timely manner, preventing undue delays and administrative roadblocks. Likewise, it can be invoked to demand public officials to perform their duties diligently, such as releasing public records, enforcing regulations, or conducting investigations. In essence, the mandamus writ serves as a means to hold public authorities accountable and ensure the efficient functioning of government institutions.

(B) Impact on administrative law:

The mandamus writ plays a vital role in maintaining the integrity and effectiveness of administrative law. By empowering individuals and organizations to seek legal recourse against bureaucratic inaction or abuse of authority, it reinforces the principles of transparency, fairness, and accountability. It acts as a check on administrative bodies, compelling them to adhere to the rule of law, avoid arbitrary or discriminatory practices, and fulfill their obligations in a timely manner. Moreover, the availability of the mandamus writ acts as a deterrent, encouraging public officials and agencies to act responsibly and diligently in the performance of their duties. In the complex realm of administrative law, the mandamus writ emerges as a powerful instrument to ensure accountability, prompt action, and the protection of individual rights. By compelling public officials and agencies to fulfill their legal obligations, it upholds the principles of justice, fairness, and efficiency in our legal system. The mandamus writ effectively bridges the gap between citizens and government, providing them with a means to seek recourse when faced with administrative impediments or misconduct. As we navigate the intricacies of modern governance, the mandamus writ continues to serve as a critical safeguard, promoting a transparent, accountable, and responsive administration.

III. THE MANDAMUS WRIT: UNVEILING ITS PURPOSE AND HISTORICAL DEVELOPMENT

Purpose of the Mandamus Writ: The mandamus writ, originating from Latin meaning "we command," serves as a judicial remedy aimed at compelling a public official, corporation, or governmental body to undertake a specific action or perform a duty mandated by law. The primary purpose of this writ is to ensure accountability, transparency, and the proper execution of legal obligations, ultimately safeguarding the rights and interests of individuals and society.

Historical Development: The roots of the mandamus writ can be traced back to the early English legal system, where it emerged as a key mechanism to challenge the actions of public authorities. During the reign of King Edward I in the 13th century, the King's Bench, a court of the English monarch, began to issue this writ to command lower courts and public officials to act within their jurisdiction or fulfill their duties.

The mandamus writ gained prominence during the 17th and 18th centuries when it became an essential tool in the struggle for individual liberties during the English Civil War and the Glorious Revolution. The famous case of *Entick v. Carrington* in 1765 marked a significant milestone in the development of the mandamus writ, as it established the principle that the King's ministers could be held accountable for their actions through the use of this remedy.

With the spread of English common law to other countries, including the United States, the mandamus writ found its way into the legal systems of these nations. The framers of the U.S. Constitution recognized the importance of the mandamus writ by including a reference to it in Article III, Section 2, empowering the Supreme Court to issue the writ "in cases warranted by the principles and exercises of law."

In the United States, several landmark cases have shaped the development and understanding of the mandamus writ. *Marbury v. Madison* in 1803 established the principle of judicial review, allowing federal courts to issue the mandamus writ to enforce their decisions. Through subsequent cases, such as *United States v. Morgan* in 1941 and *Cheney v. United States District Court* in 2004, the Supreme Court further clarified the scope and limitations of the mandamus writ.

The mandamus writ, with its rich historical development, serves as a powerful legal tool to ensure the accountability and proper functioning of public officials and institutions. It has transcended borders, evolving over time to meet the changing needs of society. By wielding the mandamus writ, individuals can seek justice, demand action, and safeguard their rights, thereby contributing to the maintenance of a just and equitable society.

(A) Understanding the mandamus writ:

The mandamus writ, derived from Latin meaning "we command," is a legal remedy employed when an agency or official fails to act or delays action on a matter they are required by law to address. It acts as a mechanism for individuals or organizations to seek judicial intervention and compel the desired action or decision.

