Judicial Review over Quasi-Judicial Functions

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Abstract

The judicial review and control of the administrative action provide a fundamental safeguard against abuse of power and discretion. There are two main headings, grounds for review and methods of review. the grounds for review under three main factors; Jurisdictional matters, Error of law on the face of record and the rules of natural justice. The Supreme Court shall have power to issue directions in the nature of habeas Corpus, Mandamus, Prohibition, Quo warranto and Certirari appropriate to the rights granted.

Introduction

Under various systems of administrative bodies and tribunals derive their power and authority form law and their actions are subject to the control and review of the Law Courts. Especially the Supreme Court and High Courts which they possess wide supervisory jurisdiction over the inferior courts and administrative bodies. The doctrine of judicial review of administrative action is incorporated in the various constitutional provisions. The judicial review and control of the administrative action provide a fundamental safeguard against abuse of power and discretion.

Where an appeal lies to the court from the decisions of administrative bodies, the courts can declare invalid or can quash the decisions if they are *ultra vires*.

There are cases where an appeal lies to a court from the decisions of administrative bodies. For example, an appeal lies to the court against the decision of the income tax commission requiring to be quashed the order of highly raised taxes.

In that case it have to consider for two main headings, “grounds for review” and “methods of review”. By “grounds for review” is means the

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defects which must be shown to be present in the decision if the court is to be able to intervene and by "methods of review" is means the procedure by which decisions can reviewed and the orders available to the court and it consider the orders of *certiorari*, *prohibit*ion, *mandamus*, the declaration and the injunction.

The Grounds for Review

Judicial review is radically different from a system of appeals. Review is not based on the merits but on the legality of the lower authority's proceedings. The root of the matter is jurisdiction or *intra vires* and no appeal from it is provided by statute, then it is immune from control by a court of law. But if it exceeds or abuses its powers, or that it is acting *ultra vires*, then a court of law can quash its direction by declaring it to be legally invalid.[2]

Therefore, it can be seen that the grounds for review under three main factors; they are:

(1) Jurisdictional matters
(2) Error of law on the face of record and
(3) The rules of natural justice.

Jurisdictional Matters

Jurisdiction means authority to decide and it may say a body as having authority or jurisdiction to decide a matter. Acting *ultra vires* and acting without jurisdiction have essentially the same meaning.

The jurisdiction of a public body over a matter may depend on the existence of certain facts. The non-existence of such facts may deprive that body of its jurisdiction.

There are three kinds of jurisdictional matters such as:

(a) Excess of Jurisdiction
(b) Lack of Jurisdiction and
(c) Refusal to exercise Jurisdiction.

(a) In some cases the court decide that a particular question is primarily one for the tribunal but that, if there is no evidence on which the tribunal can base its decision, that decision is an excess of jurisdiction.
(b) There is lack of jurisdiction, it the administrative body is improperly constituted, or if it has no power to adjudicate in respect of the

[2] . H.W.R. Wade, Administrative Law, 1961, p-43.

parties or the subject matter before it, there is a want of jurisdiction and it means lack of jurisdiction.

(c) Refusal or denial of jurisdiction will also lies under the control of the courts.

Error of Law on the Face of Record

Where upon the face of record it appears that the determination of the inferior tribunal is wrong in law certiorari will be granted. The leading case of R. V Northumber Land Compensation Appeal.[3]

Tribunal, Ex.parte Shaw decided that this rule extend to bodies which are not courts of record.

A record will always include the document in which the determination is recorded. Lord Denning has stated in Ex.parte Shaw. "It embraces all those documents which appear from the formal order of decision to be the basis of decision, and including the document which initiates the proceedings and the pleadings if any, and the adjudication, but not the evidence nor the reasons, unless the tribunal chooses to incorporate them".[4]

Where the decision refers to[5] or contains extracts of other documents the whole of those documents will be regarded as incorporated in the record. Whenever a body having made a decision which can be questioned by certiorari chooses to disclose the reasons, and however informal the document embodying the reasons, the decision with the reasons becomes a 'speaking order' and it liable to be quashed for error of law.

