

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-IV

Course Code	BAL404
Course Title	Administrative Law
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	The modern State is a welfare state. The expansion in the functions of the state and enormous powers of the administration has given tremendous capacity to the administration to affect the rights and liberties of the individual. The present course aims to bring home the idea that good governance is based on the principles of rule of law, separation of powers, transparency, accountability and fairness. The fundamentals of Administrative Law, its development and relationship with Constitutional Law are elucidated. Furthermore, the importance of administrative rule making, administrative adjudication and judicial review are analyzed as important pillars of administrative law.

UNIT-I

Nature and scope of Administrative Law: Reasons for growth of Administrative Law, Origin and Development of Administrative Law in UK, USA, India and France, Relationship between Constitutional Law and Administrative Law

Delegated Legislation: Nature and scope; Factors leading to the growth of Delegated Legislation; Classification of Delegated Legislation; Rules and Principles of Delegated Legislation, Controls of Delegated Legislation, Sub Delegation

UNIT –II

Doctrine of Separation of Powers: Meaning and Historical Background, Doctrine of Separation of Powers in practice, Relevance in present times

Concept of Rule of Law: Meaning and its modern concept; Rule of Law under the Indian Law, Relevance in contemporary times

UNIT –III

Administrative Adjudication: Reasons for the growth of Administrative Adjudication and its need, Problems of Administrative Adjudication, Mechanism for Administrative Adjudication

– Statutory and Domestic Tribunals, Administrative Tribunal – Definition, structure and procedure

Natural Justice and Fairness: Definition, Concept and Evolution, Principles of Natural Justice, Application of Natural Justice, Exclusion of Principles of Natural Justice

UNIT –IV

Administrative Discretion and Remedies: Meaning and Definition of Administrative Discretion, Control of Administrative Discretion, Judicial Review of Administrative Discretion, Scope of Writ Jurisdiction (Article 32 and 226), Principles for exercise of Writ Jurisdiction, Grounds for exercise of Writ Jurisdiction, Exclusion of Judicial Review
Administration and Good Governance: Corruption under Prevention of Corruption Act, 1988 and importance of Lokpal, Government's Privilege to withhold documents under Official Secrets Act, 1923 and Right to Information Act, 2005.

Suggested Readings:

- Cann, Steven J, Administrative Law 3rd Ed., 2002
- Kesari, U.P.D, Lectures on Administrative Law, 15th Ed, 2005, Central Law Agency, Allahabad
- Massey, I.P., Administrative Law, 5th Ed. 2003, Eastern Book Company, Lucknow
- Stott, David and Felix, Alexandra Principles of Administrative Law, Cavendish Publications, London, 1997
- Takwani, Thakker, C.K Lectures on Administrative Law, 3rd Ed. 2003, Eastern Book Company, Lucknow
- Wade and Forsyth, Administrative Law, 9th Ed., 2004, Oxford University Press, Oxford
- Jain, M.P. and Jain, S.N.Principles of Administrative Law, 5th Ed. 2007 Wadhwa and Co. Delhi
- Upadhyaya, J.J.R, Administrative Law, Central Law Agency, 7th Ed. (2006)