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THE DOCTRINE OF PROPORTIONALITY IN INDIA AND THE UNITED KINGDOM: A COMPARATIVE ANALYSIS OF JUDICIAL REVIEW AND CONSTITUTIONAL RIGHTS

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ABSTRACT

This research examines the doctrine of proportionality as a constitutional technique for reviewing state action in India and the United Kingdom, with particular attention to measures affecting criminal justice, liberty, privacy, fair procedure and punishment. The central problem is whether proportionality provides a sufficiently structured method for reconciling individual rights with legitimate public interests without allowing courts to substitute their policy preferences for legislative judgment. The study adopts a doctrinal and comparative methodology. It analyses constitutional provisions, the Human Rights Act 1998, leading decisions of the Supreme Court of India and the UK Supreme Court, and selected academic literature. The comparison shows that both jurisdictions increasingly use a structured proportionality inquiry involving legitimate aim, rational connection, necessity and balancing, but the constitutional foundations and institutional consequences differ. India applies proportionality directly through fundamental- rights review under Articles 14, 19 and 21, while the United Kingdom operates principally through Convention rights.

KEYWORDS: Proportionality; judicial review; fundamental rights; Human Rights Act 1998; criminal justice; constitutional rights.* Cambridge, 2012) 3 Bohert Alexy, A Theory of Constitutional Rights (Julian Rivers trans., Oxford University Press, Oxford,

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STATEMENT OF PROBLEM The central legal problem is the absence of a consistently articulated and institutionally disciplined proportionality framework for evaluating rights-restrictive criminal-justice measures in India. Indian constitutional adjudication has moved from the broad language of reasonableness and fairness toward a more structured proportionality test. Yet the intensity of review, the treatment of legislative evidence, the necessity inquiry and the final balancing stage can vary according to the right and context.* A related problem is that proportionality can itself become indeterminate. If balancing is expressed only as a judicial conclusion that one interest outweighs another, the doctrine risks becoming a label rather than a method. This is particularly concerning in criminal justice, where the State can invoke public order, security, deterrence and prevention of crime to justify significant intrusions. The United Kingdom illustrates both the advantages and limits of a structured approach. Its courts have identified distinct stages of analysis, but they also recognise that questions of institutional competence and democratic judgment may affect the intensity of review. The research therefore examines whether India can strengthen proportionality without transforming courts into primary policymakers.

1. INTRODUCTION

Constitutional democracies routinely confront a difficult question: how far may the State restrict individual liberty to secure public objectives? The question becomes especially acute in criminal justice because investigation, surveillance, arrest, detention, trial procedures and punishment can directly interfere with liberty, privacy, reputation and bodily autonomy. A constitutional system therefore requires a method by which courts can examine not merely whether government has legal authority, but whether the intensity of interference is justified by the importance of the public objective. Proportionality has become one of the most influential answers to this problem. It asks whether a rights-restrictive measure pursues a legitimate objective, is rationally connected to that objective, is necessary or minimally impairing, and strikes a fair balance between the competing interests. The doctrine does not simply prohibit restrictions; rather, it demands justification for their intensity.” India and the United Kingdom provide a useful comparison. India has constitutional fundamental rights and an expansive judicial review tradition, while the UK’s modern proportionality jurisprudence developed strongly through the Human Rights Act 1998 and Convention rights.

The two systems therefore share a method but differ in constitutional architecture. The importance of proportionality in criminal-law contexts lies in the asymmetry between the individual and the State. Criminal investigation and punishment are backed by coercive institutional power. A rule may pursue a legitimate goal such as preventing terrorism, protecting victims, securing evidence or deterring serious crime, yet the same rule may be drafted so broadly that it captures conduct or persons beyond what is necessary. The article focuses on proportionality as a public-law standard rather than on sentencing theory alone. It examines constitutional review of criminal and criminal-justice measures affecting liberty, procedure, privacy and punishment. The United Kingdom is selected because its courts have developed an explicit four-stage proportionality analysis, while India has expressly incorporated proportionality into fundamental-rights adjudication. The comparative inquiry asks not merely whether both jurisdictions use the word “proportionality”, but how the doctrine operates, what institutional assumptions support it, and what lessons India can draw for criminal justice. The article does not undertake empirical research because its questions are primarily doctrinal and comparative.

