

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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EVOLUTION & DEVELOPMENT OF ADMINISTRATIVE LAW AND RELATIONSHIP WITH CONSTITUTIONAL LAW

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Abstract:

Administrative law is a vital part of public law. It governs the relationship between individuals and government agencies, ensuring accountability, transparency, and fairness. This paper traces the historical development of administrative law, its key principles, and its deep connection with constitutional law. By examining both global and Indian contexts, the paper highlights how administrative law has evolved as a safeguard against arbitrary power and how it complements constitutional law in promoting the rule of law and protecting citizens' rights.

Keywords: Administrative Law, Constitutional Law, Public Law, Government

Introduction:

In every modern state, the role of the government is expanding. From regulating industries to providing welfare services, the government interacts with citizens in various ways. To manage these functions, several administrative bodies and authorities are established. Administrative law is the legal framework that controls the functioning of these bodies.

At the same time, constitutional law lays the foundation for the structure and powers of the state. Administrative law is not separate from constitutional law; in fact, the two are closely interlinked.

Understanding Administrative Law:

Administrative law is a branch of public law that deals with the rules, regulations, and legal principles that govern the actions of government agencies and public authorities. Administrative law controls how government departments and officials work, so they don't

misuse their powers and treat people fairly.¹

Key Points about Administrative Law:

1. It deals with public officials and agencies: Like municipal bodies, licensing authorities, tax departments, etc.
2. Ensures fairness and justice: If a government officer denies you a license or takes some action against you, administrative law makes sure that they follow proper procedures.
3. Prevents misuse of power: Authorities must follow the law and cannot act arbitrarily.
4. Gives remedies to citizens: If your rights are violated by an authority, you can approach courts under administrative law (like through writ petitions).

Definitions of Administrative Law: Here are important definitions of Administrative Law given by well-known legal scholars and jurists:

1. Ivor Jennings: “Administrative law is the law relating to the administration. It determines the organization, powers, and duties of administrative authorities.”
2. K.C. Davis: “Administrative law is the law concerning the powers and procedures of administrative agencies, including especially the law governing judicial review of administrative action.”
3. Wade and Forsyth: “Administrative law is the branch of public law which deals with the organization, powers, duties, and functioning of administrative authorities.”
4. A.V. Dicey (Critic of Administrative Law): He believed in the rule of law and said that administrative law (especially in the French system) created special privileges for government officials. He opposed it as being inconsistent with equality before the law.
5. Black’s Law Dictionary: “That branch of public law which deals with the organization and powers of administrative and quasi-administrative agencies.”

In Simple Words: Administrative law is the law that tells government officers what they can do, how they must do it, and what happens if they break the rules.

Evolution of Administrative Law:

Evolution of Administrative Law in the United Kingdom: The evolution of administrative law in the United Kingdom has been gradual and shaped by the country’s commitment to the common law tradition. Unlike France, which developed a separate system of administrative

¹ Dr. JJR Upadhyaya, Administrative Law 2 (Central Law Agency, Allahabad, 11th edn., 2019).

courts (*droit administratif*), the UK historically followed the principle that no one, not even government officials, is above the law. This belief, deeply rooted in the writings of A.V. Dicey, emphasized the rule of law and equality before the ordinary courts. Dicey was skeptical of a distinct administrative law system, as he believed it gave special privileges to public authorities and violated the principle of legal equality.

For a long time, there was little formal recognition of administrative law in the UK. Government decisions were reviewed under general principles of common law, such as *ultra vires* (acting beyond one's powers) and natural justice. Courts did not see themselves as creating a separate body of administrative law but rather applying the same legal standards to all, including the state. However, with the growth of the welfare state in the 20th century—particularly after World War II—the role of the government expanded rapidly, and the need for more specialized administrative processes became clear.

The increasing complexity of government functions led to the establishment of statutory tribunals, especially after the Tribunals and Inquiries Act of 1958. These bodies dealt with disputes in areas like tax, social security, and employment, offering faster and more expert decisions than traditional courts. This development marked a significant step towards institutionalizing administrative law in the UK. Although tribunals were initially criticized for lack of independence and fairness, over time reforms—such as the creation of the Council on Tribunals—helped improve transparency and public confidence in administrative justice.

