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COMPARATIVE ANALYSIS OF DROIT ADMINISTRATIF

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ABSTRACT:

Droit Administratif is recognized as one of the most important and relevant concepts of the French Administrative system. It came to be considered as the first system that has taken all the necessary steps to protect its citizens against the arbitrary action of the administration. With time, the other countries of the world also tried to adopt this system. While some countries were successful in doing so, the others found it difficult to mold it as per their requirements. India is one such country that tried to adopt the droit administratif system. This paper tries to draw a comparative analysis between the original French Administratif system, and the version adopted by India. This paper talks about the process of tribunalisation in India and also analyzes important cases for a better understanding of the same.

INTRODUCTION:

Administrative law is a branch of the law that governs the executive or administrative sectors. As per Sir Jennings¹, 'Administrative law is the law relating to the administration. It determines the organization, powers, and duties of administrative authorities'. In other words, administrative law is the branch that looks into the roles and duties of the other organs of the state. One of the main reasons for the growth of administrative law is the transformation of the police state to a welfare state. With time, nature of the state became more and more complex. The state started to undertake activities, such as sanitation and education, to ensure the welfare of its citizens from cradle to grave. This is when administrative law became more prevalent and relevant. There are numerous sources of the administrative law such as the Constitution of India, various Acts, Judicial decisions, notifications, circulars etc. Article 14 of the Constitution of India² guarantees equality before law and equal protection of the law. The interpretation of this article states that equal treatment shall be meted out to all citizens. This article ensures to strike out the arbitrary

¹C. K TAKWANI, LECTURES ON ADMINISTRATIVE LAW 2-3 (17ED. 2020).

²INDIA CONST. art 14.

behavior of the state. Hence, the Constitution of India, itself, lays down the basis for the smooth functioning of administrative law.³

Dicey interpreted administrative law to refer to that component of a legal system that governs the legal standing and obligations of the state officials. Secondly, it states that administrative law looks into the rights and duties of individuals while engaging with public authorities. Finally, administrative law describes the mechanism for enforcing such rights and responsibilities.

FRANCE:

HISTORY OF DROIT ADMINISTRATIF

France has, since forever, witnessed a power tussle between the administrative courts and the judicial courts. In fact, this battle between traditional Bonapartists and Reformist Parliaments was a major factor of the French Revolution of 1789⁴. The former advocated for regular courts' exclusive jurisdiction, while the latter suggested for executive authorities' predominance. This saw the rise of Conseil du Roi and Couseil d'Etat. Initially, the Conseil de Roi had the supreme authority over all legal and administrative matters. However, with the increase in the Monarch's power, the judicial courts were restricted from interfering in administrative matters. This separation of power did not last long and blurred out with the weakening of Monarch's control.⁵ Around 1790s, it was laid down that the judiciary and administrative matters must be dealt with separately and cannot intertwine. Further, there would be serious repercussions such as being held guilty for misprision if the judges were found to be interfering in administrative matters. It is then that the concept of droit administrative rose to prominence in the 18th century, during the reign of Napoleon Bonaparte. He established Conseil d'Etat which consists of three levels of courts namely, the district administrative bodies (Tribunax Administratifs), Courts of Appeals (Cours Administratives d'Appeal) and the Board of State (Conseil d'Etat).⁶

³UNDERSTANDING THE NATURE AND SCOPE OF ADMINISTRATIVE LAW TAXMANN BLOG (2023), <https://www.taxmann.com/post/blog/understanding-the-nature-and-scope-of-administrative-law/> (last visited Oct 4, 2023).

⁴James W Garner, FRENCH ADMINISTRATIVE LAW - CORE, Yale Law Journal; <https://core.ac.uk/download/pdf/127663724.pdf> (last visited Oct 4, 2023).

⁵ Paridhi Agarwal, A STUDY ON THE PRINCIPLE OF DROIT ADMINISTRATIF - IJIRL, <https://ijirl.com/wp-content/uploads/2023/04/A-STUDY-ON-THE-PRINCIPLE-OF-DROIT-ADMINISTRATIF.pdf> (last visited Oct 4, 2023).