A simple example of review on the ground of error of law on the face is R. V Minister of Housing and Local Government, Ex P. Chichester R.D C.[6]. X, having been refused planning permission served a purchase notice on the council. The minister could confirm the notice only it satisfied that the land had become "incapable of reasonably beneficial use in its existing state". In confirming the notice the minister gave as his reason that, the land was "substantially less useful" to X, then it would have been with planning permission. The minister was held to have applied the wrong test

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[3]. 1952, 1 QB 338.
[4]. (1952), All E.R. p-130.
[5]. R. V. Patents Appeal Tribunal, Exp. Swife & Co (1962), All E.R, 610.
[6]. (1960) 2 All E.R. p-407.

in coming to his decision which was quashed by an order of certiorari on the basis of that error of law.

The Rules of Natural Justice

The third ground for judicial review is 'Natural Justice or Fairness'. It is an important concept in administrative or executive which is the name given to certain fundamental rules which are so necessary to the proper exercise of power that they are projected from the judicial to the administrative sphere.

The rules of natural justice consist of two rules such as:-

(1) The rule against bias and

(2) The right to a hearing.

The first requirement of natural justice is the rule against bias. There are three types of possible bias, such as:-

(i) Bias on the subject-matter,

(ii) A pecuniary interest, and

(iii) Personal bias.

(i) Bias on the subject-matter

Only rarely will this bias invalidate proceeding. It was said Rield, J "A mare general interest in the general object to be pursued would not disqualified" in the case of the Queen vs. Justice of Deai.[7] In that case a magistrate who subscribed to the Royal Society for the Prevention of cruelty to Animals was not thereby disabled from trying a change brought by that body of cruelty to a horse. The principle is that there must be some connection with the litigation.

(ii) Pecuniary interest

Pecuniary interest, however slight, will disqualified, even though is not proved that the decision is in any way affected.

The classic example from the regular courts of law of England is that of Lord Chancellor Cottenham in 1852, who is a chancery suit had made a number of decrees in favour of a canal company in which he was a shareholder to the extent of several thousand pound. His decrees were set aside by the House of Lords on accounts of his shares; in fact it was clearly not affected at all.

[7]. (1881) 45 L.T, p-439.

(iii) Personal bias

The third type of bias is personal bias. A judge may be a relative, friend or business, associate of a party or may be personally hostile as a result of happening either before or during the course of a trial. This principle is based on the Maxim:-*Nemo judex in causa swa* which meas:- "no man shall be the judge in his own cause".

The other fundamental rule of natural justice is the right to a hearing. The basic principle is that a man has a right to be heard (*audi alteram partem*). It means that a person affected by a decision has a right to be heard.

According to this rule, "both sides should be heard".

A party is entitled to notice of the hearing, since the reason of the rule is that the party shall have an adequate opportunity of rebutting the case against him it might be that this notice ought to inform the party of the case which he has to meet. Besides being entitled to be informed of all evidence, a party is entitled to rebut that evidence.

This rule embraces the whole notion of fair procedure, or due process and is of almost universal validity as an ancient rule.

It is a settled rule in Myanmar that a right to a hearing must be given to the parties in any judicial or quasi-judicial acts.

In the case of U Pit vs. Thegon Village Agricultural Committee and two others[8], it was held that Village Agricultural Committee constituted under the Tenancy Disposal Act, 1948, are quasi-judicial bodies amendable to the jurisdiction of the Supreme Court in the exercise of its powers to issue directions in the nature of certiorari. These Committees must act according to the rules of natural justice which require interested that-

(1) a person cannot be judge of his own act or cannot judge a matter in which he is interested,

(2) the judge must act in good faith and given an opportunity to parties of being heard and stating their own case and view point. If any of these rules and principles are violated by the Committees the Supreme Court will quash the proceedings by issue of directions in the nature of certiorari.

Violation of Natural Justice is to be classified as one of the wrong procedure or abuse of power.

[8] . (1948) B.L.R (S.C) p-759.

The Judicial Power of the Administration

The movement of progressive society nowadays bounds to many disputes. The increase in government responsibility for an activity, social and economic matters has necessarily led to an increased by the same factors has been the use of 'tribunals' to settle administrative disputes.

A dispute may arise between a tax payer and the tax collector. Again, there may be a dispute between employer and employee. It is necessary that an industrial dispute between the workers and the management should be settled as early as possible for the advantage of the employees and the employers as well as that of industry.

If the dispute is taken to a court of law, it may mean delay, heavy expenses, uncertainly that is inherent in a litigation, and a legalistic formalism. Heavy expenses and cost of litigation will affect the aggrieved party. Besides, justice delayed would amount to justice denied.