A major turning point came with the development of judicial review as a separate and powerful tool to control administrative actions. During the 1970s and 1980s, UK courts began to assert their authority more actively by reviewing administrative decisions on grounds such as illegality, irrationality, and procedural impropriety. Landmark cases like *R v. Secretary of State for the Home Department*², *ex parte Khawaja* and *Council of Civil Service Unions v. Minister for the Civil Service*³ (*GCHQ case*) clarified the scope and grounds of judicial review. These cases marked the formal emergence of administrative law principles in UK jurisprudence.

The development was further strengthened by the Human Rights Act of 1998, which incorporated the European Convention on Human Rights into UK law. This Act provided

² (1999) 3 ALL ER 400.

³ (1985) AC 374 (HL).

citizens with direct legal remedies against government bodies violating their rights, thereby deepening the accountability of public authorities. Courts now had greater power to scrutinize administrative decisions for compatibility with human rights.

Today, administrative law in the UK is a well-established field, even though it remains integrated with the common law system. It ensures that public authorities act within their powers, follow fair procedures, and respect fundamental rights. The UK's model balances legal accountability, administrative flexibility, and judicial oversight, reflecting a unique evolution that combines tradition with modern legal needs.

Evolution of Administrative Law in the United States: Administrative law in the United States evolved alongside the country's growing need for governance, regulation, and fairness in the exercise of governmental powers. In the early years following independence, the U.S. government had a relatively small role in the everyday lives of its citizens. The constitutional structure laid out in 1787 focused more on the separation of powers, checks and balances, and federalism. During this time, the limited functions of government did not necessitate a distinct body of administrative law.

However, with the growth of the American economy and society in the 19th century, there arose a need to regulate emerging industries such as railroads, banking, and commerce. This led to the creation of the first major federal regulatory body—the Interstate Commerce Commission (ICC) in 1887. The ICC was a significant development as it marked the beginning of independent administrative agencies that had the power to both make and enforce rules. These agencies combined legislative, executive, and quasi-judicial functions, raising questions about their constitutional legitimacy and creating the need for a framework to regulate their conduct.

The New Deal era under President Franklin D. Roosevelt during the 1930s marked a major turning point in the evolution of U.S. administrative law. In response to the Great Depression, the federal government took on a much larger regulatory role, creating numerous administrative agencies to oversee areas such as labor, finance, and social welfare. Agencies like the Securities and Exchange Commission (SEC) and National Labor Relations Board (NLRB) were established with broad rule-making and adjudicative powers. This massive expansion of administrative governance highlighted the need for a systematic legal structure to oversee the

actions of these bodies.

Recognizing this, the Administrative Procedure Act (APA) of 1946 was enacted, which remains the cornerstone of administrative law in the United States today. The APA provided a comprehensive legal framework for how federal agencies should make rules, conduct hearings, and handle adjudications. It also established procedures for judicial review of agency actions. The APA struck a balance between giving agencies the flexibility to govern complex areas and ensuring they remained accountable and followed fair processes.

Since the passage of the APA, U.S. administrative law has continued to evolve through judicial interpretations and legislative amendments. Courts have developed doctrines such as Chevron deference, where courts defer to reasonable agency interpretations of ambiguous statutes (from *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 1984), and Auer deference, which relates to interpretations of an agency's own regulations. However, recent years have seen growing criticism of excessive agency power, leading to calls for reform and a reassessment of judicial deference doctrines.

In contemporary America, administrative law plays a crucial role in ensuring that the growing powers of administrative agencies are exercised transparently, fairly, and within constitutional limits. It governs areas ranging from environmental protection and consumer rights to national security and public health. The evolution of administrative law in the United States represents a dynamic balancing act between government efficiency and individual liberty, and continues to adapt as new regulatory challenges emerge in a complex, modern society.

Evolution of Administrative Law in France: The evolution of administrative law in France is unique and distinct from that of common law countries like the United Kingdom and the United States. France is considered the birthplace of modern administrative law, and its development has been closely linked to the country's legal and political history, particularly the principle of "droit administratif"—a separate body of law and court system that deals exclusively with disputes involving public authorities.

The roots of French administrative law can be traced back to the period following the French Revolution of 1789. The revolution brought with it a deep mistrust of the judiciary, which had been seen as a tool of the monarchy. As a result, a deliberate separation was made between

administrative and judicial powers. In 1790, the Law of 16 and 24 August explicitly prohibited ordinary courts from interfering with administrative matters. This principle, known as the “principe de séparation des autorités administratives et judiciaires” (principle of separation of administrative and judicial authorities), became foundational in the French legal system.⁴

To resolve disputes between citizens and the administration, a dual legal system was created, with a parallel set of administrative courts that operated independently of the civil judiciary. This led to the creation of the Conseil d'État (Council of State) in 1799 under Napoleon Bonaparte. Originally a purely advisory body to the executive, the Conseil d'État gradually evolved into the highest administrative court in France. Over time, it gained authority to adjudicate cases involving administrative decisions, laying the foundation for a robust system of administrative justice.

