

PAPER 11: SPECIALISATION PAPER 5:

LAW AND ADMINISTRATION

Objectives:

The complex responsibilities by the State have necessitated devolution of authority on numerous State functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs. The aggregate of such functionaries is an essential component of modern administration. There is a need of understanding the nature and scope of powers and functions of administration.

This course will deal with the nature, scope and functions of administrative authorities, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. One of the perennial problems of the civilized society is to control the exercise of public power. In the course of time a formidable body of law has come into existence for the purpose of exercising control over administration. Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. A course on law and administration must, therefore, lay emphasis on understanding the structure and modus operandi of administration.

This course further deals with the role played by courts in disciplining the administration. The focus is on their role in protecting the rights of individuals against abuse of administrative power. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course Outcomes:

On successful completion of the course the student will be able to –

1. identify range of current issues currently influencing developments of Indian Administrative Law.
2. demonstrate the ability to contribute to the scholarly discussion surrounding current developments in administrative law.
3. expand their knowledge of administrative law principles and develop their ability to apply them in a variety of practical and theoretical contexts.
4. discuss the principles and theory of administrative law in the landmark judgments.

Course content:

Unit I

Administration Process, Nature and Scope: Rule of Separation of Powers; Control of Delegated Legislation; Administrative Discretion.

Unit II

Judicial Control of administrative Action; Doctrine of Ultra vires; Discretion and Justiciability; Procedural Fairness- Principles of Natural Justice.

Unit III

Constitutional Protection of the Civil Servants; Liability of Police Authorities- Tortious Liability, Contractual Liability; Emerging Trends- Personal Accountability, Compensatory Jurisprudence.

Unit IV

Right to Information; Official Secrecy' Executive Privilege; Security of Staff and Control on Information; Promissory Estoppel.

Unit V

Control on Mal-admission- Ombudsman, Evolving Indian Models; Lokayukta and Lokpal; Commission of Enquiry; Vigilance Commission; The CBI; Inquiries by Legislative Committees; Judicial Enquiries; The Administrative Tribunal.

Select Bibliography:

1. Jain and Jain, Principles of Administrative Law.
2. S.P. Sathe, Administrative Law.
3. De Smith, Judicial Review of Administrative Action.
4. M. P. Jain, the Evolving Indian Administrative Law.