The necessities of the situation warranty enforcement of new duties in the wake of amounting state activity and satisfaction of the demands of justice and prevention of principles of natural justice and fair play had let to the creation of administrative tribunals. It is a exult of compromise between judiciary and executive. It is an administrative body set up solely with the idea of discharging quasi-judicial duties. It is intended to act judicially inspired by judicial considerations, that is they are quasi-judicial.

Quasi-judicial function and judicial function

Quasi-judicial function, defined by S.A de Smith, is a "judicial-type procedure" whereas the decision is done by discretionary power of the executive.

Therefore when a body other than a court decides a dispute and it is required to follow the elements of judicial procedure and the rules of fair play and natural justice, the question is quasi-judicial.

The Report of the Committee on Ministers' Power (1932) distinguished the quasi-judicial act from judicial act which states-

A true judicial decision presupposed an existing dispute between two or more parties, and then involves four requisites:-

(1) The presentation (not necessarily orally) of their case by the parties to the dispute;

(2) If the dispute between them is a question of fact, the ascertainment of the fact by means of evidence adduced by the parties to the dispute and often with the assistance of argument by or on behalf of the parties on the evidence;

(3) If the dispute between them is a question of law, the submission of legal argument by the parties; and
(4) A decision, which disposes of the whole matter by a finding upon the facts in dispute and an application of the law of the land to facts, so found, including where required a ruling upon any disputed question of law.

A quasi-judicial decision equally presupposes an existing dispute between two or more parties and involves (1) and (2) but does not necessarily involve (3) and never involves (4). The place of (4) is in fact taken by administrative action, the character of which is determined by the Minister's free choice, in decision which are purely administrative stand on a wholly different footing from quasi-judicial as well as from judicial decisions and must be distinguished accordingly, in the case of the administrative decision, there is no legal obligation upon the person charged which the duty of reaching the decision to consider and weigh submissions and arguments, or to collate any evidence, or to solve any issue. The grounds upon which he acts, and the means, which he takes to inform himself before acting, are left entirely to his discretion.

Judicial decisions should according to the Report, be made by the courts in the absence of "exceptional reasons" while quasi-judicial and a certiorari administrative decisions should be made by Ministers of the Crown.

In the opinion of the Committee, the essential distinction between as judicial and a quasi-judicial function is that in the former there is never an element of discretion, whereas there is invariably statutory permission to exercise discretion in the performance of a quasi-judicial function. Both these are to be distinguished from an administrative decision in that the exercise of judicial and quasi-judicial functions" presupposes the existence of a dispute and parties to the dispute".

A quasi-judicial decision can be reviewed by a court of law and if that is ultra or in excess of the legal powers of the tribunal can be quashed on a writ of certiorari and if necessary a write of prohibition. These writs can be issued only against bodies exercising judicial or quasi-judicial functions. Purely administrative function cannot be remedied by the writ.

Jurisdiction of Writ

In Myanmar, her regained independent in 1948, after that from 1948 to 1972, it has been used of the writs. But, it has not been used between 1974 and 2010. Under the Constitution of the Republic of the Union of

Myanmar, 2008, the Supreme Court of the Union shall have power to issue directions in the nature of ***Habeas Corpus, mandamus, prohibition, quo warranto*** and ***certiorari*** appropriate to the rights guaranteed.[9]

The Supreme Court of the Union has the power to issue the following writs:

(i) Writ of Habeas Corpus;
(ii) Writ of Mandamus;
(iii) Writ of Prohibition;
(iv) Writ of Quo Warranto;
(v) Writ of Certiorari.[10]

The applications to issue writs shall be suspended in the areas where the State of emergency is declared.[11]

Methods of Review

A review may take place incidentally in a course of prosecution for an offence under a statutory regulation, showing that the regulation is *ultra-vires*. Apart from review in the course of ordinary litigation, there are several means of directly invoking the jurisdiction of the courts to check excess or abuse of powers.

In English Common Law, the principle machinery of review over quasi-judicial functions was provided by prerogative writs:- certiorari, prohibition and mandamus. These prerogative writs are the derived from the special power of the Crown and they are primarily concerned with the Crown. Writ of *habeas corpus* also issued on the application of subjects from earliest times.

These prerogative writs have now been replaced by judicial orders obtained by application to the High Court or superior of court of a country. In Myanmar it was laid in section 25 (2) of the former Constitution of the

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[9] . Section 25 (2) of the Constitution of the Union of Myanmar (1947).
Section 4 of the Union Judiciary Act, 1948.