⁶ Tanya Bansal, EVOLUTION OF ADMINISTRATIVE COURTS IN FRANCE AND INDIA : A COMPARATIVE ..., https://indraprasthalawreview.in/wp-content/uploads/2022/09/GGSIPU_USLLS_ILR_2022_V3-II-02-Tanya_Bansal.pdf (last visited Oct 4, 2023).

ANALYSIS OF DROIT ADMINISTRATIF

Under the France Droit Administrative system, there are two set of independent courts that are set up. One set of courts are the administrative courts and the other are the ordinary civil courts. These two sets of courts are completely independent of each other. The ordinary civil courts administer ordinary civil law. In other words, it looks into matters concerning disputes between citizens (i.e., subjects and subjects). Administrative set of courts, on the other hand, looks into disputes between the State and the subjects. Any Administrative authority or official is not subject to the jurisdiction of ordinary civil courts exercising powers under the civil law in disputes between private individuals. All disputes which involve any administrative officer or state official, as a party to the case, shall fall outside the ambit of the ordinary courts.⁷

The concept of Droit Administrative contradicts Dicey's 'Rule of Law'. Dicey's theory states that every individual of a State shall be subjected to the same law and equal treatment. The theory also states that no one, irrespective of whether they are an officer or any supreme authority, shall fall outside the purview of the Rule of Law. Dicey opined that the Droit Administratif would lead to complete injustice in the state of France. He was of the opinion that, owing to this special treatment of certain officials, there was no law in France. However, with time, his speculations were proven to be wrong.⁸

The principle of droit administrative is an important basic idea in the French Administrative law that controls the government's interaction with its citizens. This idea emphasizes the need for safeguarding the rights and interests of an individual against the probable power abuse by the government. This refers to a system of laws that regulate the organization, powers, and duties of public administration and as well as the interaction between the citizens and the officials. Waline, a renowned French Jurist, laid down three fundamental principles of Droit Administratif, which are as follows⁹:

1. The power of administration to act Suo Motu and impose directly on the subject the duty to obey its decision.

⁷ C.K TAKWANI, LECTURES ON ADMINISTRATIVE LAW 27-28 (17ED. 2020)..

⁸ J. Adi Narayan & Neeraj Sastry, TRIBUNALISATION OF JUSTICE: APPLICATION OF DROIT ADMINISTRATIF IN INDIA, VOL1 ISSUE 3.

⁹DICEY'S THEORY OF RULE OF LAW CONSISTS OF THREE MAIN PRINCIPLES: 1 ..., <http://lscollege.ac.in/sites/default/files/e-content/Rule%20of%20Law.pdf> (last visited Oct 4, 2023).

2. The power of the administration to take decisions and to execute them *Suo Moto*, may be exercised only within the ambit of law which protects individual liberties against administrative arbitrariness.
3. The existence of a specialized administrative jurisdiction

Droit Administratif has certain features and characteristics that are unique to this system. The main distinctive aspects of droit administrative are: i) Administrative courts have authority over the problems pertaining to the state and administrative litigation, which cannot be looked into by ordinary courts; (ii) Administrative court rules are followed by individuals who make judgements affecting the state and administrative litigation; (iii) If there is a dispute about jurisdiction between regular courts and administrative courts, the tribunal des conflits rules; (iv) The Conseil d'Etat is the highest administrative court.¹⁰

ADVANTAGES OF DROIT ADMINISTRATIVE

Though the Droit Administratif system faced a lot of backlashes when it was introduced, with time it justified the faith reposed in it. This system avoided the issue of State Responsibility that Common Law countries often face. Further, the ordinary civil courts are often bound by rigid rules and cumbersome processes. However, administrative adjudication is not confined by the jargons of judiciary. This system proved Dicey's speculations to be futile, by becoming the first ever system to take such bold steps in order to protect its citizens. It also provides relief to the courts, which are otherwise overburdened. The Conseil d'Etat found that the State behaved with all honesty, and that an executive agency could be held accountable to any individual that has suffered any injuries or loss, as a result of any government activity. The Droit Administratif avoided the cumbersome and taxing process of the common citizens visiting ordinary courts to challenge the conduct of the state and the consequent possibility of applying "King can do no wrong".¹¹

CASE ANALYSIS

One can understand the implementation of this system by looking at a few cases. The 'Fortune Case' is considered to be one of the most important cases of France. 'A' wanted to appear at a

¹⁰ Droit Administratif, Jamia Milia Islamia, 2022 <https://www.studocu.com/in/document/jamia-millia-islamia/comparative-public-administration/droit-administratif-lecture-notes-4/24360397>.