The 19th century marked a significant period of growth for administrative law in France. During this time, the Conseil d'État developed many of the fundamental doctrines of French administrative law through its jurisprudence. Key concepts such as “excès de pouvoir” (abuse of power), “responsabilité de l'administration” (state liability), and “service public” (public service obligations) were established. These principles provided the legal basis for controlling administrative action and ensuring that public authorities acted within the limits of the law.

In the 20th century, the role and influence of the Conseil d'État expanded further. Especially after World War II, the administrative state grew in complexity, with more regulations and public interventions. The Conseil d'État played a crucial role in balancing administrative efficiency with the protection of individual rights. It also adopted principles of proportionality, due process, and equality before public services, which strengthened the legitimacy of administrative law and brought it closer to the ideals of constitutional governance.

In recent decades, the evolution of French administrative law has also been influenced by European integration and international human rights standards. The European Convention on Human Rights and the jurisprudence of the European Court of Human Rights have encouraged greater accountability and procedural fairness in administrative decision-making. Additionally, European Union law has increasingly shaped administrative processes, especially in areas such

⁴ *Supra* note 1 at 19.

as competition, public procurement, and environmental regulation.

Today, administrative law in France remains a highly developed and respected system. The Conseil d'État continues to serve as a model for administrative courts in other countries, and its decisions are known for their sophistication and clarity. The French approach to administrative law—characterized by a separate legal system, specialized courts, and a strong commitment to public service values—offers a contrast to the Anglo-American tradition, while also contributing to the global understanding of how states can lawfully and effectively govern.

Evolution of Administrative Law in India: The evolution of administrative law in India has been closely tied to the country's constitutional development, socio-economic progress, and the growing complexity of governmental functions. As a democratic and welfare-oriented state, India has witnessed an increasing role of the executive in governance, which necessitated a robust administrative legal framework to regulate the actions of public authorities, ensure accountability, and protect citizens' rights.⁵

Colonial Legacy and the Foundation of Administrative Law: The roots of administrative law in India can be traced back to the British colonial period, during which the colonial government was heavily centralized and bureaucratic. The Indian administrative system was primarily designed to serve imperial interests rather than democratic values. While there was no structured body of administrative law during this time, some early elements—such as the Civil Services system, codified laws, and statutory authorities—laid the groundwork for administrative governance. British principles of common law, natural justice, and judicial review were gradually introduced through legislation and judicial practice, particularly after the Government of India Acts (1919 and 1935).

Post-Independence Period and the Rise of Administrative Law: After independence in 1947, India adopted a written Constitution which came into force on 26 January 1950. The Constitution of India provided a strong foundation for administrative law by establishing a parliamentary form of government, guaranteeing Fundamental Rights under Part III, and providing for judicial review under Articles 32 and 226. With the adoption of a welfare state model, the government took on a much larger role in socio-economic planning, poverty

⁵ Mayank Madhaw, *Administrative Law* 1.23 (Singhal Law Publication, New Delhi, 4th edn., 2022).

alleviation, industrial development, and regulation of essential services. This expanded the scope and influence of the administrative machinery across all levels of governance.

As the functions of the executive multiplied, so did the need for clear rules, procedures, and limitations on administrative discretion. This led to the emergence of administrative law as a distinct discipline, focusing on the control and regulation of public power. Indian courts began to actively develop the principles of administrative law through judicial decisions, filling in the gaps where statutes were silent or ambiguous.

Judicial Activism and Doctrinal Development: One of the most significant features of the evolution of administrative law in India has been the role of the judiciary, particularly the Supreme Court and the High Courts, in shaping its contours. Landmark judgments introduced and refined important doctrines such as natural justice, legitimate expectation, proportionality, reasonableness, and fairness in administrative action. The famous *Maneka Gandhi v. Union of India*⁶ case redefined the interpretation of Article 21, expanding the idea of “procedure established by law” to include fairness and reasonableness, thereby infusing constitutional values into administrative procedures.

The courts also developed and refined the mechanism of judicial review to check the arbitrariness of administrative authorities. Administrative actions could now be reviewed not only for legality but also for procedural impropriety and irrationality. The scope of Public Interest Litigation (PIL) also expanded the reach of administrative law by allowing any public-spirited individual to seek remedies against governmental abuse of power, inefficiency, or corruption.

