



एक CLASS



ADMINISTRATIVE LAW

खल्लास

With Notes Making



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(Linking Sir)

Equal Protection of Laws



Super Fast Revision



Vicarious Liability

Separation of Powers



Legislative



Judiciary



Executive

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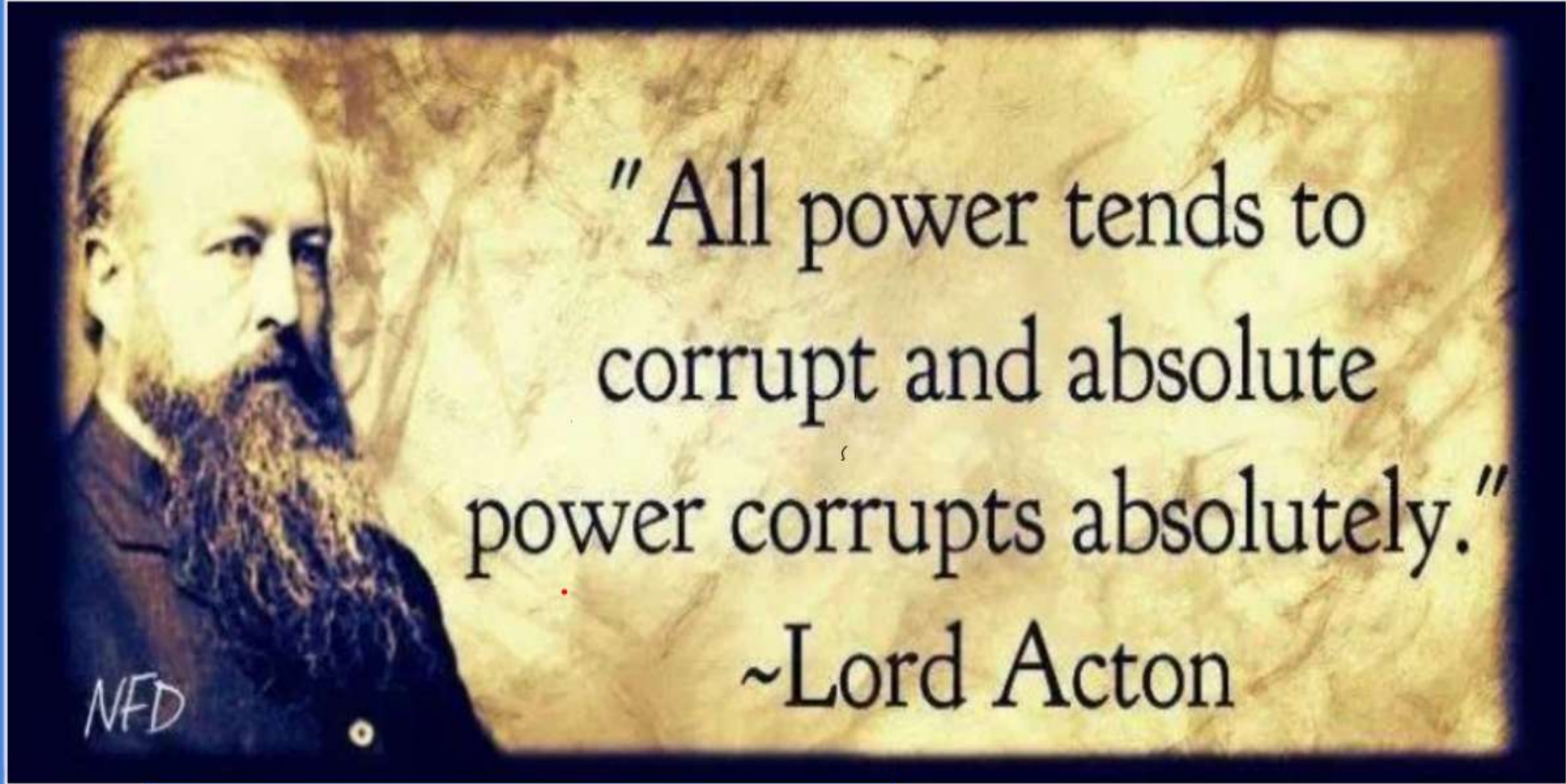
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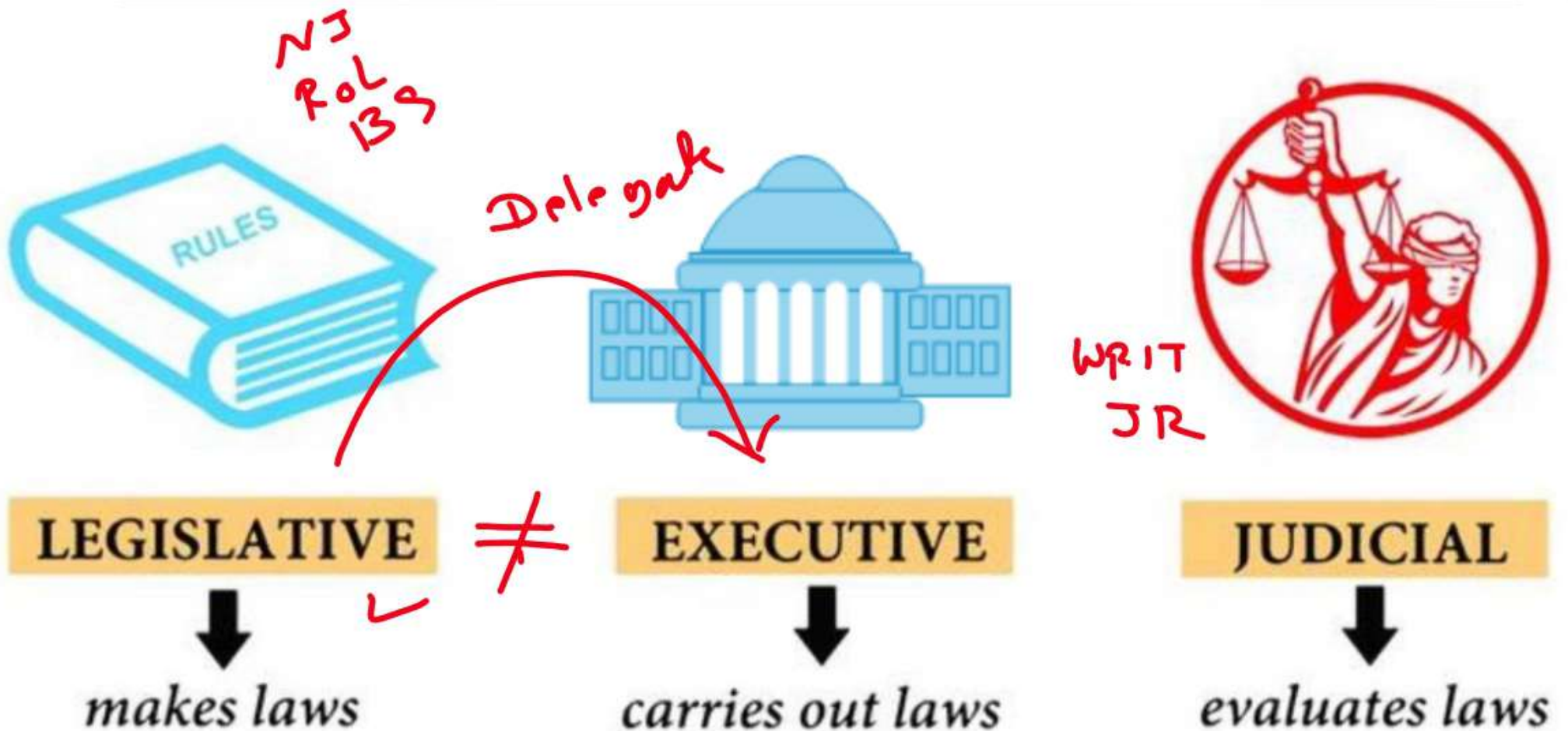