(B) Mandamus in Indian law prior to the constitution:

The Writ of Mandamus was introduced in India by the British in the time 1773 with the establishment of the Supreme Court of Calcutta and all the supreme courts that were positioned in the Presidency Towns (Calcutta, Madras and Bombay) were vested with the powers of issuing this writ under the Letters Patent Act. Later on, in the time 1877, the writ of mandamus from the Letters Patent Act was replaced by an order under the also recently introduced Specific Relief Act that needed the completion or forbearing of a specific exertion within the "original limits of its ordinary civil governance" by a competent authorised functionary.

Still, with the institutionalization of the indigenous governance in India and the preface of the new Specific Relief Act in 1963, this order incorporated within the 1877's law was done down with as the provision for writ of mandamus was formerly elevated in the Constitution. The ultimate provision was far more competent and had a wider scope of connection while the former was pretty restrictive in nature as it applied only to a particular nature of cases. Also, the indigenous provision also handed the High Courts with the power of issuing writs, therefore including mandamus as well for the enforcement in cases of violation of abecedarian as well as legal rights.

IV. FRAMEWORK OF LAW IN RELATION TO MANDAMUS

The Supreme Court of India has been authorised with the control of issuing writs under Article 32 of the Indian Constitution. Out of the five types of writs that are a part of the Indian legal frame, the most applicable for the enforcement of the rights of the claimant shall be applied by the court. correctly described as the " veritably soul of the Constitution and the very heart of it " by Dr Bhimrao Ambedkar, Right to indigenous Remedies or Article 32 states that there must be a clear breach of abecedarian rights not incorporating contentious factual questions. Under Article 32, the writ cannot be issued for the enforcement of governmental policy and a statute violating an abecedarian right can be contended against by mandamus. Any executive or statutory order can be applied by Mandamus following due process of law. Over the course of times, it has been set up that nonstop mandamus or the writ of mandamus issued against a prolonged failure to act on the part of state agencies.

Although the law is pretty clear with respects to the cases where the applicability of the writ of

mandamus stands, it has not been an easy decision for the Indian courts and judiciary applying this writ in specific cases. Therefore, it has come a significant question of law in the modern-day legal system of India.

(A) Administrative law and the mandamus writ have a close relationship in the legal realm:

Administrative law is a branch of law that governs the conduct and opinions of administrative agencies. It sets out the rules and procedures that these agencies must follow when making opinions that affect individualities or organizations. Administrative law ensures that administrative agencies act within the bounds of their authority and adhere to fair and transparent processes.

On the other hand, the mandamus writ is a legal remedy that can be sought from a court to compel a public official or administrative agency to perform a specific duty that they are legally required to do. It is a powerful tool for holding administrative agencies accountable for their actions or inaction.

In a nutshell, the mandamus writ is a key element of administrative law as it empowers individuals or organizations to challenge the actions or inaction of administrative agencies. By seeking a mandamus writ, they can request a court to intervene and compel the agency to fulfill its legal obligations. This relationship ensures that administrative agencies are held accountable and operate within the framework of administrative law.

(B) Comparative analysis of the mandamus writ in administrative law:

1. Mandamus Writ in Common Law Jurisdictions-

- Common law jurisdictions, such as the United States and the United Kingdom, recognize the mandamus writ as an effective remedy.
- The mandamus writ allows individuals to compel public officials to perform their duties or enforce specific actions.
- It is generally used when there is a clear legal right, a duty on the part of the official, and no alternative remedy available.
- The focus of the mandamus writ is on the actions or omissions of government authorities, ensuring accountability.

2. Mandamus-like Remedies in Civil Law Jurisdictions:

- Civil law jurisdictions, like France and Germany, offer remedies that address similar issues to the mandamus writ.

- Instead of the mandamus writ, civil law systems often provide alternative remedies like the action for performance or the action for annulment.
- These remedies aim to enforce specific obligations or seek the annulment of administrative decisions.
- Unlike the mandamus writ, civil law remedies may require more procedural steps and have specific grounds for their application.

