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Quick Revision Notes (QRN) : Administrative Law

Julie Nigam · 12 Nov 2026

Quick Revision Notes : Administrative Law

Administrative Law explains how public authorities exercise power and how courts control that power. These Quick Revision Notes on Administrative Law cover the topics most useful for CLAT PG. They are the meaning and scope of Administrative Law, rule of law, delegated legislation, administrative discretion, natural justice, procedural fairness, judicial review, legitimate expectation, promissory estoppel, Ombudsman institutions, tribunals and public undertakings. For a broader understanding of administrative law refer CLATalogue's Basic Introduction to Administrative Law.

1. Meaning, Nature and Scope of Administrative Law

Administrative Law is the branch of public law that regulates the powers, functions and duties of administrative authorities. It also provides remedies when public power is exercised illegally, unfairly or unreasonably.

The term "**administration**" includes the executive government, local authorities, statutory bodies, regulators, public corporations, tribunals and other bodies performing public functions. A body may be subject to administrative law even when it is not technically a government department as the question is often regarding the nature of the function and its public impact.

Why Administrative Law is Important

The modern state does much more than maintaining law and order. It regulates education, health, transport, taxation, markets, the environment, public employment and welfare schemes. Parliament cannot itself make every detailed rule or decide every individual application. Therefore administrative authorities receive power to make decisions and implement legislation.

This creates a risk of arbitrariness. To prevent the risk of arbitrary governance, Administrative Law requires that -

- these authorities act within their legal boundaries,
- follow fair procedures before taking adverse action,
- provide evidence-based reasons, remain unbiased,
- ensure equality,
- practice proportionate discretion, and
- submit to judicial review

Ramana Dayaram Shetty v. International Airport Authority of India

The Supreme Court ruled that state instrumentalities must act fairly and cannot behave arbitrarily when distributing public benefits or awarding contracts. It ensures that the State must follow Article 14 and act non-arbitraily.

2. Rule of Law and Separation of Powers

The principle of 'rule of law' states that governments must act according to established law rather than personal whims and fantasies. **A.V. Dicey** associated the rule of law with three ideas:

1. It encompasses legal equality,
2. The elimination of arbitrary power,
3. independent judiciaries and effective legal remedies.

But in the modern understanding the scope is much wider. Now the rule of law also requires fair procedure, accountability, reasoned decision-making and constitutional review.

The concentration of legislative, executive and judicial functions in one authority is prevented by separation of powers. But in India, the separation is not absolute. Administrative authorities may make delegated legislation, decide disputes in tribunals and take policy decisions. But their power remains subject to the Constitution and judicial review.

Important case: Kesavananda Bharati v. State of Kerala

The Supreme Court held that the basic structure of the Constitution cannot be destroyed by amendment. Rule of law, judicial review and constitutional supremacy are central ideas connected with this doctrine.

For a related revision of constitutional principles, see CLATalogue's Fundamental Rights: A Recap .

3. Sources of Administrative Law

Administrative Law comes from several sources:

- the Constitution,
- Acts of Parliament and State legislatures,
- delegated legislation, such as rules, regulations, notifications and bye-laws,
- judicial decisions,
- government circulars, manuals and policy documents, and
- administrative conventions and established practices.

4. Delegated Legislation

Delegated legislation is law made by an authority under power given by a parent statute. Parliament or a State Legislature lays down the policy and essential standards, while the executive fills in details through rules, regulations, schemes or orders.

Why Delegated Legislation is Necessary?

Delegation of legislative powers is essential for several reasons -

- As modern laws involve specialized details, technical expertise is required.
- Rules could be modified quickly.
- Executive bodies possess practical experience which is helpful for implementation.
- Saves the time of parliament as minor administrative details are dealt by delegates.
- Regulations can be easily tailored to meet unique regional needs.

When Delegated Legislation is Invalid.

The legislature cannot transfer its essential legislative function. It must decide the basic policy, principle and standard. The delegate cannot go beyond the parent Act. It can be challenged when

- The power is exceeded i.e. it goes beyond the powers granted by the parent act.
- The regulations directly contradict the governing law.
- The rules breach the core constitutional principles.
- The decision is clearly arbitrary
- The rules apply backward in time without legal permission
- The authority fails to follow mandatory lawmaking steps.

Conditional Legislation v. Delegated Legislation

- **Conditional Legislation** : The legislature enacts a complete law but leaves it to the executive to determine when, where, or to whom it will apply.
- **Delegated Legislation** : The legislature passes the core policy and empowers the executive to create the detailed rules and regulations within the statutory boundaries.