[10] . Sections 18 (a) and 296 (a) of the Constitution of the Republic of the Union of Myanmar (2008).
Section 16 (a) of the Union Judicial Law, 2010.

[11] . Section 296 (b) of the Constitution of the Republic of the Union of Myanmar (2008).

Union of Myanmar and section 378(a) of the present Constitution of the Republic of the Union of Myanmar that:-

"Without prejudice to the powers that may be vested in this behalf in other Courts, the Supreme Court shall have power to issue directions in the nature of *Habeas Corpus, Mandamus, Prohibition, Quo warranto* and *Certiorari* appropriate to the rights granted in this Chapter."

Therefore it can see that the power to issue prerogative writs was given to the Supreme Court of Myanmar.

Writ of *Certiorari*

The writ of *certiorari* is issued against a subordinate court, a tribunal, or an administrative body performing quasi-judicial functions in exercise of a supervisory jurisdiction. It is issued whenever a tribunal acts without jurisdiction or patently in excess of jurisdiction, or for an error on the face of the record and its proceeding in a manner contrary to the rules of natural justice.

The object of a writ *certiorari* is to bring up the records of an inferior court, an administrative tribunal, or other administrative body discharging some quasi-judicial function for examination before a superior court so that it may be certified if the latter works and acts within its jurisdiction and does not exceed the limits of jurisdiction fixed by law. Then the writ is issued to correct, quash or remove the acts and effects of the acts of the inferior court or tribunal when the acts are judicial or quasi-judicial as distinguished from ministerial or administrative.

It is not issued against anybody if the functions performed by it are ministerial and administrative.

The power of obtaining an order of certiorari is not limited to judicial acts or orders in strict sense, but, it extends to the acts and orders of a competent authority which has power to impose a liability or to give a decision which determines the rights or property of the affected parties.

The classic definition of the scope of these orders is that of Atkin, L.J in R. V. Electricity Commissioners,[12] when he said that they lie, "wherever anybody of persons having legal authority to determine questions affecting the rights of subjects, and having the duty to act judicially, act in excess of their legal authority, they are subject to the controlling jurisdiction of the King's Bench Division.

[12] . 1942 1 KB, p-171.

In Myanmar, the definition of the writ of *certiorari* is that of C.J. Ba U, in U Htwe (alia) A.E. Madari V. U Tun Ohn and one,[13] that "The writ of certiorari is a writ issued by superior Court in the exercise of its superintending power over inferior jurisdiction and it requires judges or officers of such jurisdiction to certify or send proceeding before them to the superior Court for the purpose of examination as to their legality or giving more satisfactory effect to them."

In respect of the scope of the writs it is said in the same case:-

In Myanmar a person or a body of persons may exercise limited powers of judicial nature even though such person or body of persons is not a judge or a Court. When a person or a body of persons having legal authority to determine questions affecting the rights of subjects having the duty to act according to law and act in excess of his or their legal authority, those writs will be issued.

Therefore it is clear that those writs including writ of *certiorari* can exercise over administrative bodies exercising judicial power.

Illustrations

(1) R.V Hendon R.D.C Exp. Chorley.[14]

Certiorari was granted to quash a planning decision of a local authority on the ground of *bias*.

(2) R.V. Boycott, Exp. Keasley.[15]

A certificate by a doctor acting for a local authority that a boy was in educable through mental illness was quashed, as the question should have been referred to the Board of Education for decision.

(3) U Pit Vs. Thegon Village Agriculture Committee and 2 others.[16]

It was held that village agriculture committees are quasi-judicial bodies amenable to the jurisdiction of the Supreme Court in the exercise of its powers to issue directions in the nature of *certiorari*.

(4) T.H.Chan and one v. The Assistant Rent Controller, Rangoon and one.[17]

Where a tenant in occupation of premises allowed a doctor to make use of the major portion of the ground floor of the premises and the

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[13] . 1948, M.L.R (S.C) p-541.
[14] . (1933) 2 KB, p-696.
[15] . (1939) 2 ALLER, p-626.
[16] . (1948) M.L.R (S.C) p-759.
[17] . (1962) M.L.R (C.C) p-312.

Assistant Rent Controller of Rent ordered the prosecution of the tenant and ejectment of the doctor.

