



FACULTY OF JURIDICAL SCIENCES

Course : BALLB , 3rd Semester

Subject : Administrative Law

Subject code : BAL306

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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 38



DOCTRINE OF PUBLIC ACCOUNTABILITY The idea of open responsibility involves imperative open concern. All the three organs of the government-lawmaking body, official and legal are liable to open responsibility. a. Doctrine Explained: It is settled law that every single optional power must be practiced sensibly and in bigger open intrigue. In *Henley v. Lyme Corporation* Best C.J stated: – "Now I take it to be impeccably clear, that if an open officer, manhandle his office, either by an act of exclusion or commission and the outcome of that is damage to an individual an action might be kept up against such open officer." *International Journal of Pure and Applied Mathematics Special Issue 1986* In different cases, the Supreme Court has connected the above guideline by giving fitting alleviation to wronged parties or by guiding the defaulter to pay damages, remuneration or expenses to the individual who has endured.

Recently in **Arvind dattaraya v. State of Maharashtra**, the Supreme Court put aside request of exchange of an open officer watching that the action was not taken in broad daylight interests but rather was an instance of exploited of a fair officer. 'it is most tragic that the Government cripple the officers who release their genuinely and tirelessly and brings the people enjoying dark promoting and contra banding alcohol." b. Personal liability: - A rupture of obligation gives ascend out in the open law to liability which is known as "misfeasance in broad daylight office". Exercise of energy by priest and open officers must be for open merchandise and to accomplish welfare of open on the loose. Wherever there is mishandle of energy by an individual, he can be held obligated. In *Common Cause, a Registered Society v. Association of India the oil Minister*

made distribution of oil pumps subjectively for his relatives and companions. Subduing the action, the Supreme Court guided the Minister to fifty lakh rupees as model damages to open exchequer and fifty thousand rupees towards costs. It is presented that in Lucknow improvement Authority v. M.K Gupta, the Supreme Court appropriately stated: – When the court coordinates the installment of damages or pay against the state a definitive sufferer is the regular man. It is the 'citizens' cash which is paid for inaction of the individuals who are endowed under the act to release the individuals who are under the act to release their obligations as per law. It is in this manner vital that the Commission when it is fulfilled that a protestation is qualified for remuneration mental desolation or persecution, which finding ought to be recorded painstakingly on material and persuading condition and not daintily, it additionally coordinate the division worried to pay the sum to the objection from the general population subsidize instantly. In any case, in the meantime, personal liability ought to be forced on failing officers simply in the wake of pulling out and bearing sensible chance of hearing. C. Judicial responsibility: The teaching of open responsibility applies to legal also. A International Journal of Pure and Applied Mathematics Special Issue 1987 fundamental necessity of equity is that equity is that it ought to be apportioned as fast as would be prudent. It has been properly stated: "Equity postponed is equity is equity denied." Delay in transfer of cases can be suggested. While remarks and feedback of judicial working on issues of standards, sound guides for elucidation and change, the working of the court in connection to a specific continuing isn't admissible.

RECOMMENDATION AND CONCLUSION: All actions of state and its instrumentalities must be toward the targets set out in the constitution. Each progression of government ought to be toward fair conventions, social and financial improvement and open welfare. The established

court practices energy of judicial survey with limitation to guarantee that the experts on whom such power is endowed under the lead of law practice is truly, equitably and for the reason for which it is planned to be worked out. Sovereign insusceptibility as a safeguard might have been, consequently, never accessible where the State was engaged with business or private undertaking nor it is accessible where its officers are blameworthy of meddling with life and freedom of a native not justified by law. In both such encroachments the State is vicariously subject and bound, naturally, legitimately and ethically, to remunerate and repay the wronged individual. The teaching of sovereign invulnerability has no importance in the present-day setting when the idea of sovereignty itself has experienced radical change. 'Sovereignty' and "acts of State" are in this manner two unique ideas. The previous vests in a man or body which is free and preminent both remotely and inside while last might be act done by a delegate of sovereign inside the points of confinement of energy vested in him which can't be addressed in a Municipal Court. The idea of energy which the Company delighted in was appointment of the "act of State". An activity of political power by the State or its delegate does not outfit any reason for action for documenting a suit for damages or pay against the State for negligence of its officers. International Journal of Pure and Applied Mathematics Special Issue 1988 The old and ancient idea of sovereignty along these lines does not survive. Sovereignty currently vests in the general population. The governing body, the official and the legal have been made and constituted to serve the general population. In fact the idea of sovereignty in the Austinian sense, that king was the wellspring of law and the wellspring of equity, was never forced in the sense it was comprehended in England upon our nation by the British rulers. No edified framework can allow an official to play with the general population of its nation and claim that it is qualified for act in any way as it is sovereign. The idea of open intrigue has changed with basic change in the general public. More than that for

over hundred years, the law of vicarious liability of the State for negligence of its officers has been swinging from one course to other. Consequence of the sum total of what this has been vulnerability of law, increase of suit, misuse of cash of basic man and vitality and time of the courts. Government of Torts Claims Act was enacted in America in 1946. Crown Proceedings Act was enacted in England in 1947.

MCQs

1. Who said “Contract is an agreement creating and defining obligations between parties?”
 - a) Peter Drucker
 - b) Salmond
 - c) Austin
 - d) Drucker

2. A has bought a house for Rs 50,000. Which of the following right is available to A after the purchase?
 - a) He has a right against the seller to have quiet possession of the house and enjoy in it
 - b) He has a right against the whole world to have quiet possession of the house and enjoy in it
 - c) He has moral right over the house
 - d) He has a right to live in the house but cannot sell

3. Administrative accountability is established in government organizations by:
 - (a) Executive
 - (b) Legislature
 - (c) Judiciary
 - (d) All the three above

4. The administrative reforms under which various services were merged in occupational groups were introduced in:
 - (a) 1960
 - (b) 1973
 - (c) 1989
 - (d) 1994

5. “We are under the Constitution, but the constitution is what the Judges say it is” Besides U.S.A. to which one of the following countries can this be applicable?
 - a) Switzerland
 - b) India
 - c) U.K.
 - d) Russia