SUBJECT : ADMINISTRATIVE LAW
SUBJECT CODE : H3KA

Objectives :

Today we are living in a 'administrative age' where there is rising tendency to transfer more and more powers to executive which include quasi-judicial as well as quasi-legislative which has become inevitable in modern democratic state. Therefore, there has been a tremendous increase in powers and functions of the administrative authorities and the obvious result is full of danger of its degeneration and unwanted encroachment on human rights and liberties. Hence, there requires adequate control, safeguard through procedural fairness, judicial review and remedies to those affected by the administration. This syllabus has been prescribed with these objectives.

UNIT – I : Introduction to Administrative Law

1. Definition, Nature, Scope - Origin and Development in U.K., U.S.A., France and India -Sources -Administrative Law and Constitutional Law
2. Rule of Law Concept, Evaluation of Dicey's concept of Rule of Law, Modern
   conception of Rule of Law, Rule of Law in U.K., U.S.A. and India, Rule of Law vis-à-vis Administrative Law
3. Doctrine of Separation of Powers – Meaning, Origin, Montesquieu's Doctrine
   of Separation of Powers, System of checks and balances, position in U.K., U.S.A., and India-
4. Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and
   India
5. Classification of Administrative Action
   a. Nature of Powers–Executive, Legislative and Judicial
   b. Legislative function–Quasi Legislative functions – Administrative Directions.
   c. Judicial function – Quasi Judicial functions – Tribunals
      and Administrative Justice
   d. Executive function – Ministerial functions and discretionary functions.

UNIT – II : Delegated Legislation

Meaning, Nature, Origin, Development and causes of growth of delegated legislation, Types of Delegated Legislation and Constitutionality of Delegated Legislation-Delegated Legislation and Conditional Legislation, Sub-Delegation-Restraints on Delegation of Legislative Power, Doctrine of Excessive Delegation- Control over Delegated Legislation – Judicial, Procedural and Legislative Control-Administrative directions and Delegated Legislation

UNIT – III : Procedural Fairness and Judicial Review

A. Principles of Natural Justice

Concept, Parameters and application of the Principles of Natural Justice-Rule against Bias-Audi Alteram Partem or the Rule of Fair Hearing – Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing-Reasoned Decisions-Exceptions to the Rule of Natural Justice-Effects of Breach of Natural Justice

B. Administrative Process and Judicial Review

1) Meaning and need for Judicial Review
2) Scope of Judicial Review
   Jurisdiction of the Supreme Court -Writ Jurisdiction-Appeal by Special Leave (Art. 136)-Scope and Object of Article 136-Jurisdiction of the High Court

3) Judicial Review of Administrative Action through Writs-
   Scope of the Writ Jurisdiction -Against whom the Writ lies-Territorial extent of Writ Jurisdiction -Relief against an Interim Order – Interim Relief [Art. 226(3)]-*Locus-standi*-Kinds of Writ -Grounds for issue of Writs
4) Principles for the Exercise of Writ Jurisdiction
   Alternative Remedy-Laches or Dela-*Res Judicata*
5) Public Interest Litigation and *Locus-Standi*
6) Doctrine of Legitimate Expectation and Doctrine of Proportionality

C. Statutory Remedies

a) Injunction- Declaration against the Government - Exclusion of Civil Suits

D. Privileges and Immunities of Government in Legal Proceedings
Privilege to withhold documents - Miscellaneous Privileges of the Government-Notice, Limitation, Enforcement of Court Order- Binding nature of Statutes over the States action-Promissory Estoppel- Right to Information

E. Judicial Control of Administrative Discretion
Meaning, Nature and need of Administrative discretion -Ground and Extent of Judicial Review -Fundamental Rights and Discretionary Powers

F. Liability of the State
Liability of the State in Torts and Contracts

UNIT – IV : Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission

Meaning, Object, Main characteristics, Need and Utility-Origin and development of the Institution -Ombudsman in New Zealand-Ombudsman in England (Parliamentary Commissioner)-Ombudsman in India –Lokpal-Lokayukta in States-Central Vigilance Commission

UNIT – V : Administrative Tribunals and Public Undertaking

(A) Administrative Tribunals

Meaning, Nature, Main characteristics, Origin and development (U.S.A., U.K. and India)-Franks Committee-Tribunal and Court,Similarity and Difference-Reason for growth of Administrative Tribunals-Merits and Demerits of Administrative Tribunal-Procedure and powers of Administrative Tribunal (U.K., U.S.A. and India)-Tribunal under Constitution -High Court's Superintendence over Tribunals-Appeal to Supreme Court by Special Leave-Working of the Administrative Tribunal
Administrative Tribunals under Administrative Tribunals Act, 1985-Administrative Procedure Act in U.S.A.-Domestic Tribunal

(B)Public Undertaking

Object, Importance, Characteristics, Classification, Reason for the growth - working of Public Corporations-Rights, Duties and Liabilities of Public Corporations-Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control-Role of Ombudsman in Public Undertaking

Books Prescribed :

1. M.P. Jain and S.N. Jain – Principles of Administrative Law
2. S.P. Sathe – Administrative Law
3. I.P. Massey – Administrative Law
4. C.K. Takwani – Administrative Law
5. Kailash Rai - Administrative Law

Reference Books :

1. Wade – Administrative Law
2. De Smith – Administrative Law
3. Foulkes – Administrative Law
4. Indian Law Institute – Cases and Material of Administrative Law
5. Markose – Judicial Control of Administrative action
6. Griffith and Street – Administrative Law
7. Report of the Law Commission – First Report Second Report – Fourteenth Report
8. Report on the Committee of Minister's power Franks Committee report.

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