2. RESEARCH QUESTIONS AND OBJECTIVES

A. Research Questions

1. what constitutional foundations support it? 2. To what extent does proportionality provide an effective safeguard against excessive interference with rights in criminal justice? 3. What are the principal similarities and differences between the Indian and UK approaches? 4. What reforms can improve the transparency and consistency of proportionality review in India?

B. Research Objectives

The first objective is to identify the constitutional and statutory foundations of proportionality in both jurisdictions. The second is to analyse leading judicial decisions and determine how courts apply the constituent stages of the test. The third is to evaluate proportionality in criminal-justice contexts, particularly where liberty, privacy, fair procedure and punishment are affected. The fourth is to compare institutional approaches and identify lessons that can be adapted to Indian constitutional conditions. The final objective is to formulate recommendations that preserve effective judicial protection of rights while respecting legislative competence. The questions and objectives deliberately move beyond description. They seek to assess effectiveness, institutional consequences and possible reform.’

3. RESEARCH METHODOLOGY & 4. RESEARCH HYPOTHESIS

This article adopts doctrinal legal research combined with comparative legal analysis. Primary materials include the Constitution of India, the Human Rights Act 1998, relevant statutory provisions and leading judgments of the Supreme Court of India and the UK Supreme Court. Secondary materials include constitutional-law scholarship and leading academic writing on proportionality.* The comparative method is functional rather than merely descriptive. The study compares how each system identifies legitimate objectives, tests means-end relationships, examines alternatives, and balances individual rights against public interests." The study uses purposive selection of authorities. Cases are selected because they materially contributed to the development or application of proportionality, reasonableness, liberty or punishment. The analysis also considers the institutional position of courts when reviewing legislative or executive choices. No questionnaire or interview has been used. The assignment guidelines encourage empirical research but do not require it where the research question is primarily doctrinal. Fabricated empirical findings would be inappropriate. The principal limitation is therefore that conclusions about practical effectiveness are derived from legal doctrine and judicial reasoning rather than original stakeholder data.

A. Research Hypothesis

The hypothesis of this research is that proportionality provides a more transparent and rights-sensitive framework for reviewing criminal-justice measures than an unstructured reasonableness inquiry, but its effectiveness depends upon the discipline with which courts apply each stage of the test. The comparative expectation is that the United Kingdom's explicit four-stage formulation provides useful analytical clarity, while India's constitutional framework supplies a stronger textual and transformative foundation for substantive rights review. Neither model, however, eliminates judicial discretion. The final balancing stage inevitably involves normative judgment, and the necessity stage can require courts to assess policy alternatives and evidence. The research therefore proceeds on a qualified hypothesis: India should strengthen proportionality through clearer reasoning, explicit identification of less restrictive alternatives, attention to empirical evidence, and safeguards against arbitrary enforcement, rather than simply importing UK terminology.

5. LITERATURE REVIEW

The modern literature treats proportionality as both a constitutional doctrine and a theory of justification. Aharon Barak describes proportionality as a structured method for determining when limitations on constitutional rights can be justified. Robert Alexy connects proportionality with the optimisation of constitutional principles, while scholars of UK public law have examined its relationship with rationality, reasonableness and judicial deference.’ Indian scholarship has traditionally discussed fundamental-rights review through Articles 14, 19 and 21, with later literature focusing on the Supreme Court's adoption of proportionality. The jurisprudence of *Modern Dental College* and *K.S. Puttaswamy* is especially important because it articulates proportionality as a structured inquiry rather than an abstract appeal to reasonableness. The unresolved issue is not whether proportionality exists, but how consistently it should operate across different rights and contexts. Scholarship also raises the concern that balancing may disguise judicial preference. This article addresses that gap by connecting the comparative public-law doctrine to criminal justice, where the cost of overbreadth is particularly serious. The literature therefore supports a structured approach but also warns that structure alone cannot solve questions of institutional legitimacy, evidence and democratic accountability. (Cambridge, 2012).

