



## **FACULTY OF JURIDICAL SCIENCES**

**Course : BALLB , 3<sup>rd</sup> Semester**

**Subject : Administrative Law**

**Subject code : BAL306**

**Faculty Name : Ms Taruna Reni Singh**

# ADMINISTRATIVE LAW

## UNIT I

- Definition, Nature and Scope of Administrative Law, Conceptual Objections to the growth of administrative Law
- Rule of Law, Separation of Powers
- Administrative discretion: Meaning, Need, and Judicial Control

## UNIT II:

- Legislative Power of Administration: Necessity, Merits and Demerits,
- Constitutionality of Delegated Legislation; Legislative and Judicial Control of delegated
- Legislation

## UNIT III:

- Principles of Natural Justice and their Exceptions Rule against Bias, Concept of Fair hearing
- Judicial review of administrative action through writs;
- Judicial control through suits for damages, injunction and declaration
- Administrative Tribunals: Need and reasons for their growth, characteristics, jurisdiction and procedure of administrative Tribunals.

## UNIT IV:

- Liability of the administration: Contractual liability, tortious liability. Public Undertakings, their necessity and Liabilities, governmental Control, Parliament Control, Judicial Control
- Ombudsman: Lokpal and Lokayukta
- Right to information ACT, 2005 (S.1-S.20)
- Government Privilege to withhold evidence in public interest

## Books

1. Wade, Administrative Law (VII Ed.) Indian Print, Universal
2. M.P.Jain, Principles of Administrative Law, Universal Delhi
3. I. P. Massey: Administrative law

# LECTURE 22



When the Bill is debated,----

i) the issue of necessity of delegation, and

ii) the contents of the provisions providing for delegation, can be taken up. After delegation is sanctioned in an Act, the exercise of this power by the authority concerned should receive the attention of the House of the Parliament. Indeed, it is this later stage of parliamentary scrutiny of the delegated authority and the rules as framed in its exercise that is more important. In a formal sense, this is sought to be provided by making it necessary that the rules, etc., shall be laid on the Table of the House. The members are informed of such laying in the daily agenda of the House.

The advantage of this procedure is that members of both the Houses have such chances as parliamentary procedure –

i) the modification or the repeal of the enactment under which obnoxious rules and orders are made, or

ii) revoking rules and orders themselves.

The matter may be discussed in the House during the debates or on special motions. The provisions for laying the rule, etc., are being made now practically in every Act which contains a rule making provision. Such provisions are enacted in the following form: -

(1) The Government may by notification in the official Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be, after it is

made, before each House of Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in the successive session immediately following, both Houses agree in making any modification in the Rule or in the annulment of the rule. The rule thereafter have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule." If the Parliamentary control is not effective it becomes necessary to provide for certain procedural safeguards, which go to make the delegated legislation ascertainable and accessible. Control of delegated legislation by procedure---- The following requirements are made necessary for the exercise of the delegated authority under different statutes so that procedural safeguards are ensured.

## MCQs

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1. Who can initiate impeachment proceedings against the President of India?
  - a) Either House of Parliament
  - b) Any Vidhan Sabha
  - c) Only Lok Sabha
  - d) Rajya Sabha
2. The administrative and operational control of the Armed Forces is exercised by the
  - a) Cabinet Committee on Political Affairs with Prime Minister as the Chairman
  - b) Ministry of Defense
  - c) Three Chiefs of the Army, Navy and Air Force Staff
  - d) President
3. How many times the President of India can seek re-election to his post?
  - a) Once
  - b) 3 times
  - c) 2 times
  - d) Any number of times
4. Who among the following has the power to form a new state within the Union of India?
  - a) Speaker of Lok Sabha
  - b) President
  - c) Prime Minister
  - d) Supreme Court
5. Is the Prime Minister bound to advise the President on matters on which his advice is sought?
  - a) If the Council of Ministers so desires.
  - b) Yes
  - c) No
  - d) It is discretionary