ADMINISTRATIVE LAW

UNIT – I
Definition, Nature & Scope

Rule of Law • Separation of Powers • Classification of Administrative Action

ROADMAP

UNIT-I Full Coverage

1. Definition of Administrative Law
2. Nature of Administrative Law
3. Scope of Administrative Law
4. Why Administrative Law Grew
5. Doctrine of Separation of Powers
6. Impact on Administrative Law
7. Rule of Law – Dicey
8. Rule of Law in India
9. Impact of Rule of Law
10. Classification of Administrative Action
11. Legislative Action
12. Administrative / Executive Action
13. Quasi-Judicial Action
14. Ministerial Action
15. Necessity of Classification
16. Key Distinctions
17. Landmark Cases
18. Exam Strategy
19. Key Takeaways
20. Closing

01 • DEFINITION

What is Administrative Law

Administrative Law is that branch of public law which deals with the organisation, powers, functions and duties of administrative authorities, the limits of those powers, and the remedies available to a person aggrieved by administrative action.

Ivor Jennings

Law relating to administration – determines organisation, powers and duties of administrative authorities.

Wade

Law relating to the control of governmental power.

Indian Approach

Includes judicial review, natural justice, delegated legislation and liability of the State.

Focus

Control of administrative power to prevent abuse while allowing effective governance.

02 • NATURE & SCOPE

Character of the Subject

Public Law

Part of public law – concerns the relationship between the State and the individual.

Branch of Constitutional Law

Often described as a detailed application of constitutional principles to administration.

Dynamic

Grows with the expansion of State functions – welfare State, regulation, licensing.

Control Oriented

Primary concern is to keep administrative power within legal limits.

Remedial

Provides remedies – writs, damages, injunctions, declarations.

Not Codified

Largely judge-made in India; principles developed through case law.

03 • WHY ADMINISTRATIVE LAW GREW

Historical Necessity

Welfare State

State moved from laissez-faire to social welfare – more functions, more power.

Complexity of Society

Technical subjects require specialised administrative agencies.

Parliament’s Limitation

Legislature cannot provide detailed rules for every situation.

Speed & Flexibility

Administration can act faster and adapt rules more quickly than courts or Parliament.

Delegated Legislation

Huge growth of rules, regulations, bye-laws made by executive.

Need for Control

More power requires stronger mechanisms of accountability and judicial review.

Doctrine and Impact

The doctrine of separation of powers divides State functions among Legislature, Executive and Judiciary. Pure separation is not followed in India; there is a system of checks and balances with overlapping functions.

Legislative Function

Making of laws – Parliament and State Legislatures.

Executive Function

Implementation of laws – Government and administrative authorities.

Judicial Function

Interpretation of laws and adjudication of disputes – Courts.

Impact on Admin Law

Administration performs all three functions in limited ways – hence need for control.

Dicey and Indian Adaptation

Dicey’s Three Meanings

1. Supremacy of law over arbitrary power. 2. Equality before the law. 3. Constitution as result of ordinary law (rights through courts).

Criticism

Dicey underestimated the need for discretionary power in modern administration.

Indian Position

Rule of law is part of basic structure. Art. 14 is the core. Arbitrary State action is struck down.

Kesavananda / Indira Gandhi

Rule of law recognised as a basic feature of the Constitution.

Administrative Law Link

Every administrative action must have legal authority and must not be arbitrary.

Exam Tip

Always contrast Dicey’s classical view with the modern Indian approach.

06 • CLASSIFICATION OF ADMINISTRATIVE ACTION

Four Broad Categories

Legislative

Rule-making – delegated legislation, bye-laws, regulations, schemes.

Administrative / Executive

Purely administrative decisions – policy, licensing, appointments, contracts.

Quasi-Judicial

Decisions affecting rights after hearing parties – resembles court procedure.

Ministerial

Duties performed without discretion – purely mechanical acts.

Why Classify

Different controls apply. Natural justice applies mainly to quasi-judicial; legislative action has different review standards.

Fluid Boundary

Courts look at the nature of the function, not merely the label given by the statute.

Key Distinctions

Legislative Action

- General and impersonal
- Creates future rules of conduct
- No lis (dispute) between parties
- Natural justice generally not applicable
- Controlled mainly by ultra vires doctrine
- Publication and laying procedures important

Quasi-Judicial Action

- Specific and affects particular parties
- Decides existing rights / liabilities
- Lis between parties often present
- Natural justice applies
- Controlled by judicial review on multiple grounds
- Reasoned order often required

Practical Importance

Natural Justice

Applies primarily when authority acts quasi-judicially. Classification decides whether hearing is required.

Scope of Review

Legislative action – limited review. Administrative discretion – wider but still controlled. Quasi-judicial – full judicial review standards.

Remedies

Type of action influences the appropriate remedy (writ, suit, appeal).

Procedural Requirements

Delegated legislation has publication / laying requirements; quasi-judicial has hearing requirements.

Constitutional Limits

Art. 14 applies to all; but the intensity of scrutiny varies with the nature of function.

Exam Tip

Always start answers on natural justice or judicial review by identifying the nature of the action.

Foundational Decisions

A.K. Kraipak (1969)	Blurred the line between administrative and quasi-judicial; natural justice can apply to administrative action affecting rights.
Ridge v. Baldwin	Classic English case on natural justice and dismissal from office.
Maneka Gandhi (1978)	Procedure affecting liberty must be fair, just and reasonable – expanded Art. 21.
E.P. Royappa / Ajay Hasia	Arbitrariness violates Art. 14 – major tool for controlling administrative action.
In re Delhi Laws Act	Early and important case on limits of delegated legislation.
Kesavananda Bharati	Rule of law and separation of powers as part of basic structure.

KEY TAKEAWAYS

UNIT-I

01	**Definition** Law controlling organisation, powers and duties of administration and remedies against it.
02	**Nature** Public law, dynamic, largely judge-made, control-oriented.
03	**Separation of Powers** Not rigid in India; administration performs mixed functions – hence need for Administrative Law.
04	**Rule of Law** Core of Indian constitutionalism; arbitrary action is illegal.
05	**Classification** Legislative, Administrative, Quasi-judicial, Ministerial – decides applicable controls.
06	**Kraipak Principle** Natural justice can apply even to administrative action that affects rights.

End of UNIT – I

Definition • Nature • Scope • Classification

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