6. CONCEPTUAL FOUNDATIONS OF PROPORTIONALITY

Proportionality is often presented as a sequence of related questions. First, the State must identify a sufficiently important or legitimate objective. Second, the measure must be rationally connected to that objective. Third, the court asks whether a less restrictive measure could achieve the objective without unacceptable loss of effectiveness. Finally, the court balances the severity of the rights interference against the importance and contribution of the measure.”? The distinction between necessity and balancing is significant. A measure may be rationally connected to crime prevention but still fail because a less intrusive alternative is reasonably available. Conversely, a measure may survive necessity yet fail final balancing because its marginal public benefit is disproportionate to the rights burden.** The doctrine also embodies a culture of justification. Government must explain why a restriction is required, rather than merely asserting public interest. This is especially important where the State controls information about crime, security and enforcement.” At the same time, proportionality should not be mistaken for a guarantee of the least burdensome policy imaginable. Courts must recognise that legislatures possess institutional advantages in

assessing complex social risks. The constitutional task is therefore justification and review, not unrestricted judicial policy-making.

7. INDIA: CONSTITUTIONAL FRAMEWORK

Indian proportionality review rests upon the architecture of fundamental rights. Article 14 prohibits arbitrary state action and guarantees equality before the law. Article 19 protects specified freedoms subject to constitutionally permitted restrictions. Article 21 protects life and personal liberty and has been interpreted to require procedure that is fair, just and reasonable.’* The transformation of Article 21 through *Maneka Gandhi* made reasonableness central to restrictions on personal liberty. Later decisions increasingly connected Articles 14, 19 and 21 as mutually reinforcing guarantees. This constitutional development created fertile ground for proportionality because rights restrictions could be assessed against both purpose and intensity.’” The Supreme Court’s decision in *Modern Dental College* expressly described proportionality as a method for testing whether limitations on protected rights are constitutionally permissible. *K.S. Puttaswamy* further linked proportionality to privacy and state justification. Subsequent cases have refined the approach and, in some contexts, emphasised safeguards against abuse.’ For criminal justice, this framework means that legislative and executive measures cannot be insulated from constitutional scrutiny merely because they are connected with crime control. The State must demonstrate constitutional justification, particularly where restrictions substantially affect liberty or privacy.

8. INDIA: DEVELOPMENT OF THE DOCTRINE

Indian constitutional law did not begin with a fully articulated proportionality test. Early fundamental-rights cases often relied upon reasonableness, arbitrariness and the permissible-restrictions framework. The contemporary doctrine emerged through a gradual synthesis of these principles with comparative constitutional reasoning.” In *Modern Dental College*, the Supreme Court identified legitimate purpose, rational connection, necessity and balancing as components of proportionality. In *Puttaswamy*, the Court applied a structured proportionality inquiry to privacy, recognising that a restriction must pursue a legitimate state aim and satisfy requirements of legality, necessity and proportionality. The *Aadhaar* litigation subsequently demonstrated the practical importance of the test where large-scale state systems affect privacy and autonomy.” The doctrine has continued to develop. The Supreme Court has stressed that proportionality can operate not only against substantive rights restrictions but also in relation to procedural guarantees. In *MediaOne*, the Court described proportionality as

contributing to a culture of justification and held that reasonableness should inform procedural as well as substantive restrictions.”* The development is therefore significant, but not complete. A continuing challenge is ensuring that the same conceptual test is applied with sufficient sensitivity to differences among equality, speech, privacy, liberty and criminal procedure.

9. PROPORTIONALITY AND CRIMINAL JUSTICE IN INDIA

Criminal justice provides a demanding setting for proportionality because public protection and individual liberty are directly opposed. Arrest, detention, search, surveillance, restrictions on movement and punishment can all be justified by legitimate criminal-justice goals, but their legality depends upon statutory authority and constitutional limits.” India’s criminal-law framework has also changed. The Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023 came into force from 1 July 2024, replacing the principal colonial-era criminal codes, subject to statutory savings and notified exceptions. The constitutional standard of proportionality, however, continues to govern the exercise of public power under the new framework.” The Supreme Court’s sentencing jurisprudence reflects proportionality through the language of just deserts, aggravating and mitigating circumstances, and the requirement that punishment fit the offence and offender. Bachan Singh established a restrictive approach to capital punishment through the “rarest of rare” doctrine. *Mithu v State of Punjab* rejected mandatory death punishment, illustrating the constitutional objection to removing judicial consideration of individual circumstances in matters involving life and liberty. The public-law significance is broader than sentencing. A criminal measure can be disproportionate because it is over-inclusive, because safeguards are inadequate, or because the same objective can be achieved through less intrusive means. Proportionality should therefore be understood as a continuing discipline on coercive power, not merely a sentencing principle.