3. Mandamus-like Remedies in International Bodies:

- International bodies, such as the European Court of Justice or the Inter-American Court of Human Rights, also offer remedies for administrative law matters.
- These bodies have developed similar mechanisms to address the failure of government authorities to fulfill their obligations.
- The remedies provided by these international bodies often include orders or decisions that require specific actions or remedies for parties affected by administrative decisions.

The comparative analysis of the mandamus writ in administrative law and its counterparts in other legal systems offers valuable lessons and insights. Here are a few key takeaways:

- **Importance of Accountability:** The mandamus writ and similar remedies emphasize the significance of holding government authorities accountable for their actions or inactions. This highlights the fundamental principle of administrative law that public officials are obligated to perform their duties diligently and in accordance with the law.
- **Varying Approaches:** Different legal systems employ diverse remedies to address administrative law issues. Common law jurisdictions rely on the mandamus writ as a direct remedy, while civil law jurisdictions often have alternative remedies, such as actions for performance or annulment. This diversity demonstrates that there are multiple ways to achieve the same objective of ensuring government accountability.
- **Procedural Differences:** The procedural requirements for obtaining the mandamus writ and similar remedies differ across legal systems. Some jurisdictions may have stricter criteria, while others may have more flexible standards. Understanding these procedural differences is crucial for individuals seeking to utilize these remedies effectively.
- **Global Harmonization:** The existence of similar remedies in international bodies, such as the European Court of Justice or the Inter-American Court of Human Rights, demonstrates the importance of harmonizing administrative law principles on a global scale. This allows for the exchange of ideas and best practices, ultimately contributing

to the development of more effective remedies and ensuring consistency in administrative law decisions.

- **Potential for Reform:** Comparative analysis enables identification of areas where the mandamus writ and similar remedies can be improved. By studying the advantages and disadvantages of different systems, legal scholars and policymakers can propose reforms that enhance the effectiveness, efficiency, and accessibility of these remedies.
- **Protecting Individual Rights:** The mandamus writ and similar remedies serve as important mechanisms for safeguarding individual rights against potential abuses by government authorities. The comparative analysis highlights the shared objective of protecting these rights, acting as a reminder of the importance of the rule of law and ensuring fair treatment of individuals within administrative processes.

So, the comparative analysis of the mandamus writ in administrative law and its counterparts provides valuable lessons and insights. It underscores the significance of accountability, highlights the diverse approaches in different legal systems, underscores the importance of procedural considerations, encourages global harmonization, identifies potential areas for reform, and emphasizes the protection of individual rights.

V. CRITICAL ANALYSIS OF MANDAMUS THROUGH CASE LAWS

The writ of mandamus (We Command) is of English origin. In the past, the king of England, as the "autocrat" of the administrative system, issued mandamus to his subjects, ordering them to perform the public duty required of them, several times a day. Traces the origin of the granting of mandamus, because the privilege of the English Royal Court is a superfluous function because it was never considered an absolute legal measure, but rather a legal one. The king of England used Mandamus to control (and control) the police (and other authorities of the same genre) to maintain social peace and public order at all levels of the state. Performance of some public/quasi-elective tasks that were illegally denied, for example in cases related to reinstatement; organization of elections and preventing the disintegration of local government bodies and institutions. Thus, a writ of mandamus is defined as a royal order issued by the Court of King's Bench on behalf of the crown to a lower court, lower courts, corporation, government, or any other person requiring its (or his) compliance public function. Such an obligation can be established by the Constitution (Supreme Lex), by statute or generally by the common law. Mandamus is a Latin word that literally means "order" or "order". Thus, a writ of mandamus commands or enjoins or directs the person to whom it is addressed to perform a public function pertaining to the office. If a court, arbitral tribunal, agency, government, corporation or other person charged with the performance of a public duty fails