Growth of Tribunals and Quasi-Judicial Bodies: To reduce the burden on the judiciary and to provide specialized forums for administrative disputes, India developed a vast network of tribunals and quasi-judicial authorities. The Administrative Tribunals Act, 1985, led to the creation of Central and State Administrative Tribunals (CAT and SATs) to deal with service-related disputes of government employees. Other specialized tribunals, such as the Income Tax Appellate Tribunal⁷, National Green Tribunal⁸, and Competition Appellate Tribunal⁹, were also

⁶ AIR 1978 SC 597.

⁷ The Income Tax Act, 1961, sec. 253.

⁸ The National Green Tribunal Act, 2010 (Act 19 of 2010), s. 3.

⁹ The Competition Act, 2002 (Act 12 of 2003), s. 7.

established to address sector-specific administrative issues.

These tribunals function under the principles of administrative law, providing speedy and expert justice. However, concerns about their independence and constitutional validity led to several constitutional challenges and reforms. The Supreme Court, in cases like *L. Chandra Kumar v. Union of India*¹⁰, upheld the power of judicial review by High Courts and ensured that tribunals remained under judicial supervision.

Statutory Developments and Procedural Safeguards: Apart from judicial contributions, several statutes have contributed to the evolution of administrative law in India. The Right to Information Act, 2005¹¹, was a landmark law that strengthened administrative accountability and transparency by allowing citizens to access information held by public authorities. Similarly, the Lokpal and Lokayuktas Act, 2013¹², was aimed at combating corruption and improving administrative efficiency. Other laws such as the Administrative Tribunals Act¹³, Central Vigilance Commission Act¹⁴, and Whistle Blowers Protection Act¹⁵ have helped institutionalize safeguards against administrative excesses.

Administrative law in India has also absorbed global influences, particularly principles of good governance, human rights, and procedural justice. As India became a part of various international treaties and organizations, it adopted practices that emphasize efficiency, participatory governance, and sustainable development within the administrative framework.

Contemporary Challenges and Reforms: Despite its growth, administrative law in India faces several challenges. Arbitrary exercise of discretion, delays in administrative decision-making, lack of uniform procedures, and bureaucratic resistance to transparency remain persistent issues. The overlapping jurisdiction of tribunals and regular courts also leads to procedural confusion. There is a growing need for codification of administrative procedures, standardization of rules, and greater autonomy of tribunals to enhance public trust in administrative justice.

¹⁰ AIR 1997 SC 1125.

¹¹ The Right to Information Act, 2005, (Act 22 of 2005).

¹² The Lokpal and Lokayuktas Act, 2013, (Act 1 of 2014).

¹³ The Administrative Tribunals Act, 1985, (Act 13 of 1985).

¹⁴ The Central Vigilance Commission Act, 2003, (Act 45 of 2003).

¹⁵ The Whistle Blowers Protection Act, 2014, (Act 17 of 2014).

Recent technological developments, such as e-governance, digital service delivery, and automated decision-making, are reshaping administrative processes. While these bring efficiency, they also raise concerns about privacy, data protection, and algorithmic accountability—areas where administrative law must adapt to stay relevant.

The evolution of administrative law in India reflects the country's journey from colonial rule to a modern constitutional democracy. It has transitioned from an executive-dominated system to one governed by the rule of law, judicial control, and citizen participation. Shaped by constitutional values, judicial innovation, legislative reforms, and global influences, Indian administrative law today stands as a crucial mechanism for ensuring that public power is exercised responsibly, fairly, and in the service of the people. As the state continues to evolve and expand its regulatory functions, administrative law will remain essential in maintaining the delicate balance between authority and accountability.

Sources of Administrative Law in India: Administrative law in India does not originate from a single statute or code. Instead, it has developed through a variety of sources over time, reflecting the dynamic and growing relationship between the government and its citizens. These sources include the Constitution of India, legislations, judicial decisions, rules and regulations, and even customs and conventions. Together, they form the foundation for controlling the actions of public authorities and ensuring lawful and fair administration.