10. INDIA: CRITICAL EVALUATION

The principal strength of the Indian approach is its constitutional depth. Proportionality is connected to equality, freedom, dignity and personal liberty rather than being confined to a single statutory instrument. This permits courts to review the substance of restrictions and to demand reasons for state action.”* A significant weakness is variability in the intensity and articulation of review. Some judgments identify the four stages clearly; others use proportionality and reasonableness in overlapping ways. The necessity stage can become

particularly difficult when courts lack reliable evidence about alternative enforcement strategies. Final balancing may also be conclusory unless the judgment explains the relative weight assigned to the right and public objective. For criminal justice, these weaknesses matter because claims of security and public order can be rhetorically powerful. A rigorous proportionality judgment should identify the precise harm sought to be prevented, explain the evidence connecting the measure to that harm, identify less intrusive alternatives, and specify safeguards against arbitrary application. The better approach is therefore not to weaken proportionality because it involves judicial judgment, but to make the judgment more transparent. Reason-giving, evidentiary scrutiny and differentiated intensity of review can reduce the risk of both excessive deference and excessive intervention.

11. UNITED KINGDOM: CONSTITUTIONAL FRAMEWORK

The UK constitutional setting differs from India. The United Kingdom has no single codified constitutional document equivalent to the Constitution of India. Rights protection is distributed among common-law principles, legislation and constitutional statutes, most importantly the Human Rights Act 1998 in the field of Convention rights.” Section 6 of the Human Rights Act makes it unlawful for a public authority to act incompatibly with a Convention right, subject to the statutory exceptions. Courts are therefore required to consider Convention rights when reviewing executive action and, in the circumstances prescribed by the Act, legislation.” Section 3 requires legislation to be read and given effect compatibly with Convention rights so far as possible. Section 4 provides a declaration of incompatibility where primary legislation cannot be interpreted compatibly. This preserves an important distinction from the Indian model: UK courts generally do not invalidate primary legislation simply because it is incompatible with a Convention right. Proportionality has consequently become central to rights-based judicial review. It provides a structured method of assessing whether interference with rights such as privacy, family life, expression or property is justified. The UK model thus combines strong judicial scrutiny with institutional respect for Parliament.

12. UK PROPORTIONALITY IN JUDICIAL REVIEW

The UK proportionality framework is most clearly expressed in the four questions associated with *Bank Mellat v HM Treasury (No. 2)*. The court asks whether the objective is sufficiently important to justify limiting a protected right; whether the measure is rationally connected to that objective; whether a less intrusive measure could have been used; and whether a fair

balance has been struck.” This structure is valuable because it prevents the final balancing exercise from becoming the only stage of reasoning. The court must first identify the objective and causal relationship between means and ends. Necessity then forces attention to alternatives. Only after these inquiries does the court perform the overall balancing exercise.” The doctrine also interacts with traditional public-law standards. Proportionality is generally more structured than the classic Wednesbury irrationality test, particularly where Convention rights are engaged. Yet UK courts continue to recognise that the intensity of review may depend upon context, institutional competence and the nature of the right. For criminal justice, the approach offers a useful framework for examining measures that interfere with Article 5 liberty, Article 6 fair trial rights, Article 8 privacy and family life, and Article 10 expression, while maintaining the statutory architecture of the Human Rights Act.

13. UK: CRIMINAL JUSTICE AND PROPORTIONALITY

The criminal-justice application of proportionality in the UK is shaped by both domestic criminal law and Convention rights. Article 5 protects liberty and security, while Article 6 protects fair trial rights. Article 8 protects private and family life, subject to justified interference. Where state measures affect these rights, the government may need to demonstrate that interference is lawful, directed toward a legitimate objective, necessary and proportionate.” A useful feature of the UK framework is that proportionality often requires close attention to factual context. The same statutory power may be lawful in one setting and disproportionate in another depending on the severity of the interference and the evidence supporting its use. The UK model also illustrates the importance of institutional dialogue. A declaration of incompatibility under section 4 does not itself invalidate an Act of Parliament. This allows courts to identify rights incompatibility while leaving legislative correction primarily to Parliament. The lesson for criminal justice is that proportionality can operate without eliminating democratic responsibility. Courts can require justification and protect Convention rights while recognising that elected institutions may have superior access to policy information. The challenge is ensuring that deference does not become automatic where core liberty interests are at stake.

