



## **FACULTY OF JURIDICAL SCIENCES**

**Course :LLB , 5<sup>th</sup> Semester**

**Subject : Administrative Law**

**Subject code :LLB 501**

**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 21



. The Committee

i) scrutinizes the statutory rules, orders, Bye-laws, etc. made by any-making authority, and

ii) report to the House whether the delegated power is being properly exercised within the limits of the delegated authority, whether under the Constitution or an Act of Parliament.

It further examines whether

i) The Subordinate legislation is in accord with the general objects of the Constitution or the Act pursuant to which it is made;

ii) it contains matter which should more properly be dealt within an Act of Parliament;

iii) it contains imposition of any tax;

iv) it, directly or indirectly, ousts the jurisdiction of the courts of law;

v) it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly confer any such power;

vi) It is constitutional and valid;

vii) it involves expenditure from the Consolidated Fund of India or the Public Revenues;

viii) its form or purpose requires any elucidation for nay reason;

ix) it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made; and

x) there appears to have been unjustifiable delay in its publication on its laying before the Parliament.

The Committee of the first House of the People submitted a number of reports and continues to do useful work. The Committee considered the question of bringing about uniformity in the provisions of the Acts delegating legislative powers. It made certain recommendations in its First report (March, 1954) which it later modified in its Third Report (May, 1955) after noting the existing divergent legislation in India. The following are the modified recommendations

1. That, in future, the Acts containing provisions for making rules, etc., shall lay down that such rules shall be laid on the Table as soon as possible.

2. That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication. But it is not deemed expedient to lay any rule on the Table before the date of publication; such rule may be laid as soon as possible after publication. An Explanatory Note should, however, accompany such rules at the time they are so laid, explaining why it was not deemed expedient to lay these rules on the Table of the House before they were published.

3. On the recommendation of the Committee, the bills are generally accompanied with Memoranda of Delegated Legislation in which; -

- i) full purpose and effect of the delegation of power to the subordinate authorities,
- ii) the points which may be covered by the rules,
- iii) the particulars of the subordinate authorities or the persons who are to exercise the delegated power, and

iv) the manner in which such power has to be exercised, are mentioned. They point out if the delegation is of normal type or unusual. The usefulness of the Committee lies more in ensuring that the standards of legislative rule-making are observed than in merely formulating such standards. It should effectively point out the cases of any unusual or unexpected use of legislative power by the Executive. Parliamentary control of delegated legislation is thus exercised by

i) taking the opportunity of examining the provisions providing for delegation in a Bill, and

ii) getting them scrutinized by parliamentary committee of the Rules, Regulations, Bye-laws and orders,

## MCQs

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1. One feature distinguishing the Rajya Sabha from the Vidhan Parishad is
  - a) Power of impeachment
  - b) Indirect election
  - c) Nomination of members
  - d) Tenure of membership
  
2. Chief Ministers of all the states are ex-officio members of the
  - a) Planning Commission
  - b) National Development Council
  - c) Inter State Council
  - d) Finance Commission
  
3. Who, among the following, has the final right to sanction the expenditure of public money in India?
  - a) Speaker
  - b) President
  - c) Prime Minister
  - d) Parliament
  
4. Which Article of the Constitution empowers the President to appoint a Commission to investigate the condition of backward classes in general and suggest ameliorative measures?
  - a) Art 342
  - b) Art 344
  - c) Art 340
  - d) Art 339
  
5. What is the minimum age for appointment as a Governor?
  - a) 35 years
  - b) 40 years
  - c) 25 years
  - d) 30 years