¹¹ J. Adi Narayan & Neeraj Sastry, TRIBUNALISATION OF JUSTICE: APPLICATION OF DROIT ADMINISTRATIF IN INDIA, VOL1 ISSUE 3.

competitive exam, however, wasn't permitted on the ground that his confidential file contained some adverse remarks. The Conseil d'Etat was involved in it and was requested to go through previous records. The secretary pleaded that it was an Act of State, and the court had no jurisdiction to deal with it. The court passed an order to produce the entire file relating to the matter and after thorough understanding of it, quashed the order.¹²

The Blanco case is considered to be the judgment that provided an in depth understanding of Administrative Law. This case dates back to 1873 and is considered to the starting point or rebirth of the French Administrative Law. It was in 1871, that, Agnes, the 5-year-old daughter of Jean Blanco, a distiller worker at a factory in Bordeaux, was overrun by a wagon. The wagon was owned by the Bacalan Tobacco Factory and on the day of the incident was full of Kentucky Tobacco. The wagon then ran over her, causing her severe injuries. Jean decides to file an action against the company. Jean pleaded the case to the Conseil d'Etat, while the other party argued that this matter should be dealt by the ordinary civil courts. They contended so since they were of the opinion that the act was not done by the state itself, but by the employees. Hence, the state is only indirectly involved. The court made a note of the differences in the opinions of the parties. The conflicts tribunal affirmed the jurisdiction of the administrative courts. This case laid down the foundation for all other following cases.¹³

Another landmark case is that of 'Barel Case'. The minister in charge did not permit a handful of students to appear in the civil services examination. It was reported in the newspaper that the government restricted a few students for appearing in the exam, since they were communists. The minister, strongly, denied these claims. The affected candidates approached the Conseil d'Etat.¹⁴

INDIA:

ADMINISTRATIVE LAW

While the world claims to have recognized administration law only around the 20th century, India had seen a glimpse of it way before. Administration law, in India, can be traced back to the properly structured administration under the Gupta and Maurya dynasties. Mughals soon followed their footsteps. The rulers, of that time, were majorly entrusted with three functions.

¹² C.K TAKWANI, LECTURES ON ADMINISTRATIVE LAW.

¹³ Charles Bosvieux-Onyekwelu, Revenir sur une légende en sociologie : l'arrêt Blanco et le mythe de la « naissance » du droit administratif français, 101 Dans Droit Et Societe 159, 159-178.

¹⁴ PADFIELD V. MINISTER OF AGRICULTURE FISHERIES AND FOOD, 1968 AC 997.

These three functions were to collect taxes, maintain the law and order of the state and protect the state from any external aggression. This was known to be the 'Rule of Dharma' and none of the subjects sought any exemption from it. The emperors strictly followed the principles of natural justice and ensured fair treatment to all subjects. Rule of Dharma was considered to have a wider ambit than the Rule of law. Despite having a structure in place, there was no administrative law in existence to ensure its implementation. Hence, it became the moral duty of the king to follow the Rule of Dharma.

However, there was a change in the scenario with the arrival of British in India. The establishment of the East India Company increased the powers of the government manifold. The Britishers introduced several laws and acts to look into sanitation, security of the citizens, transportation conditions, etc. However, all these statues were scrapped with the exit of the EIC. There was a surge in the responsibilities of the state post-independence, hence the state adopted the 'Rule of Law' and the 'Judicial Review of State Actions'.¹⁵