1. ***The Constitution of India:*** The Constitution is the supreme source of administrative law in India. It provides the legal framework within which all administrative actions must function. The Constitution lays down the structure, powers, and functions of the executive, and it guarantees fundamental rights to citizens under Part III. These rights serve as limits on administrative authority. Articles such as Article 14 (equality before law), Article 19 (freedom of speech and expression), and Article 21 (right to life and personal liberty) are often invoked to challenge administrative actions that are arbitrary, unreasonable, or unfair.¹⁶

Additionally, Articles 32 and 226 empower the Supreme Court and High Courts respectively to issue writs for the enforcement of fundamental rights and for other purposes. This provides a powerful tool to review administrative actions. Provisions related to distribution of powers, directive principles of state policy, and emergency powers also shape the scope and limitations

¹⁶ Dr. Narender Kumar, *Constitutional Law of India* 27 (Allahabad Law Agency, Haryana, 10th edn., 2018).

of administrative law.

2. **Statutory Law (Legislation)**: The second major source of administrative law in India is statutes enacted by Parliament or State Legislatures. These laws often grant specific powers to administrative bodies, departments, and officials to carry out regulatory functions. Examples include:

- The Administrative Tribunals Act, 1985 – which created specialized tribunals for resolving service matters of public servants.
- The Right to Information Act, 2005 – which ensures transparency in government functioning.
- The Environment Protection Act, 1986, and Consumer Protection Act, 2019 – which empower administrative agencies to make rules and enforce them.

These statutes also delegate rule-making powers to the executive, allowing for the creation of detailed regulations, schemes, and procedures needed to implement laws effectively.

3. **Delegated Legislation (Subordinate Legislation)**: Delegated or subordinate legislation refers to rules, regulations, notifications, circulars, and orders made by administrative authorities under powers delegated to them by the legislature. These are an essential part of administrative law as they deal with the technical and procedural details which the parent legislation cannot cover.

For example, the Central Board of Direct Taxes (CBDT) issues rules and notifications under the Income Tax Act, and the Reserve Bank of India (RBI) issues circulars under the Banking Regulation Act. Delegated legislation allows flexibility and quick decision-making, but it must stay within the boundaries of the enabling act. Courts often check the validity of such legislation through the doctrine of ultra vires (beyond the powers).

4. **Judicial Decisions (Case Law)**: One of the most significant sources of administrative law in India is judicial precedent. Indian courts, especially the Supreme Court and High Courts, have played a crucial role in shaping administrative law through their interpretations of the Constitution and statutes. Through judicial review, the courts have ensured that administrative actions are not arbitrary, unreasonable, or discriminatory.

Important doctrines developed through judicial decisions include:

- Doctrine of Natural Justice (e.g., *Maneka Gandhi v. Union of India*¹⁷),
- Wednesbury Unreasonableness (used in *Om Kumar v. Union of India*),
- Legitimate Expectation, and
- Proportionality.

These principles ensure fairness, transparency, and accountability in administrative functioning. Judicial decisions serve both as sources of law and as guides for future action by administrators.

5. Ordinances and Executive Orders: The President and Governors have the power to promulgate ordinances under Articles 123 and 213 respectively when Parliament or State Legislature is not in session. These ordinances have the same effect as laws passed by the legislature and often give rise to administrative actions. Additionally, the executive branch frequently issues orders, directions, policies, and circulars to manage day-to-day governance. Though not always having the force of law, these orders can influence administrative conduct and decision-making, and their validity can be questioned in courts if they violate legal or constitutional norms.

6. Customs and Conventions: Though less formal, customs, practices, and conventions also play a role in the administration. These are long-standing procedures followed by government departments that may not be legally binding but are followed in the interest of consistency and good governance. For instance, internal procedures within the civil services or conduct followed during cabinet formation and decision-making are often based on conventions. While not enforceable in the same way as statutes or constitutional provisions, courts may sometimes recognize these conventions if they align with principles of justice and good governance.

7. Reports of Commissions and Committees: Various law commissions, expert committees, and parliamentary standing committees periodically examine administrative issues and suggest reforms. Though their reports are not legally binding, they often shape legislative and executive decisions. Recommendations from commissions like the Second Administrative Reforms Commission or Law Commission of India have led to important legislative and policy changes. The sources of administrative law in India are diverse and dynamic. They include the

¹⁷ *Supra* note 6.

Constitution, legislations, judicial decisions, delegated legislation, and even non-binding conventions. Together, these sources provide a comprehensive legal framework that governs the functioning of the administrative machinery, protects the rights of citizens, and ensures that the exercise of public power is just, fair, and lawful. As the Indian state becomes more complex and engaged in regulatory functions, these sources will continue to evolve to meet the demands of good governance and democratic accountability.