to perform that duty, an order of mandamus compels him to perform that duty or to perform a Suprema Lex, a duty required by law or articles of association in common law but as far as India is concerned, the writ of mandamus follows the English model. In pre-independence India, three Supreme Courts were empowered to issue writs of mandamus in Presidency towns. An earlier reported case in India dealing with writ of mandamus is *R v. Warren Hastings*³. In this case mandamus was sought against the Supreme Council of the Governor-General; however, mandamus was not granted and denied. Another reported case involving writ of mandamus in pre-independence India was *Tan Bug Taim v. Collector of Bombay*⁴. In that case, an order of expropriation of the property became ultra vires under the Defense of India Rules and a writ of mandamus was issued. The Government argued that there was no "law" under which the collector could be required to desist from expropriation and Section 45 of the Special Indemnity Act of 1877 could not be applied. The court held that "law" included royal charter, statute and common law and that section 299(1) of the Government of India Act, 1935 applied to the acquisition. This was enough to attract Section 45.

This was in fact confirmed in another case (*Commissioner of Police, Bombay v. Gordhandas Bhanji*; AIR 1952 SC 16) where it was held that the words "any law" were wide enough to include any law of any kind, legal or otherwise. After the Constitution of India comes into force, the Supreme Court of India has the power under Article 32 of the constitution to issue an order for the enforcement of fundamental rights, while any High Court has the power to issue an order in the nature of mandamus. Under Article 226 of the Constitution for the fulfillment of fundamental rights and also for "other purposes" in any field over which it has jurisdiction. Indian courts have always held that the issuance of a writ of mandamus is not a writ and is not granted as a matter of course (*ex debito justitiae*). It is up to the court to allow (or deny) this. Courts must refuse mandamus unless it is proved that the applicant has a clear legal right or the defendant has a legal duty and the applicant has no alternative remedy.

In the case of *Praga Tools Corporation vs. C. A. Imanuel*⁵, the Supreme Court of India observed that a writ of mandamus is an order directed to a person, company or a lower court compelling him (or them) to do a certain thing (or office) specified therein. Mandamus is available against any public authority, including administrative and local authorities, and would apply to any person who is (and is) bound by statute or common law to do a particular act. To obtain a writ or order (or order) of mandamus, the applicant (the court) must satisfy itself that it has the legal right to the legal obligations of the party (or person) against whom

³ *R v. Warren Hastings* (1775) 1 ID (OS) 1005: (1775) Mort 206

⁴ *Tan Bug Taim v. Collector of Bombay* AIR 1946 Bom 216: (1945) 47 Bom LR 1010

⁵ *Praga Tools Corporation v. C. A. Imanuel* (1969) 1 SCC 585, 589: AIR 1969 SC 1306, 1309-1310: (1969) 3 SCR 773

the mandamus is sought and such right must exist on the date of the petition.

In *Union of India v. S. B. Vohra*⁶, the Supreme Court of India stated: "A writ of mandamus may be issued to a person who asserts a legal right. It may be issued to a person who has a legal duty to perform, but who has failed or neglected to perform it. Such legal duty arises of the law. The writ of mandamus is the broadest in its remedial nature. A writ of mandamus is intended to prevent disorder caused by a miscarriage of justice and must be granted in all cases where the law does not provide a specific remedy." The general principles for obtaining a writ of mandamus are: (a) The applicant for mandamus must prove that he has a legal right requiring the performance of a legal obligation, party against whom the mandamus is sought; b) A writ of mandamus may be issued to any person, institution, government, corporation, or court, provided it complies with that, what is required by law. or the obligation which the mandamus requires to be performed must be excluded by the constitution, statute or common law; c) Mandamus the request must be made in good faith and not with an ulterior motive or ulterior motive; (d) Mandamus is refused if an alternative remedy is available that the defendant refused (or did not comply). There are undoubtedly exceptions to the rule of refusal in both England and India.