14. COMPARATIVE ANALYSIS: INDIA AND UK

India and the United Kingdom share the four-stage logic of proportionality but differ in constitutional source, remedy and institutional setting.^{o*} First, India possesses a written Constitution with directly enforceable fundamental rights. The UK relies heavily on the

Human Rights Act and common-law constitutional principles. Second, Indian courts can invalidate unconstitutional legislation, whereas the Human Rights Act preserves a stronger distinction between judicial interpretation and parliamentary legislation through sections 3 and 4.^{o*} Third, both systems recognise legitimate aim, rational connection, necessity and balancing. The Indian Supreme Court has expressly adopted this structure, while UK courts have developed it through Convention jurisprudence, especially *Bank Mellat*. Fourth, both systems face the problem of institutional competence. Courts must decide how deeply to examine legislative evidence without assuming responsibility for designing criminal policy. The most important comparative lesson is therefore methodological rather than textual. India need not copy the UK constitutional model. It can borrow the discipline of explicit proportionality reasoning while retaining the supremacy of the Indian Constitution. The comparison also suggests that proportionality is strongest when each stage performs a distinct function and when the judgment explains why the evidence satisfies or fails each stage.

15. COMPARATIVE LESSONS FOR CRIMINAL JUSTICE

The criminal-justice comparison reveals three practical lessons. First, rights restrictions should be linked to a precisely defined harm. General assertions of “public interest” or “crime prevention” should not automatically establish proportionality. Second, necessity should be evidence-sensitive. If less intrusive alternatives exist, the State should explain why they are ineffective or impracticable. Third, safeguards should be treated as part of proportionality rather than as an afterthought.^{**} India can particularly benefit from the UK’s explicit separation of stages. A court reviewing a surveillance, detention or procedural restriction could state separately: the legitimate aim; the rational connection; the available alternatives; and the ultimate balance. This would make appellate review easier and improve predictability. At the same time, India should retain its stronger constitutional emphasis on dignity, substantive equality and personal liberty. Criminal justice cannot be assessed only through administrative convenience. The constitutional status of the affected right should influence the intensity of review. The comparative approach therefore supports selective borrowing: adopt analytical clarity, not constitutional transplantation. Proportionality should remain anchored in Indian constitutional text, structure and precedent.

16. CASE ANALYSIS: MODERN DENTAL COLLEGE AND PUTTASWAMY

Modern Dental College is a foundational authority because the Supreme Court expressly formulated proportionality as a structured constitutional test. The Court treated

proportionality as requiring a legitimate purpose, a rational relationship between means and ends, necessity in the sense of a less restrictive alternative, and balancing. The judgment thereby moved constitutional review toward a more visible culture of justification.* Puttaswamy strengthened this approach in the context of privacy. Privacy was recognised as constitutionally protected and any restriction had to satisfy constitutional requirements of legality and justification. The later Aadhaar decision demonstrated the practical importance of proportionality when the State relies upon large-scale identification and data systems. These cases matter to criminal justice because modern policing increasingly involves digital information, biometric identification, communications data and surveillance. A legitimate interest in investigation does not automatically answer the proportionality question. Courts must consider the scope of collection, duration of retention, access controls, independent oversight and remedies for misuse. The combined lesson is that proportionality should examine the design of a coercive measure, not merely its stated purpose. In criminal justice, safeguards can be constitutionally significant because they reduce the risk that a facially legitimate power will be used arbitrarily or excessively.

17. CASE ANALYSIS: BANK MELLAT AND THE UK MODEL

Bank Mellat v HM Treasury (No. 2) provides the clearest modern statement of the UK four-stage proportionality inquiry. The Supreme Court separated the importance of the objective, rational connection, necessity and fair balance. The structure helps prevent a court from jumping directly to an intuitive conclusion about whether a restriction “feels” proportionate.*” The UK approach is particularly useful for comparative purposes because it demonstrates how proportionality can be integrated into ordinary judicial review without treating every case as a question of unrestricted judicial discretion. The court asks structured questions while remaining attentive to institutional competence and the quality of the evidence. For India, the most transferable feature is the transparency of the reasoning. A judgment reviewing a criminal-justice restriction should identify the exact public objective and explain the evidential link between the measure and that objective. It should then identify plausible alternatives and explain why they would not adequately achieve the purpose. Finally, the court should explain why the rights burden is justified by the measure’s contribution. This approach would make proportionality more predictable without making it mechanical. It also strengthens democratic accountability because the State is required to defend coercive choices with reasons capable of judicial and public scrutiny.

