



SGT UNIVERSITY, GURGAON FACULTY OF LAW

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL.B. (Hons)	IV	Administrative Law	08040402

Administrative Law

Course Objective:

One of the fundamental problems of any civilized society is to control the exercise of public power, or rather the excesses of its application. Administrative Law is concerned with controlling the misuse and excess of public power, by laying down fundamental legal norms of administrative functioning. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. The core topics will develop the understanding of the role of the courts, particularly in common law jurisdictions, in protecting the rights of individuals against abuse of administration. The course will also develop an understanding of the principles of Natural Justice.

Module – I

Introduction

- 1.1 Nature & Definition of Administrative Law
- 1.2 Rule of Law & Administrative Law
- 1.3 Separation of Powers & its relevance
- 1.4 Relationship between Constitutional Law & Administrative Law

Module – II

Delegated Legislation

- 2.1 Meaning & Need of Delegated Legislation
- 2.2 Types of Delegated Legislation
- 2.3 Constitutionality of Delegated Legislation
- 2.4 Delegatus Non Potest Delegare
- 2.5 Sub-Delegation & Conditional Legislation

Module – III

Control of Delegated Legislation

- 3.1 Parliamentary Control
- 3.2 Procedural Control
- 3.3 Judicial Control

Module – IV

Administrative Discretion

- 4.1 Judicial control at the stage of Delegation of Administrative Discretion

- 4.2 Judicial control at the stage of Exercise of Administrative Discretion
 - Abuse of Discretion
 - Non Application of Mind
- 4.3 General Limitations
 - Locus Standi
 - Ex Turpi Causa Non Oritur Actio
 - Alternate Adequate Remedy
 - Laches
 - Res Judicata
- 4.4 Ombudsmen
- 4.5 Lokpal & Lokayukta

Module – V Principles of Natural Justice

- 5.1 Needs & Problems of Administrative Adjudication
- 5.2 Administrative Tribunals
- 5.3 Rules of Natural Justice
 - Rules against Bias
 - Rules of Fair Hearing (Audi Alteram Partem)
 - Post Decisional Hearing
- 5.4 Exceptions to the Rules of Natural Justice

Course Outcomes: After the completion of the course the students will be able to:

1. Work efficiently and with critical engagement with primary administrative law concepts, having due regard to the practical implementation of the principles in actual governance;
2. Develop coherent, comprehensive and persuasive administrative law arguments from an adversarial point of view;
3. Understand the various dimensions of the various aspects of the Indian administration relating to the concepts like Delegated Legislation, Administrative Discretion, Administrative Adjudication, etc;
4. Understand the various aspects of the Indian judicial structure like that of the function of the Supreme Court and High Court in controlling the administrative power of the State through the techniques of judicial review, etc;
5. Demonstrate a thorough and contextual knowledge of administrative law and the various leading cases particularly in its application to real life legal scenario;
6. Demonstrate a high level of skill on academic and professional legal writing.

Suggested Reading:

1. M.P Jain & S.N Jain, Principles of Administrative Law, Lexis Nexis, 2013 (7th Edition)
2. C.K Takwani, Lectures on Administrative Law, Eastern Book Company (2012) 5th Edition
3. S.P Sathe, Administrative Law, Lexis Nexis Butterworths, 2010, 7th Edition
4. I.P Massey, Administrative Law, Eastern Book Co., 2012, 8th Edition
5. Wade & C.F. Forsyth, *Administrative Law*, Oxford University Press, 2009 (12th Edition)