A writ of mandamus is issued as an order to a lower court, governmental (semi-governmental) body; official, administrative (or administrative) body to do something or refrain from doing something that is public in nature. Compliance or tolerance must be enforced by all applicable laws and must clearly be the duty of the officer or agency concerned, in public It does not relate to the enforcement of private law or the fulfillment of a purely ministerial duty (which an official must fulfill based on the orders of a competent authority) or matters that are purely arbitrary in nature. Judicial intervention is justified if the executive does not use its power in good faith for the purposes prescribed by law or is influenced by external (and unrelated) considerations or acts arbitrarily. Professor Wade states: "The honour of mandamus has long handed a standard means of compelling all types of authorities to perform public duties. Like other remedies, it is usually granted at the request of a private party, although an agency may just as well use it against another." Most often, a writ of mandamus is used as a weapon in the hands of an ordinary citizen when an agency neglects its duty.

In *State of West Bengal v. Nuruddin*⁷, the Supreme Court of India held that Mandamus imposes a duty on the person to whom it is granted. It is a personal action based on the alleged fact that the defendant neglected (or refused to perform) his duty, which the plaintiff is entitled to perform. The court can intervene if the authority does not use the power or if the power has

⁶ *Union of India v. S. B. Vohra* (2004) 2 SCC 150, 160: AIR 2004 SC 1402

⁷ *State of West Bengal v. Nuruddin* (1998) 8 SCC 143

been used illegally, illegally or inappropriately. However, the court cannot make a decision, which according to the law is the task of the authority.

In another case, *Comptroller and Auditor General of India v. K.S. Jagannathan*⁸ the Supreme Court of India held that the Supreme Courts of India exercising their jurisdiction under Article 226 have the power to issue orders in the nature of mandamus, to issue orders (and give necessary directions) where the Government (or authority) has failed. exercised or abused a discretion granted to him by law, regulation or government policy decisions or exercised such discretion in bad faith or recklessly or in disregard of relevant considerations and materials or in a manner prejudicial to the purpose of granting such discretion. The discretion or the policy for which the discretion is given. In all such cases and in all other convenient cases, the Court of Appeal in exercise of its powers under Article 226 may issue directions to enforce the proper and lawful exercise of the discretion conferred upon it. To government or authority and, if appropriate, to prevent because of the injustice caused to the parties, the court itself may make an order which the government (or authority) should have made (or made) had it properly and lawfully exercised its discretion. However, the main function of mandamus is to compel action. A writ of mandamus does not create or confer a right of action; because it only compels the exercise of an already existing power, when it is the duty of the person or authority against whom it is imposed. Although a mandamus may require the performance of a public duty, it is never an order to act in a certain way. It is not possible to set a standard in which situations a writ of mandamus may and may not be issued. It depends on the nature of the protected right; the duty is fulfilled; constitutional system; probable damage; likely consequences; consequence of the use (or non-use) of force and other similar aspects.

The court may issue a writ of mandamus in cases where a person who is under a duty to do a certain act by statute or common law refrains from doing it or from exercising a power which is his duty. While these general principles form the backbone of the study, it is important to understand the applicability of the study. The first and most important step in understanding the applicability of a lawsuit is to analyze who can be ordered. Although no hard and fast rule has been laid down, a writ of mandamus generally applies to administrative, legislative, quasi-judicial, and all legal authorities under the jurisdiction of the court that issued the order. The Supreme Court accepted the principle that a writ of mandamus applies to all administrative or judicial proceedings, in *Mansukhlal Vithaldas v. State of Gujarat* where the court held that mandamus can be issued in any case under Article 226 to compel performance of odorless public functions which may be administrative, ministerial or statutory. Although the applicability of the writ of mandamus is unlimited and covers a wide jurisdiction, certain

⁸ *Comptroller and Auditor General of India v. K.S. Jagannathan* (1986) 2 SCC 679; AIR 1987 SC 537

conditions must be met before a writ of mandamus or any form of mandamus can be obtained, namely-

1. A right recognized by law: The first most important condition for granting permission is that the applicant must have a right recognized by law. This right must be legally protected and legally enforceable. As stated in *Hochief Gammon v. State of Odisha*, "the existence of such a right is the sine quo non of the order". This legal right was violated by the petitioner the incident is due to the actions or negligence of the authority.