It was held that section 21 (4) of the Urban Rent Control Act can have no application whatsoever to the case and the order of the Assistant Controller of Rents for prosecution and ejectment is wrong.

Award: Therefore, the order of the Assistant Rent Controller for the prosecution of T.H.Chan and for the ejectment of Dr. Tan Setti is wrong. This order will, therefore, be set aside with costs.

(5) Vijay Kumar M. Desai and one v. The Rent Controller and one.[18]

Where the Applicant had supplied for a writ of *certiorari* to quash the Rent Controller's order allotting the premises to the Respondent on the ground that the room was not really vacant.

It was held that, it is apparent that the question whether or not the room in question was vacant should have been the subject of a thorough enquiry on the part of the Rent Controller before allotting the same to the Respondent.

Nothing but a cursory enquiry had been made by the Assistant Rent Controller before he came to the conclusion that the disputed room was vacant.

Accordingly the order is a "Speaking order" and must be quashed.

Award: For these reasons the application for writ of *certiorari* is dismissed with no order as to costs.

(6) Daw Hnin Zi v. Mr.T. Ahmed and four others.[19]

It was held that, in order to constitute a quasi-judicial order, the authority concerned must be determining question affecting rights of subjects, and it must also be under a duty to act judicially.

No question of any right that soever is involved in an application for the allotment of a vacant room under section 21 (4) of the Urban Rent Control Act, 1960.

Award: For these reasons apart from the merits of the case, the application for a writ of *certiorari* does not lie. It is accordingly dismissed with no order as to costs.

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[18] . (1963) M.L.R (C.C) p-950.
[19] . (1964) M.L.R (C.C) p-324.

Writ of *Prohibition*

"A writ of *prohibition* is a judicial writ or process issued out of a Court of superior jurisdiction and directed to an inferior Court for the purpose of preventing the inferior Court from usurping a jurisdiction with which it is not legally invested, or to *compell* Courts entrusted with judicial duties to keep within limits of their jurisdiction."[20]

A writ of *prohibition* is issued when a judicial, or quasi-judicial tribunals, or authority exceeds its jurisdiction or tries to exercise jurisdiction not vested in it.

Prohibition has mush in common with certiorari. Certiorari quashes a decision which has been made, *prohibition* lies to prevent or prohibit a body from acting. Sometimes the two orders overlap in one action the application may seek to quash an order and to prevent some further excess.

Writ of *prohibition* lies to prevent a body acting without jurisdiction or contrary to the rules of natural justice. When considering the cases, it is important to note not only the nature of the act but also the defect which caused the order to be made.

Illustrations

(a) In R. V. Electricity Commissioners[21] had statutory power to make a scheme for the setting up of a joint electricity authority. A proposed scheme was *ultra vires* the commissioners and *prohibition* issued to prevent its implementation.

(b) R. V Minister of Health[22] a property owner successfully applied for prohibition to prevent the Minister proceeding to consider the scheme with a view to confirmation.

Writ of *Mandamus*

The prerogative remedy of *mandamus* is the most generally useful weapon for compelling performance of public duties.

A writ of *mandamus* is in the form command directed to an inferior court, a tribunal, an administrative authority, or other body to carry out a public duty imposed upon them either by statute or common law. It compels an authority to do his duty, exercise his powers, jurisdiction etc, in accordance with the mandate of law.

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[20] . Short and Mellor, Order and the Practice of the Crown Office. 2nd Edition, p-252.
[21] . (1924) 1 KB, p-121.
[22] . (1929) 1 KB, p-19.

It may require an officer to withdraw his order when it is passed without jurisdiction and affects the rights of the petitioner. The purpose of the writ is to enforce any specific legal right which is infringed by non-performance of his duty by an officer or any other authority in cases where no specific legal remedy is provided by law. The idea behind it is to ensure the observance of law, and performance of duties by the authorities.

Mandamus is issued when a petitioner satisfies the following points.

(i) That he has a legal right.

(ii) That has already demanded the performance but the authority refused to act and

(iii) That, there is no effective alternative remedy.

A legal right of the petitioner alone creates a legal duty which a public authority may be required to perform. Therefore existence of a legal right must be shown.

A writ of mandamus is not a curative or preventive remedy, but it is a purely discretion any remedy.

Mandamus may also be used by one public authority against another. The Borough Council of Poplar in London on one occasion refused to pay their statutory contributions to the London County Council for rates. The London County Council obtained a *mandamus* ordering the proper, payments to be made and, moreover, when the payments were not forthcoming they obtained writs of attachment for imprisonment of the members of Poplar Council who had disobeyed the *mandamus*.