Key Doctrines in Administrative Law: Administrative law is not just about rules—it is also built on important legal doctrines that guide how power is used and controlled. These doctrines are developed through case laws, judicial interpretations, and constitutional principles. They help make sure that public authorities act fairly, reasonably, and within their legal limits. Below are the key doctrines that form the foundation of administrative law in India:

1. **Doctrine of Rule of Law:** The Rule of Law is the bedrock of administrative law. It means that no one is above the law—not even government officials. Everyone, including public servants, must act according to law and can be held accountable in a court of law.

In the landmark case of *A.D.M. Jabalpur v. Shivkant Shukla*¹⁸ (also known as the Habeas Corpus case), the Supreme Court controversially limited the application of the rule of law during the Emergency. However, this was later corrected in *Maneka Gandhi v. Union of India*¹⁹, where the Court strengthened the concept, holding that any administrative action must be just, fair, and reasonable.

2. **Doctrine of Separation of Powers:** Although the Indian Constitution does not strictly follow the separation of powers, this doctrine still plays an essential role. It divides power among the legislature, executive, and judiciary, so that no branch becomes too powerful. In administrative law, this means that executive authorities cannot perform judicial functions, unless authorized by law.

For example, tribunals and quasi-judicial bodies perform judicial functions but must do so under checks and balances provided by courts. The case of *Indira Nehru Gandhi v. Raj Narain*²⁰ reaffirmed that the separation of powers is part of the basic structure of the Constitution.

3. **Doctrine of Natural Justice:** This doctrine ensures fairness in administrative decisions. It is

¹⁸ AIR 1976 SC 1207.

¹⁹ AIR 1978 SC 597.

²⁰ AIR 1975 SC 2299.

based on two main rules:

- **Audi Alteram Partem (Hear the other side):** Every person must be given a chance to present their case before a decision is made.
- **Nemo Judex in Causa Sua (No one should be a judge in their own cause):** The decision-maker should be impartial and not have any personal interest in the case.

In *Maneka Gandhi v. Union of India*²¹, the Court held that the procedure must be fair and reasonable, even if not mentioned in the law. Natural justice is now considered part of Article 14 and Article 21 of the Constitution.

4. Doctrine of Legitimate Expectation: This doctrine protects the reasonable expectations of citizens from administrative authorities. If a government authority has made a promise, practice, or representation, people have a legitimate expectation that it will be followed.

In *Union of India v. Hindustan Development Corporation*²², the Supreme Court recognized that even though legitimate expectation may not be enforceable as a legal right, it gives the affected party a right to a fair hearing and an explanation if their expectations are not met.

5. Doctrine of Proportionality: The principle of proportionality states that administrative actions must not be more drastic than necessary to achieve their objective. There must be a balance between the means used and the ends achieved.

6. Doctrine of Ultra Vires: This doctrine ensures that administrative authorities do not act beyond the powers granted to them by law. If they do, such actions are called ultra vires (beyond the powers) and are considered invalid.

Ultra vires can be of two types:

- **Substantive Ultra Vires** – When the authority has no power at all to make the decision or take the action.
- **Procedural Ultra Vires** – When the authority violates the procedure required by law in exercising its power.

7. Doctrine of Public Accountability: This doctrine holds that public officials must be answerable for their actions and decisions. Administrative law promotes this through writs, RTI laws, judicial review, and institutional mechanisms like Lokayuktas and vigilance

²¹ AIR 1978 SC 597.

²² (1993) 3 SCC 499.

commissions.

The case of Vineet Narain v. Union of India²³ highlighted the importance of independence and transparency in investigations and called for reforms in the CBI and other investigative agencies.

8. **Doctrine of Locus Standi:** Locus standi means the right to bring a legal action. Traditionally, only those directly affected by administrative decisions could challenge them. However, with the rise of Public Interest Litigation (PIL), courts relaxed this rule.

In S.P. Gupta v. Union of India²⁴, the Court held that any public-spirited person could approach the court in the interest of justice, particularly in cases involving human rights and government accountability.

9. **Doctrine of Res Judicata:** Though this doctrine originates from civil law, it applies in administrative proceedings as well. It means that once a matter is finally decided, it cannot be re-opened. This ensures finality in decisions and avoids repeated litigation.

10. **Doctrine of Bias:** This is closely related to natural justice. The doctrine of bias ensures that no person who has a personal interest in the case should participate in decision-making. Even reasonable suspicion of bias can lead to invalidation of the decision.