18. INSTITUTIONAL CONCERNS AND LIMITS

Proportionality is sometimes criticised because balancing allows judges to make value judgments that belong to elected institutions. This criticism cannot simply be dismissed. Decisions about policing, punishment, national security and public resources can involve predictive assessments for which courts may have limited institutional capacity.* However, abandoning proportionality would not remove value judgments; it would often conceal them behind broad standards such as reasonableness or public interest. The better response is disciplined justification. Courts should identify the evidence relied upon, distinguish constitutional requirements from policy preferences, and avoid designing detailed administrative schemes unless necessary to protect rights.** A second limitation is that proportionality may become excessively formulaic. Four headings do not guarantee good constitutional reasoning. If a court mechanically states that an objective is legitimate, a measure is connected, no alternative exists, and the balance is fair, the doctrine adds little. A third concern is unequal access to evidence. Government may possess information about crime rates, security threats and operational effectiveness that affected individuals cannot access. Courts should therefore be cautious but not passive: they can require disclosure, reasons, safeguards and review mechanisms where the rights burden is substantial. Proportionality works best as a culture of reasoned justification rather than a mathematical formula.

19. FINDINGS. RECOMMENDATIONS & CONCLUSION

Findings

The research finds that proportionality has become a central method of constitutional rights review in both India and the UK. The systems share a common analytical structure but operate within different constitutional arrangements. India provides stronger judicial power to invalidate unconstitutional legislation, while the UK Human Rights Act incorporates a dialogic model between courts and Parliament.” The study further finds that proportionality is particularly suitable for criminal justice because coercive measures frequently impose serious burdens on liberty and privacy. Yet its effectiveness depends on careful treatment of necessity, evidence and safeguards.**

Recommendations

For criminal justice, proportionality is indispensable because the State’s legitimate responsibility to prevent and punish crime can otherwise become a justification for excessive coercion. The doctrine does not require courts to prefer individual interests in every case. It

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The submitted source ends with an incomplete sentence in the conclusion: ‘The doctrine does not require courts to prefer individual interests in every case. It’. The author must restore the missing original text before submission.

BIBLIOGRAPHY

Primary Sources

1. Constitution of India 1950.
2. Human Rights Act 1998 (UK).
3. Bharatiya Nyaya Sanhita 2023 (Act 45 of 2023).
4. Bharatiya Nagarik Suraksha Sanhita 2023 (Act 46 of 2023).
5. Bharatiya Sakshya Adhiniyam 2023 (Act 47 of 2023).
6. Modern Dental College & Research Centre v State of Madhya Pradesh (2016) 7 SCC 353.
7. K S Puttaswamy (Retd) v Union of India (2017) 10 SCC 1.
8. K S Puttaswamy (Aadhaar) v Union of India (2019) 1 SCC 1.
9. Maneka Gandhi v Union of India (1978) 1 SCC 248.
10. Bachan Singh v State of Punjab (1980) 2 SCC 684.
11. Mithu v State of Punjab (1983) 2 SCC 277.
12. Gujarat Mazdoor Sabha v State of Gujarat (2020) 10 SCC 459.
13. Madhyamam Broadcasting Ltd v Union of India 2023 SCC OnLine SC 366.
14. Union of India v Association for Democratic Reforms (2024) 5 SCC 183.
15. Bank Mellat v HM Treasury (No 2) [2013] UKSC 39, [2014] AC 700.
16. R (Daly) v Secretary of State for the Home Department [2001] UKHL 26, [2001] 2 AC 532.
17. Huang v Secretary of State for the Home Department [2007] UKHL 11, [2007] 2 AC 167.

Secondary Sources

18. Aharon Barak, Proportionality: Constitutional Rights and Their Limitations (Cambridge University Press 2012).
19. Robert Alexy, A Theory of Constitutional Rights (Julian Rivers tr, Oxford University Press 2002).
20. Paul Craig, Administrative Law (9th edn, Sweet & Maxwell 2021).
21. MP Jain, Indian Constitutional Law (8th edn, LexisNexis 2018).
22. HWR Wade and CF Forsyth, Administrative Law (11th edn, Oxford University Press 2014).
23. Indian Law Institute, Citation Style (Indian Law Institute, New Delhi).