
ADMINISTRATIVE LAW

Outcome :-

This paper enables the students to realize the inevitable necessity of Administrative Law and to know about the growing socio-economic functions, powers, duties and liabilities of the administrative authorities and also the external constraints upon them. It makes students aware of the need of administrative rule making, its enforcement, administrative adjudication and judicial review.

Module -1

Introduction to Administrative Law : - Definition and scope of administrative law – Causes for the growth of Administrative Law with special reference to India. Difference between Constitutional Law and Administrative Law. Droit Administratif (French Administrative Law) Concept of Rule of Law – Evaluation of Dicey's Theory. Doctrine of separation of powers - Anatomy of Administrative Actions : Quasi legislative Action – Quasi judicial Action – Administrative Action – Ministerial Actions – Administrative Instructions: - Administrative Discretion – Judicial behavior and administrative discretion in India.

Module -2

Rule-Making Power of the Administration (Quasi-legislative action) – Reasons for the growth of Administrative rule making action - Delegated



Legislation. Classification of Administrative Rule making power or Delegated Legislation. Constitutionality of Administrative Rule making action or Delegated Legislation. – Control Mechanism of Administrative Rule making action or Delegated Legislation in India - Legislative Control – Procedural Control – Judicial Control – Adjudicator Power of the Administration - Need for Administrative Adjudication. – Court of Law and Administrative Agency, exercising adjudicatory powers. – Problems of Administrative Adjudication. – Needs of Administrative decision making – Statutory Tribunals. – Domestic Tribunals. – Practices and Procedure of Administrative Adjudication – Rule against Bias. – Audi Alteram partem or the Rule of Fair Hearing. – Reasoned Decisions. – Post-decisional Hearing – Exception to the rules of natural justice.

Module – 3

Administrative discretion -scope and purpose-Judicial Review of Administrative Action –Principles – Remedies against Administrative Action – Public Law Review (Constitutional Remedies) – Jurisdiction of the Supreme Court under Art. 32 and 136. – Jurisdiction of the High Courts under Art. 226 and 227. – Against whom writ can be issued. – Locus standi to challenge Administrative Action. – Laches or unreasonable delay. – Alternative remedy, Res – judicata – Finality of Administrative Action – (B) Judicial Review of Administrative Action –Modes – Remedies against Administrative Action – Public Law Review (Constitutional Remedies) – Writ of Certiorari – Writ of Prohibition – Writ of Mandamus – Writ of Quo-warranto – Writ of Habeas-corpus Private Law Review (Statutory Remedies) – Injunction – Declaration – Suit for damages – Administrative action for the enforcement of Public Duties – Public Interest Litigation or Social Action Litigation: - Nature and Purpose – Locus Standi – Procedure; Complexities and Problems. – Class Actions.

Module – 4

Liability of the Administration: - Liability of the Administration in Contract-Constitutional Provisions and the Development of the concept of liability. Liability of the administration in Tort. – Privileges and immunities of the Administration in suits. – Privilege of Notice – Privilege to withhold documents. – Immunity from Estoppel. Promissory Estoppel – Change of Policy decision of the Government – Statutory and Non-Statutory Public undertakings: - Relative Merits and Demerits of various organizational forms of Public enterprises. – Statutory Public Corporations- Control devices. – Government Companies.



Module – 5

Citizen and the Administrative Faults: - Ombudsman-Development in U.K., U.S.A. and in India. – Central Vigilance Commission.- Lokpal and Lokayuktha in India – Constitutional Protection of Civil Servants and the Administrative Service Tribunals: - ServiceRules- Doctrine of Pleasure. – Constitutional Safeguards to Civil Servants – Procedural Safeguards. – Administrative Service Tribunals. – Relevant provisions of AdministrativeTribunals Act, 1985.

Prescribed Readings:

1. H.W.R. Wade, Administrative Law. : (Clarendon Press-Oxford)
2. Jain & Jain, Principles of Administrative Law: (N.M. Tripathi)
3. Cases and Materials Administrative Law. : Indian Law Institute
4. Dr.A.T. Markose, Judicial Control of Administrative Action in India. :
5. I.P. Massey, Administrative Law : (Eastern Book Company)
6. Dr.N.K. Jayakumar, Administrative Law. :
7. Constitution of India Relevant Chapters :
8. Halsbury's Laws of England (IV Ed. Re-issue Vol. 1 pp. 1-376)
9. Thakwani C.K. Administrative Law :
- 10.S.P.Sathe, Administrative Law :
- 11.J.F. Garner and B.L. Jones, Garner's Administrative Law : (Butterworths 1985) 49
- 12.Tapash Gan Choudhary, Penumbra of Natural Justice : (Eastern Law House 1997)
- 13.Steven J. Cann Administrative Law : (Sage publications 1995)
- 14.Schwartz, Administrative Law : (Little Brown and Company 1991)
- 15.S.H. Bailey., R.L. Jones and A.R.Mowbrav: Cases and Materials on Administrative Law : (Sweet and Maxwell 1992)
- 16.Neil Hawke: An introduction to Administrative Law : (ESC publishing, Ltd.1993)
- 17.Peter Cane, An Introduction to Administrative Law : (Clarendon Press Oxford 1987)
- 18.Genevra Richardson and Hazel Genn: Administrative Law and Government Action : (Clarendon Press Oxford 1994)
- 19.Craig P.P, Administrative Law (1999)