Important Landmark Cases -

- In re Delhi Laws Act: the Supreme Court held that while ancillary and detailed functions can be delegated, essential legislative functions like laying down main policies cannot be transferred.
- Hamdard Dawakhana v. Union of India: Established that excessive delegation is invalid if the legislature fails to provide a clear policy, standard, or guidance for the delegate.
- Indian Express Newspapers v. Union of India: Confirmed that subordinate legislation can be legally challenged on constitutional grounds, statutory violations and grounds of manifest arbitrariness.
- State of Tamil Nadu v. P. Krishnamurthy: Laid down the detailed grounds on which subordinate legislation may be invalidated, including lack of legislative competence, violation of fundamental rights, conflict with the parent Act and manifest arbitrariness.

5. Administrative Discretion

Administrative discretion means the legal freedom given to an authority to choose between permissible courses of action. Discretion is necessary because legislation cannot predict every fact situation. It does not mean uncontrolled or personal power.

A discretionary power must be used:

- for the purpose for which it was granted,
- on relevant considerations,
- without considering irrelevant matters,
- in good faith,
- without discrimination, and
- in a reasonable and proportionate manner.

Grounds for Controlling Discretion

Courts may intervene when there is:

- illegality: the authority misunderstands the law or acts beyond power,
- irrationality: the decision is so unreasonable that no lawful authority would have made it,
- procedural unfairness: the required procedure or natural justice was ignored,
- mala fides: power was used for an improper purpose or in bad faith,
- irrelevant consideration: the authority relied on matters it should not have considered, or
- failure to consider: relevant evidence or factors were ignored.

Important cases

- Barium Chemicals Ltd. v. Company Law Board: even where a statute uses the phrase “opinion” or “satisfaction”, the existence of the relevant conditions can be examined by the court.
- S.R. Venkataraman v. Union of India: Any administrative order issued for an ulterior, unauthorized motive is legally invalid.
- Tata Cellular v. Union of India: When evaluating state and government and state contracts, judicial review is strictly confined to inspecting the integrity of the decision-making process itself, rather than acting as an appellate body to reassess the actual merits of the choice.

6. Natural Justice and Procedural Fairness

Natural justice is the minimum standard of fair decision-making. Its exact content depends on the context, the statute, the urgency of the situation and the consequences of the decision.

The two classic rules are:

1. Nemo judex in causa sua

This means that no person should be a judge in their own cause. It is the rule against biasness. Biasness may be:

- personal or pecuniary,
- subject-matter bias,
- departmental or institutional bias, or
- a reasonable likelihood of bias.

2. Audi alteram partem

This means "*hear the other side*". A person likely to suffer an adverse civil consequence should ordinarily receive:

- notice of the case against them,
- disclosure of the material relied on,
- a reasonable opportunity to respond,
- a hearing where the context requires it, and
- reasons for the decision.

A hearing does not always require a full oral hearing. Written submissions may also be sufficient in some cases. Although the procedure must be fair in relation to the nature and seriousness of the decision.

Speaking Orders and Reasons

Reasons show how the authority applied its mind. They help the affected person understand the decision and allow a reviewing court to examine it. Therefore a complete absence of reasons may

indicate arbitrariness or non-application of mind.

When Natural Justice may be Excluded

Natural justice may be modified or excluded when:

- the statute clearly excludes it,
- immediate action is necessary to prevent serious harm,
- the facts are admitted and only one result is legally possible,
- a full hearing is provided at a later stage, or
- confidentiality or national security makes disclosure impossible.

Even then, exclusion should not be assumed lightly. Courts usually ask whether the exclusion is authorised, necessary and consistent with constitutional fairness.

Essential Landmark cases on Natural Justice

- A.K. Kraipak v. Union of India: Stated that the distinction between administrative and quasi-judicial action is not rigid. Fairness may be required whenever State action affects rights.
- Maneka Gandhi v. Union of India: Any legal or executive procedure that impacts an individual's personal liberty must satisfy the triple test of being fair, just, and reasonable , while remaining completely free from arbitrariness or oppression.
- Mohinder Singh Gill v. Chief Election Commissioner: The validity of an administrative order must be evaluated solely based on the explicit grounds recorded within the order itself at the time of issuance. So that the state cannot later supplement, improve, or validate a flawed order by introducing new justifications during court proceedings.
- Swadeshi Cotton Mills v. Union of India: The principles of natural justice cannot be bypassed lightly. They can only be excluded if a statute provides clear, explicit, and unmistakable legal justification, rather than through vague or casual implication.