Over these past few years, administrative law has helped in the development and growth of various sectors. Several acts, such as The Indian Petroleum Act, 1899; The Arms Act, 1878; The Sarais Act, 1867; The Indian Explosives Act, 1884 were implemented to ensure the prohibition of carrying out, without permission, any activity, or goods, which could pose as a potential threat to the public at large. The Companies Act, 1850; The Reserve Bank of India Act, 1934; Industries (Development and Regulation) Act, 1951 are one of the few major statues that were introduced for economic regulation and to ensure socio-economic justice. Administrative law has also come in handy to deal with complex issues of corruption, privatization, liberalization, nationalization while ensuring socio-economic and political justice.¹⁶

DROIT ADMINISTRATIF

After Independence, India shifted from a police state to a welfare state. The gears shifted from laissez faire to social welfare. There has always been an ongoing debate about introducing droit administration in India. However, with time it was recognized that the concept of Droit

¹⁵ Development and evolution of Administrative Law in India, US, UK and France Law Times Journal (2019), <https://lawtimesjournal.in/development-and-evolution-of-administrative-law-in-india-us-uk-and-france/> (last visited Oct 4, 2023).

¹⁶ Shambhavi Goswami, Historical development of Administrative Law in India Times of India Blog (2021), <https://timesofindia.indiatimes.com/readersblog/shambhavi/historical-development-of-administrative-law-in-india-31054/> (last visited Oct 4, 2023).

Administratif is quite unique to France. India has always had the opinion, that the judiciary should be independent and should not be intermixed with the administrative duties. However, in the 20th century, government social and economic policies had a substantial influence on residents' private rights such as employment, planning, education, health, housing, pension, manufacturing of commodities etc. Traditional legislative and judicial systems were unable to properly address these issues. It led to a rise in delegated legislation and tribunalisation. India, though does not have two set of independent courts, has adopted Droit Administratif in the form of tribunalisation. The former Chief Justice of India had remarked that 'the India's three tier tribunal system appears to resemble the Droit Administrative system of France'.

India has witnessed tribunalisation of various facets of law, even before the Constitution of India made any mention of the same. The term tribunal has been defined as 'Court of Justice' or committee appointed to adjudicate on claims of a particular kind'. The term 'Tribunal' was coined by Justice Bhagwati in the historic case of *Minerva Mills*¹⁷. Until then, tribunals were often referred to as the 'alternative institutional mechanism'. Further, in this case the court also declared that there cannot be any other replacement for ordinary courts. If need be, there can be another form of redressal. However, India has come a long way in recognizing the role of administrative law and tribunals in India. The 14th Law Commission report was titled as 'Reforms of Administration of Justice'. It was in this report that an in-depth study led us to believe that the establishing *Council d'Etat* is not feasible for a widely diverse and populated country like India. Further the report also mentions that setting up of tribunals would not be in a manner that is supplementary to the ordinary courts. Further, it would also be against the basic structure of the constitution to be replacing or interfering with the judiciary. The same was reiterated in the case of *Durga Shankar Mehta vs Raghraj Singh*¹⁸, wherein the Supreme Court interpreted that the expression 'tribunal' used in Article 136¹⁹ of the Indian Constitution does not include courts under its ambit. Thus, clearing any iota of doubt.

The Administrative Reforms Commission was formed by the Government of India in the year 1967 to come up with a viable solution. The report of the commission stated that there was a need to establish tribunals in two major areas, namely, (i) service matters and (ii) sales tax, customs, central excise matters and motor vehicles act. It was then that Part XIV-A was inserted through

¹⁷ *Minerva Mills v. Union of India*, 1980 AIR 1789.

¹⁸ *Durga Shankar Mehta vs Thakur Raghuraj Singh*, 1954 AIR 520.

¹⁹ INDIA CONST. art 136.

the 42nd amendment. This part of the Constitution dealt with Articles 323A²⁰ and 323B²¹. These Articles deal with administrative tribunals and other tribunals respectively. These articles provided limited powers to the tribunals and review powers to the High courts. This model was identified to be very similar to that of the France's Droit Administratif, however with an Indian and common law's touch to it.²²