The scope of writ of *mandamus* is so wide that it may issue to *compell* such bodies as railway and dock companies to carry out duties imposed on them by statute to *compell* the levying of a rate by a local authority, to *compell* the payment of statutory compensation, to *compell* the production of public documents, to *compell* a returning officer or a local authority to hold an election correctly, to *compell* the allowance of an item in an assessment for income tax and to *compell* the payment of a sum due to the tax payer.[23]

Writ of *Habeas Corpus*

The writ of habeas corpus, (*habeas corpus and subjeeiendum*) is a "great and efficacious" prerogative writ. It commands a jailor or any other person detaining another individual to produce the prisoner or *detenu* in

[23] . H.W.R. Wade, "Administrative Law", 1961, p-122.

court and with the return of the rule nisi to submit "the day and cause" of his imprisonment or detention.

The Court after looking into the return finds out if the detention is in accordance with the procedure established by law and on legal grounds. If not so made the Court orders release of the prisoner or the *detenu* immediately. The detention may be illegal, for reason of non compliance with the provision of any law, namely, without informing the prisoner the grounds for which detention is made, or giving no chance to the *detenu* to defend himself against the allegation made out.

It may be illegal if the detention is continued for more than twenty four hours without producing the *detenu* before a magistrate. The Court decides whether the detention is according to the procedure established by law, or not.

The writ of *habeas corpus* is a writ of right and not a writ of course.

The legality of any restriction of movement imposed on an individual can be challenged by the writ of *habeas corpus*. By it an alien may challenge the validity of a deportation order, or illegal military detention may be prevented. Any error disclosed on the return to the writ which the custodian is required to make, is a ground for habeas corpus. Proceeding for habeas corpus take precedence over all other court business.[24] It can be refused when an alternate remedy exists, or on the ground that there has been delay on the part of the petitioner in applying.

In the case of "Ma Mar Mar V. P.S.O., Ahlone, and others"[25], applicant applied under section 6 of the Union Judiciary Act for special leave to appeal from an order of the High Court under section 491 of the Criminal Procedure Code.

It was held that there is an effective remedy in section 25 of the Constitution whereby the Supreme Court could issue directions in the nature of habeas corpus. Section 6 of the Union Judiciary Act, provides for cases which do not come within the purview of section 5. It is a residuary provision enacted with the sole intention that no subject of the Union shall go without redress from the Supreme Court if he has a genuine grievance: but where there is an effective remedy provided in section 25 of the Constitution for issue of directions in the nature of *habeas corpus*, the application for special leave will be refused.

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[24] . Griffith and Street, "Principles of Administrative Law", Third Edition, p-251.

[25] . 1948, M.L.R (S.C) p-124.

The provision in section 25 of the Constitution is only an application of the English Common Law practice in Eshugbayi Eleko v. Officer administering the Government of Nigeria and another.[26]

On Appeal from the High Court

Award: The application is dismissed.

Writ of *Quo Warranto*

A writ of *quo warranto* is issued on an information filed in a Court with a view to try the title to an office, liberty, or privilege.

The office to which claim is examined must be public office. It examine the claim which a person asserts to an office, and if the claim is not well founded it can oust the pretender from the official position.

It is not issued as a matter of right. It is discretionary relief which can be asked for only by a person who has suffered a personal injury.[27]

Conclusion

The Judicial review and control of the administrative action provide a fundamental safeguard against abuse of power and discretion. Where an appeal lies to the court from the decisions of administrative bodies, the courts can declare invalid or can quash the decisions if they are *ultra vires*. There are two main headings; grounds for review and methods of review. The grounds for review are three main factors, (1) jurisdictional matters, (2) Error of law on the face of record and (3) The rules of natural justice. Without prejudice to the powers that may be vested in this behalf in other Courts, the Supreme Court shall have power to issue directions in the nature of *Habeas Corpus, Mandamus, Prohibition, Quo warranto* and *Certioirari* appropriate to the rights granted. So, it can see that the power to issue prerogative writs was given to the Supreme Court of Myanmar. It will know that purely administrative functions cannot be remedied by the writ.

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[26] . (1928) A.C. p-459.

[27] . Mangal Chandra Jain Kagzi, "The Indian Administrative Law", p-155.

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