The test of bias is whether a reasonable person would believe that the decision-maker might not act fairly. Bias can be pecuniary, personal, or official.

Relationship Between Administrative Law and Constitutional Law: Administrative law and constitutional law are two essential branches of public law that play pivotal roles in the governance of a country. While they share a close relationship and often overlap, they have distinct functions, scope, and applications. In India, the relationship between administrative law and constitutional law is intricate, as the latter provides the foundation upon which the former operates. Let's explore the relationship in detail.

1. **Constitutional Law as the Framework for Administrative Law:** At the heart of the relationship between administrative law and constitutional law lies the Constitution of India. Constitutional law sets the legal framework and the basic structure within which the administrative authorities must function. It lays down the powers, duties, and limits of the

²³ (1998) 1 SCC 226.

²⁴ AIR 1982 SC 149.

executive branch of government, which is the domain of administrative law.

- Article 12 defines the State and identifies which authorities are considered part of the government.
- Article 14 provides the right to equality, ensuring that administrative actions are not arbitrary.
- Article 19 guarantees fundamental freedoms, which places restrictions on administrative actions to ensure they respect individual rights.
- Article 21 guarantees the right to life and personal liberty, which binds administrative authorities to act fairly and justly.

The Constitution not only grants powers to administrative bodies but also imposes checks and balances to prevent misuse of power. Thus, administrative law in India operates within the constitutional framework, ensuring that administrative actions are consistent with constitutional principles.

2. *Judicial Review*: A Bridge Between Administrative and Constitutional Law: One of the most significant links between administrative law and constitutional law is judicial review. Under Article 32 and Article 226 of the Constitution, the judiciary has the power to review administrative actions to ensure they are in accordance with the Constitution.

Judicial review is primarily a constitutional principle that allows courts to ensure that administrative decisions are lawful and do not violate constitutional provisions such as the fundamental rights under Part III of the Constitution. If an administrative action is found to be ultra vires (beyond the legal power) or in violation of constitutional principles, it can be struck down by the courts.

The Supreme Court, in *Maneka Gandhi v. Union of India*²⁵, emphasized that administrative actions must be fair, reasonable, and not arbitrary, aligning with the constitutional guarantee of right to life and personal liberty (Article 21).

3. *Constitutional Constraints on Administrative Power*: Constitutional law imposes certain limits on the exercise of administrative power. While administrative bodies are granted a wide range of powers to ensure effective governance, these powers are not absolute. Constitutional law ensures that the exercise of administrative powers does not violate individual rights or constitutional mandates.

²⁵ *Supra* note 6.

For example, Article 14 (Right to Equality) requires that administrative actions must not be arbitrary or discriminatory. Article 19 guarantees the freedom of speech and right to practice any profession but allows reasonable restrictions. Administrative actions infringing upon these rights must be justified as being reasonable under law.

In *Chandra Kumar v. Union of India* (1997), the Supreme Court held that judicial review is a basic feature of the Constitution, reinforcing that administrative actions must comply with constitutional principles.

4. *Fundamental Rights and Administrative Discretion:* Constitutional law ensures that administrative law does not undermine the fundamental rights guaranteed to citizens. The directive principles of state policy in Part IV of the Constitution guide administrative decisions, but they must never conflict with the fundamental rights guaranteed under Part III.²⁶

For example, while the Constitution allows the executive to regulate and enforce laws related to economic and social welfare, it mandates that these actions must not infringe upon the basic human rights of citizens. Administrative bodies cannot enact regulations or take actions that violate these rights.

5. *Delegated Legislation and Constitutional Authority:* In the context of delegated legislation, administrative authorities are given powers to make rules, regulations, and orders under the framework provided by the legislature. These powers are constitutionally backed, meaning that they are subject to constitutional scrutiny.

- The legislature delegates power to the executive to create subordinate legislation. While this delegation helps with administrative efficiency, it cannot undermine the Constitution's supremacy or violate constitutional provisions.
- Article 245 grants the legislature the authority to make laws for the whole or any part of India, while Article 248 and Entry 97 of List I in the Seventh Schedule allow Parliament to make laws on matters not enumerated in the lists. This delegation is subject to constitutional limitations.

In *Indian Express Newspapers v. Union of India*²⁷, the Supreme Court stressed that even delegated legislation must adhere to constitutional principles, ensuring it does not conflict with fundamental rights.

²⁶ Dr. Narender Kumar, *Nature & Concepts of Administrative Law* 20 (Allahabad Law Agency, Haryana).