Article 323A²³ of the Indian Constitution deals with Administrative Tribunals. These were set up by an Act of Parliament, namely the Administrative Tribunals Act, 1985²⁴. It majorly adjudicates disputes with respect to recruitment and conditions of services of persons appointed to posts in connection with the affairs of the States and the Union and of persons appointed to the public services. There are State Administrative Tribunals, Central Administrative Tribunals and Joint Administrative Tribunals. This also includes National Green Tribunals, Armed Forces Tribunal, Water Dispute Tribunals, and Income Tax Appellate Tribunal under its ambit. National Green Tribunals play a pivotal role in dealing with environmental cases. It was set up for expeditious disposal of cases related to environmental protection and conservation of natural resources such as forests, water etc.²⁵

The main aim of tribunalisation, is very similar to that of Conseil d'Etat. Their main objective has been to ensure speedy disposal of cases, to provide affordable justice and to provide for experts in niche areas. Further, tribunals have judicial members who have high technical knowledge. Hence, they are in a good position to assist courts in difficult cases. However, this does not mean that they have exclusionary powers. The Indian constitution has given the high courts and the supreme courts the sole power to try cases. The courts, further, struck down those provisions of the administrative act which awarded exclusionary powers to these tribunals.²⁶ Another point of contention has been whether it is mandatory to establish a tribunal. However, Article 323A of the Indian Constitution has mentioned that it is not so. The government has the complete discretion upon the decision with regards to its establishment. The court went on to

²⁰ INDIA CONST. art 323A.

²¹ INDIA CONST. art 323B.

²² Tanya Bansal, EVOLUTION OF ADMINISTRATIVE COURTS IN FRANCE AND INDIA: A COMPARATIVE ..., https://indraprasthalawreview.in/wp-content/uploads/2022/09/GGSIPU_USLLS_ILR_2022_V3-I1-02-Tanya_Bansal.pdf (last visited Oct 4, 2023).

²³ INDIA CONST. art 323A.

²⁴ Administrative Tribunals Act, 1985.

²⁵ Ravindranath Aishwarya, Tribunalisation of Justice: A comparative of France and India, *Indian Journal of Law and Legal Research*, VOL 5 Issue 1.

²⁶ Abraham, Alan, *History of Administrative Tribunals in India and Analysis of Related Cases* (April 21, 2022).

make the statement that the tribunals were unable to fulfill their main objective of providing speedy disposal. Hence, article 323 becomes merely an enabling statute.²⁷

However, it is not in all cases that the speedy disposal has been possible. Some critics are of the opinion that the tribunals have massively failed in ensuring speedy disposal of cases. Instead, it has only led to more confusion and chaos amongst the commoners. Further, their objective is lost since the statute does not the citizens to directly approach the Supreme Court to appeal against the order of the tribunals. Hence, despite having established tribunals, the legal justice process remains cumbersome and taxing. Some opine that instead of establishing tribunals, more benches for the high court and the Supreme Court, must be instituted.

America

Common law countries have developed a distinct and unique system of judicial review. They resort to the establishment of quasi-judicial bodies, instead of two separate and independent set of courts. The Americans have a very narrow meaning of administrative law. Administrative law means 'the best designation for the system of legal principles which set conflicting claims of executive or administrative authority on one side, and of individual or private right on the other'. The French content on Droit Administratif can be compared to the American text of Davis on Administrative law can be divided mostly into three sections namely the: 1) the transfer of authority to the administration from legislature, 2) administrative procedure, 3) judicial review. However, there is an essential difference between the judge who has established droit administrative and the judge who has developed the Anglo-American administrative law. In France, however, law courts concerned with the administration of justice between persons have played only a modest role in this subject. The French Administrative law developed through a succession of administrative courts, a collection of tribunals which have been established outside of the traditional judicial system. Under the Anglo-American system, the state is subject to the same law and the courts, as the ordinary people. Anyone who is hurt by administrative actions can seek redress in the regular courts.²⁸

²⁷ Abraham, Alan, History of Administrative Tribunals in India and Analysis of Related Cases (April 21, 2022).

²⁸ Bernard Schwartz, University of Miami Law Review, <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=4024&context=umlr> (last visited Oct 4, 2023).