2. Existence of a public duty: One of the most important rights of a prosecutor is the existence of public duty. The courts are obliged to issue an order to fulfill a public obligation. Mandamus cannot be granted in cases where the Government or any administrative body has no statutory public duty. In addition, the obligation in question must be of a public nature. In the case of *Narsimha v. A. P. Dairy Development Co. Op. Union*, the Supreme Court found that a private legal obligation arising from a contract or other reason is not enforceable, which means, on the contrary, that a power of attorney is only usable if the state has a public enforcement obligation. The public duty that the party had to fulfill must be in accordance with the constitution, law or any legally binding rule or regulation. Another important element regarding this public obligation is that it be either mandatory or listed.

3. Demand and Refusal: Another important condition that must be met before a successful application can be made is the concept of affirmation and rejection. In order to issue a writ of mandamus against an administrative body, the person concerned must demand that the authority fulfill the task required by the aforementioned law, and only in case of refusal can the applicant go to court. In a recent case, *Dr. A.B. Vidya Vs. Union of India*, Karnataka High Court upheld the judgment in *State of Haryana Vs. Channan Mal*, where the Supreme Court held that giving an affidavit mandamus depends on the existence of a legal right of the applicant and on the duty of the administrative body against which the request is made. Therefore, he has the right to appeal to the court only if the institution refuses to fulfill its public task at the request of the applicant. No order can be issued without permission from the institution. Thus, the party seeking a power of attorney must show that it required authorization to perform its duty and that the request was denied.

4. Bonafide intentions and good faith: The last condition required to grant a request for an injunction in an administrative proceeding is the good faith intention of the petitioner. Therefore, the High Court will not interrupt its ordinary jurisdiction under Article 226 of the Constitution of India if the petitioner cannot prove; asking, he turned to the court with clean hands. Although it is not the privilege of the petitioner to directly show that he did not abuse the judicial process, the petitioner, if asked, must clear the court of any doubt and show his good

intention to file the petition. Making a judgment may depend on the nature of the violated right, on what public duty is required by the authorities; the source of the petitioner's right; damage that may happen to the petitioner due to inaction, etc. Although it is not possible to set a standard for the situation in which mandamus is granted or not, the general suggestion is that the above rights should be kept in mind in order.

VI. CONCLUSION

Administrative organization throughout the world suffers more from state action than from state evil; much less to say that the actions of the state are the evil of the state in the abstract sense. Mandamus is a prerogative of the least powerful (but most trusted on) wing of the state, the "judiciary", intended to cure the "somnambulant" tendency of a government that mostly pulls the democratic wagon starting with "governance of law" to the darkness of national anarchy, where civil, political, legal and fundamental rights are only black letters, although the Suprema Lex of the country is written in gold, but usually caused by problems like corruption, bureaucracy, excessive bureaucracy and a new type of nepotism.

(A) Suggestions:

The following recommendations can be implemented to ensure the improvement of mandamus procedure in India:

1. The first and most important matter to be dealt with is the execution of the mandamus. In the case of a continuance of mandamus, the courts can control the execution of the order, but this does not apply to a continuance of mandamus. As Justice N. Kirubakaran rightly observed, "It is a strict requirement to establish a step by step procedure for disposal of cases and timely execution of orders". Severe penalties must be imposed for non-compliance to ensure compliance.

2. The ambiguities surrounding the use of the theory of alternative remedies in connection with writs of mandamus must be resolved as soon as possible. Legal positions on this matter could not give a clear answer, and decisions favor both sides of the debate. Although it is reasonable to assume that the theory will not be applied compulsorily, the Supreme Court must answer this question in detail about the circumstances of the use and application of this theory.

3. Although the use of perpetual mandamus has benefited the state and improved enforcement, it should not be used regularly. A continuing mandamus can be used in extreme circumstances, in situations where the rights of the general public are at risk. The economical use of this letter not only helps to reduce the burden.