²⁷ AIR 1985 SC 515.

6. Administrative Tribunals and Constitutional Law: Administrative tribunals are specialized quasi-judicial bodies that are created to resolve disputes between citizens and administrative authorities. The Tribunal System was established by Article 323A and Article 323B of the Constitution to deal with administrative matters efficiently.

Though tribunals are a part of administrative law, their creation and functioning are governed by constitutional provisions. They operate within a framework established by the Constitution, which ensures independence and fairness in administrative decisions.

In *L. Chandra Kumar v. Union of India (1997)*, the Supreme Court held that while tribunals could exercise jurisdiction over administrative matters, their decisions are still subject to judicial review by the High Courts and the Supreme Court, underlining the importance of constitutional checks.

7. Executive Action and Constitutional Mandates: Administrative law governs the actions of executive authorities, but these actions are always subject to constitutional mandates. Executive action, whether legislative or administrative, must conform to the Constitution to ensure it does not infringe on citizens' rights or violate the principles of governance laid down by the Constitution.

For instance, executive orders issued by the government must not conflict with constitutional provisions such as the right to equality (Article 14), right to freedom of speech (Article 19), and protection of life and liberty (Article 21). Any action that violates these rights can be challenged in courts and struck down.

Difference Between Constitutional Law and Administrative Law

<i>Aspect</i>	<i>Constitutional Law</i>	<i>Administrative Law</i>
<i>Nature</i>	Supreme, foundational law of the state	Governs the regulation and functioning of administrative bodies
<i>Focus</i>	Defines the structure and powers of the government	Regulates the actions and decisions of government agencies
<i>Scope</i>	Broad, covers the whole structure of governance	Narrow, applies to the functioning of administrative agencies
<i>Source</i>	Primarily the Constitution	Statutes, delegated legislation, case law
<i>Key</i>	Fundamental rights, separation of	Delegated legislation, judicial review,

Concepts	powers, judicial review	natural justice
Role of Judiciary	Interpretation and enforcement of the Constitution	Reviewing administrative actions for legality and fairness
Application	Applies to the structure of government and individual rights	Applies to the exercise of executive powers by administrative agencies
Enforcement	Enforced by constitutional courts (Supreme Court)	Enforced through judicial review, administrative tribunals

Important Judicial Pronouncements on the Evolution and Development of Administrative Law in India:

Judicial pronouncements have played a crucial role in the evolution and development of administrative law in India. Indian courts, particularly the Supreme Court, have shaped administrative law by interpreting constitutional provisions, enforcing the principles of natural justice, and ensuring that administrative actions are within the boundaries of the law. Below are some landmark judicial pronouncements that have significantly influenced the development of administrative law in India:

*A.K. Kraipak v. Union of India*²⁸: (Right to Fair Hearing and Natural Justice), In this case, the Supreme Court made a pivotal ruling regarding the principles of natural justice. The case involved a decision by the Union Public Service Commission (UPSC) regarding the appointment of candidates to a post, where the decision was made without giving the affected parties a chance to be heard.

*Maneka Gandhi v. Union of India*²⁹: The Maneka Gandhi case is one of the most significant decisions in the development of administrative law in India, particularly in relation to procedural fairness and the protection of fundamental rights under the Constitution. The case dealt with the impounding of a passport by the government, which was done without providing a fair hearing.

*L. Chandra Kumar v. Union of India*³⁰: The L. Chandra Kumar case was critical in defining the relationship between administrative tribunals and the judicial system. The case dealt with the constitutionality of the Administrative Tribunals Act, 1985, which created tribunals to deal with service matters of government employees.

*S.P. Gupta v. Union of India*³¹: This case is a landmark decision in the evolution of

²⁸ AIR 1970 SC 150.

²⁹ AIR 1978 SC 597.

³⁰ AIR 1997 SC 1125.

³¹ AIR 1982 SC 149.

administrative law as it addressed the issue of access to information. It concerned the denial of access to certain official records by the government.

Conclusion: Administrative law has evolved as an essential part of modern governance. It ensures that government authorities act within the law, respect citizens' rights, and provide reasons for their actions. In India, administrative law is strongly rooted in constitutional principles. The Constitution provides the framework, while administrative law fills in the details by controlling and reviewing day-to-day administrative actions. The relationship between administrative and constitutional law is like that of a branch and its tree. One cannot survive without the other. Together, they ensure that India remains a democratic country governed by the rule of law, where citizens are protected from arbitrary power.

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