

Course – IV, Administrative Law

Objectives:

One of the perennial problems of the civilized society is to control the exercise of public power. Administrative Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. This course further deals with the role played by courts in the development of Administrative Law. The Focus is on their role in protecting the rights of individuals against abuse of administration. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course outcomes:

On successful completion of this course, students will be able to:

1. Get acquainted with various functions performed by the administration.
2. Have acquaintance with the methods of control of power evolved by mankind. Strategies to prevent abuse of power and remedies available.
3. Understand democratisation of various administrative processes. Protect individuals against the mighty state power.

Contents:

UNIT – I

Evolution- Nature and Scope of Administrative Law- Relation with Constitutional Law-Separation of powers and concepts- Rule of law- *Council d' Etate*, (French system) - Classification of Administration Action- functions- Administrative direction and discretion.

UNIT –II

Legislative power of the administration- Extent of delegation and control over delegated Legislation- Sub-delegation- Judicial- Parliamentary control over delegated Legislation.

UNIT - III

Judicial power of Administration- Nature of procedure- Principles of Natural justice- Effect of non- compliance with principles of Natural Justice- Exception to principles of Natural Justice.

UNIT – IV

Judicial control of Administrative action – Writs, Principles and Procedure - Public Law Review and Private Law Review of Administration action- Liability of State – Torts,

Contract-Promissory Estoppel-Government Privileges- Right of information- Doctrine of Legitimate expectation- Doctrine of Accountability- Waiver- Doctrine of Proportionality.

UNIT –V

Corporations and Public undertaking- Commission of Enquiry- Ombudsman in India (Lokpal and Lokayuktha) - Central Vigilance Commission- Parliamentary Committees- Civil services in India- Accountability and responsibility- Problems and Prospectives- Administrative deviance- Corruption- Mal-administration- Control mechanism of Accountability.

Prescribed Book:

M. P. Jain & S. N. Jain - Principles of Administrative Law.

Reference Books:

Wade - Administrative Law.

De Smith - Judicial Review of Administrative Action.

S. P. Sathe - Administrative Law.

I. P. Massey - Administrative Law.