Conclusion

The Droit Administratif System has time and again proved that it goes to great lengths to protect an individual's rights against the state. It also ensures to keep a check on the working of the state and avoid arbitrary use of power. Droit Administrative has also been able to fulfill its objectives of providing inexpensive, speedy, and effective remedial measures to those affected. It has shut down all criticism by becoming the only single institution to do so much for the protection of its citizens. However, the main point of contention is whether the Droit Administratif system should be adopted by common law countries such as the USA, UK, and India. It was in the case of Delhi Bar Association, that the court held that 'tribunals should not be seen as departments of ministries or as part of the administration nor must they be seemed to be so independent so as to be excluded from jurisdiction of ordinary courts. Hence, adoption of the Droit Administratif system is the best way ahead'.

BIBLIOGRAPHY

1. Abraham, Alan, History of Administrative Tribunals in India and Analysis of Related Cases (April 21, 2022).
2. Bernard Schwartz, UNIVERSITY OF MIAMI LAW REVIEW, <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=4024&context=umlr> (last visited Oct 4, 2023).
3. C . K TAKWANI, LECTURES ON ADMINISTRATIVE LAW 2-3 (17ED. 2020).
4. Charles Bosvieux-Onyekwelu, Revenir sur une légende en sociologue : l'arrêt Blanco et le mythe de la « naissance » du droit administratif français, 101 Dans Droit Et Societe 159, 159-178.
5. DEVELOPMENT AND EVOLUTION OF ADMINISTRATIVE LAW IN INDIA, US, UK AND FRANCE LAW TIMES JOURNAL (2019), <https://lawtimesjournal.in/development-and-evolution-of-administrative-law-in-india-us-uk-and-france/> (last visited Oct 4, 2023).
6. DICEY'S THEORY OF RULE OF LAW CONSISTS OF THREE MAIN PRINCIPLES: 1 ..., <http://lscollge.ac.in/sites/default/files/e-content/Rule%20of%20Law.pdf> (last visited Oct 4, 2023).
7. Durga Shankar Mehta vs Thakur Raghuraj Singh, 1954 AIR 520.
8. Droit Administratif, Jamia Milia Islamia, 2022 <https://www.studocu.com/in/document/jamia-millia-islamia/comparative-public-administration/droit-administratif-lecture-notes-4/24360397>.

9. INDIA CONST.
10. J. Adi Narayan & Neeraj Sastry, TRIBUNALISATION OF JUSTICE: APPLICATION OF DROIT ADMINISTRATIF IN INDIA, VOL1 ISSUE 3.
11. James W Garner, FRENCH ADMINISTRATIVE LAW - CORE, Yale Law Journal; <https://core.ac.uk/download/pdf/127663724.pdf> (last visited Oct 4, 2023).
12. Minerva Mills v. Union of India, 1980 AIR 1789.
13. PADFIELD V. MINISTER OF AGRICULTURE FISHERIES AND FOOD, 1968 AC 997.
14. Paridhi Agarwal, A STUDY ON THE PRINCIPLE OF DROIT ADMINISTRATIF - IJIRL, <https://ijirl.com/wp-content/uploads/2023/04/A-STUDY-ON-THE-PRINCIPLE-OF-DROIT-ADMINISTRATIF.pdf> (last visited Oct 4, 2023).
15. Ravindranath Aishwarya, Tribunalisation of Justice: A comparative of France and India, Indian Journal of Law and Legal Research, VOL 5 Issue 1.
16. Shambhavi Goswami, HISTORICAL DEVELOPMENT OF ADMINISTRATIVE LAW IN INDIA TIMES OF INDIA BLOG (2021), <https://timesofindia.indiatimes.com/readersblog/shambhavi/historical-development-of-administrative-law-in-india-31054/> (last visited Oct 4, 2023).
17. Tanya Bansal, EVOLUTION OF ADMINISTRATIVE COURTS IN FRANCE AND INDIA : A COMPARATIVE ..., https://indraprasthalawreview.in/wp-content/uploads/2022/09/GGSIPU_USLLS_ILR_2022_V3-I1-02-Tanya_Bansal.pdf (last visited Oct 4, 2023).
18. UNDERSTANDING THE NATURE AND SCOPE OF ADMINISTRATIVE LAW TAXMANN BLOG (2023), <https://www.taxmann.com/post/blog/understanding-the-nature-and-scope-of-administrative-law/> (last visited Oct 4, 2023).