For better understanding read CLATalogue's post on Procedural Fairness and Judicial Review in Administrative Law.

7. Judicial Review of Administrative Action

Judicial review is the power of constitutional courts to examine the legality of administrative action. The court does not normally decide whether the authority's decision was the best decision. It asks whether the decision was lawful, fair and rational.

Articles 32 and 226

Article 32 allows a person to approach the Supreme Court for enforcement of fundamental rights whereas article 226 gives High Courts a wider power to issue writs for fundamental rights and "for any other purpose". Therefore, Article 226 may be available even where no fundamental right is directly violated, provided a legal right or public-law duty is involved.

Main Writs

- Habeas corpus: protects against unlawful detention.
- Mandamus: It commands the public authority to perform the legal duty.
- Certiorari: quashes an order of a court, tribunal or authority when it acted without jurisdiction, violated law or breached natural justice.
- Prohibition: prevents an inferior court or tribunal from continuing proceedings beyond its jurisdiction.
- Quo warranto: challenges a person's unlawful occupation of a public office.

Grounds of Judicial Review

Illegality

The authority must correctly understand the law governing its power. An order made outside statutory power is ultra vires.

Irrationality

The classic Wednesbury principle asks whether the decision is so unreasonable that no reasonable authority would have made it. Courts use this ground cautiously because they do not sit as an appeal over administrative merits.

Procedural impropriety

The authority must follow mandatory procedure and the principles of natural justice. Failure to give notice, hearing or reasons may make the decision invalid.

Proportionality

Proportionality asks whether the measure is suitable for the objective, necessary when a less restrictive measure could achieve the same goal and balanced in its effect on rights. It is particularly important where fundamental rights are restricted.

Important cases

- Council of Civil Service Unions v. Minister for the Civil Service: identified illegality, irrationality and procedural impropriety as major grounds of review.
- Tata Cellular v. Union of India: courts review the decision-making process, especially in tenders and government contracts, but do not normally replace the expert decision with their own.
- Maneka Gandhi v. Union of India: connected administrative fairness with Articles 14, 19 and 21.

For related constitutional revision, read CLATalogue's Top 100 Important Supreme Court Judgments for CLAT PG 2027.

8. Doctrine of Legitimate Expectation

Legitimate expectation protects a reasonable expectation created by the conduct, promise, regular practice or representation of a public authority. It does not give a person an automatic right to the expected benefit. It mainly requires the authority to act fairly and not defeat the expectation arbitrarily.

Sources of legitimate expectation

It may arise from:

- an express promise or representation,
- a consistent past practice,
- an established policy, or

- a previous course of dealing with a person or group.

Procedural v. Substantive Expectation

A procedural legitimate expectation may require the authority to consult, hear or follow a promised procedure before changing course.

Whereas a substantive legitimate expectation concerns the expectation of receiving or retaining a benefit. Courts are more cautious here because the authority may change policy in the public interest.

Limits

Legitimate expectation cannot:

- compel an authority to act contrary to statute,
- prevent a lawful change of policy,
- defeat a superior public interest,
- arise from an illegal promise, or
- replace proof of a legal right.

Important Cases

- Food Corporation of India v. Kamdhenu Cattle Feed Industries: Rules that the principle of legitimate expectation is an essential component of procedural fairness and safeguards against arbitrary state action.
- Union of India v. Hindustan Development Corporation: Explained the boundaries of the doctrine, emphasizing that a legitimate expectation does not automatically equate to an independent or absolute legal right.
- Punjab Communications Ltd. v. Union of India: Confirms that public authorities are permitted to alter existing policies, provided the change is non-arbitrary and justified by public interest.

For detailed notes read the complete Doctrine of Legitimate Expectation in Administrative Law.

9. Promissory Estoppel

Promissory estoppel prevents a party from going back on an unambiguous promise if the other party relied on that promise and altered their position to their detriment. While this doctrine can be enforced against the government, it cannot be invoked if doing so would conflict with statutory duties or public policy.

Distinction between Legitimate Expectation v. Promissory Estoppel

While both the principles hold public authorities accountable, they originate from different legal roots and protect different interests:

Promissory Estoppel: Protects a specific, clear promise after someone acts on it to their disadvantage. It stops the government from backing out of its word.

Legitimate expectation: Protects a fair process based on a regular practice or long-standing policy. It ensures the government changes its rules fairly, even without a direct promise.

10. Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission

Administrative accountability requires institutions outside the ordinary departmental hierarchy. These institutions are important as they investigate complaints, corruption and maladministration, although their powers and procedures are different.

Ombudsman

An Ombudsman is an independent authority that examines complaints against public administration. The institution generally focuses on maladministration, delay, unfair treatment, abuse of power and failure to follow proper procedure.

The Ombudsman may investigate and recommend corrective action. Its exact powers depend on the statute creating it. It is not a substitute for ordinary courts in every dispute.

Lokpal

The Lokpal and Lokayuktas Act, 2013 establishes the Lokpal at the Union level. The Lokpal deals with corruption complaints against categories of public servants, subject to the Act’s jurisdictional limits and procedures.

The Lokpal framework includes inquiry and investigation mechanisms. It is designed to provide an institutional response to corruption allegations against high public officials while maintaining safeguards against frivolous complaints.

Lokayukta

The Lokayukta is the State-level counterpart. Its structure, jurisdiction and powers differ across States because they are governed by State laws. It generally investigates allegations of corruption or maladministration against public functionaries.

Central Vigilance Commission

The Central Vigilance Commission is a statutory body under the Central Vigilance Commission Act, 2003. It supervises vigilance administration in specified Central Government organisations and advises authorities on corruption-related matters. It is not the same as the Lokpal and does not replace the criminal investigation agencies.

Important Difference

- Lokpal and Lokayukta focuses mainly on corruption complaints within their statutory jurisdiction.
- The CVC focuses on vigilance administration and corruption-related oversight in the Central Government sphere.
- An Ombudsman model is wider and may deal with maladministration and unfair administration.

Read CLATalogue's detailed note on Ombudsman, Lokpal, Lokayukta and Central Vigilance Commission.

11. Administrative tribunals

Tribunals are specialised adjudicatory bodies created to decide disputes in particular fields. They aim to provide expertise, speed and less formal procedure than ordinary courts.

Article 323A permits Parliament to create administrative tribunals for disputes relating to recruitment and service conditions. Article 323B permits tribunals for other specified subjects,

such as taxation, industrial disputes, land reforms, elections and rent control.

The Administrative Tribunals Act, 1985 created the Central Administrative Tribunal and permits State and Joint Administrative Tribunals. Tribunals are not completely outside judicial review.

A tribunal may be specialised, but it cannot become a law-free zone. Read the complete Administrative Tribunals and Public Undertakings article.

12. Public Undertakings and Public Corporations

Public undertakings are organisations owned, controlled or substantially financed by the government. They may take the form of departmental undertakings, statutory corporations or government companies.

They may perform commercial activities but can still be subject to public-law duties. The key question is whether the body is an instrumentality or agency of the State under Article 12, or whether it is performing a public function attracting public-law review.

Article 12 and State Instrumentalities

In R.D. Shetty v. IAA, the Supreme Court listed factors relevant to determining whether a body is an instrumentality of the State. These include government ownership, financial assistance, deep and pervasive control, public importance of the functions and whether a government department has been transferred to the body.

No single factor is conclusive. Therefore the court must examine the overall relationship and the nature of the body's functions.

Public Contracts and Tenders

A public undertaking must act fairly in contracts, tenders and allocation of public resources. It may prescribe eligibility conditions and use expert judgment, but the process cannot be arbitrary, discriminatory or designed to favour a particular party without justification.

In Tata Cellular v. Union of India, the Supreme Court held that judicial review in tender matters is concerned mainly with the decision-making process. Ordinarily courts do not choose the best commercial option, but they can intervene for mala fides, arbitrariness, irrationality or procedural unfairness.

In Michigan Rubber v. State of Karnataka, the Court recognised that tender conditions deserve judicial restraint unless they are arbitrary, discriminatory, mala fide or unrelated to the object of the tender.

Conclusion

For CLAT PG, the most important areas are delegated legislation, administrative discretion, natural justice, judicial review, proportionality, legitimate expectation, promissory estoppel, tribunals and public accountability institutions. The best revision method is to connect each doctrine with its purpose, limits, remedy and leading case.

Remember the administrative Law ensures that public power remains lawful, fair and accountable. Further it permits the administration to perform complex public functions, but it does not allow authorities to act beyond their powers or ignore constitutional standards.

For practice, attempt CLATalogue's Sectional Test on Administrative Law for CLAT PG and use the CLAT PG case-law updates for newer decisions.