BLOGS

Fundamental Principles of Administrative Law

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I. Delegated Legislation

Delegated legislation is the process by which legislative powers are transferred to administrative authorities to make detailed rules, regulations, or by-laws under a parent statute.

This approach is indispensable in modern governance due to the increasing complexity and specialization of administrative tasks. For example, specific rules on environmental standards or building codes require technical expertise that legislative bodies may lack.

The advantages of delegated legislation are manifold. It allows for flexibility, efficiency, and detailed law-making. Administrative bodies can respond swiftly to changing societal needs, which is crucial in dynamic areas like technology and health.

Judicial control ensures that delegated legislation remains within its legal bounds. Courts can strike down rules if they are ultra vires, meaning they exceed the powers conferred by the parent act.

In *In Re Delhi Laws Act, 1951*, the judiciary upheld the principle of delegated legislation but emphasized the need for proper safeguards.

II. Principles of Natural Justice – Audi Alteram Partem and Nemo Judex in Causa Sua

Natural justice is a fundamental principle that ensures fairness in administrative proceedings. The principle of *audi alteram partem* mandates that no one should be condemned unheard.

This requires administrative authorities to provide notice and an opportunity to be heard before making decisions that affect individual rights. The right to a fair hearing includes disclosing evidence, allowing representation, and considering submissions impartially.

In *Maneka Gandhi v. Union of India*, the court reinforced the necessity of adhering to this principle, even in administrative decisions.

The second pillar, *nemo judex in causa sua*, ensures impartiality by disqualifying decision-makers with conflicts of interest. Bias, whether pecuniary, personal, or institutional, can undermine the legitimacy of administrative actions.

In *A.K. Kraipak v. Union of India*, the court invalidated a decision influenced by bias, highlighting that the principles of natural justice apply to administrative bodies just as they do to judicial proceedings.

III. Rule of Law

The Rule of Law is a fundamental principle in legal and political systems, ensuring that no one is above the law and that laws are applied fairly and consistently.

The concept of the Rule of Law was articulated by A.V. Dicey in his book and it emphasized these key principles:

1. Supremacy of Law
2. Equality Before Law

The Rule of Law is embedded in the Indian Constitution and is upheld by the judiciary. Key constitutional provisions reflecting the Rule of Law include:

- Article 14 – Guarantees equality before the law and equal protection of laws.
- Article 21 – Protects the right to life and personal liberty, emphasizing procedural fairness.
- Article 32 & 226 – Allow individuals to seek remedies through writ petitions in courts.

IV. Judicial Review of Administrative Actions – Grounds and Limitations

Judicial review is the mechanism by which courts examine the legality of administrative actions. It ensures that such actions comply with statutory and constitutional mandates.

The grounds for judicial review include illegality, irrationality, and procedural impropriety. Illegality occurs when an administrative body exceeds its statutory powers. Irrationality, as defined in the *Wednesbury unreasonableness* standard, involves decisions that defy logic or fairness.

However, judicial review is not without limitations. Courts generally avoid interfering in policy decisions or substituting their judgment for that of administrative authorities.

In *State of U.P. v. Johri Mal*, the court emphasized that judicial review must respect the separation of powers while protecting individuals from arbitrary state actions.

V. Separation of Powers

Separation of Powers is a principle that divides authority among different branches to prevent the concentration of power and ensure a system of checks and balances. This doctrine is fundamental to constitutional democracies, promoting accountability and preventing authoritarian rule.

Key Features of Separation of Powers

1. Division of Government Powers – Legislative, executive, and judicial powers must be exercised by separate entities.
2. Independence of Each Branch – No branch should interfere with the functions of another.
3. Checks and Balances – Each branch has mechanisms to prevent the misuse of power by the others.

Despite the absence of strict separation, India follows a system of checks and balances:

- Legislature controls Executive through no-confidence motions and parliamentary committees.
- Executive influences Legislature through ordinances (Article 123).
- Judiciary checks both through judicial review and striking down unconstitutional laws.

VI. Liability of the State – Sovereign vs. Non-Sovereign Functions

The liability of the state pertains to its responsibility for wrongful acts committed by its employees. Traditionally, the state was immune from liability for acts performed in its sovereign functions, such as defense or police activities.

This principle was upheld in ***Kasturi Lal v. State of U.P.***, where the state was not held liable for negligence in sovereign functions.

However, for non-sovereign or commercial functions, the state does not enjoy immunity and is held accountable like any private entity.

In *Nilabati Behera v. State of Orissa*, the Supreme Court awarded compensation for custodial death, signaling a shift towards greater state accountability. This distinction reflects the evolving role of the state in modern governance, where it engages in both sovereign and welfare activities.

Conclusion

Administrative law principles serve as a cornerstone for fair governance, balancing the need for administrative efficiency with individual rights and accountability. From the flexibility of delegated legislation to the fairness ensured by natural justice, these doctrines uphold the rule of law and provide vital checks on administrative power. Whether through judicial review, writs, or the doctrine of legitimate expectation, these principles collectively ensure that administrative actions are lawful, rational, and just.

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