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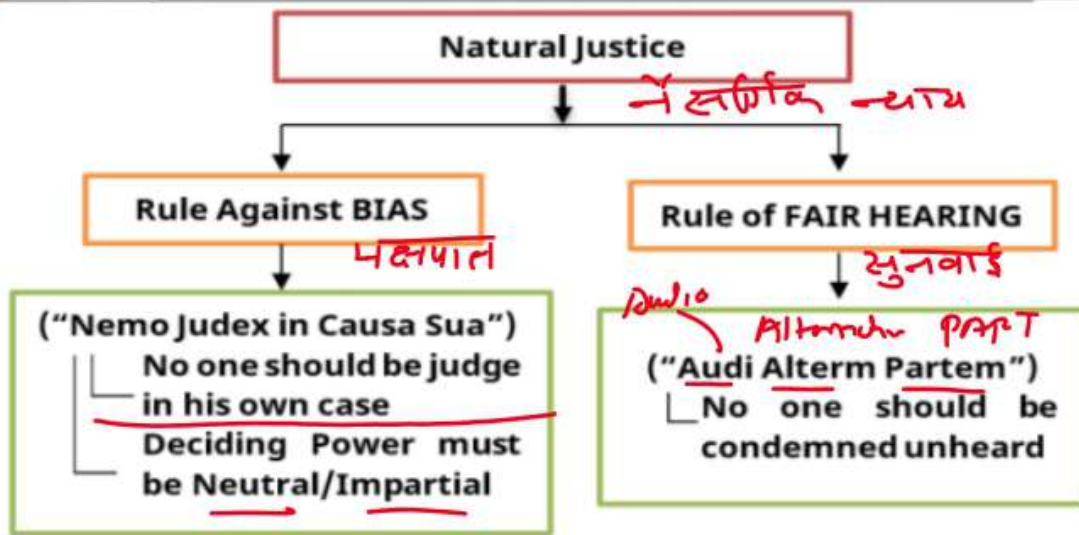


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Exception to Principle of Natural Justice
नेसर्गिक न्याय के सिद्धान्त के अपवाद

Types of BIAS

1. Personal
2. Pecuniary धन
3. Subject Matter etc. विषय वस्तु

1. Statutory Exclusion वैधानिक बहिष्करण
- +
2. Academic Evaluation शैक्षणिक मूल्यांकन
- +
3. Impracticability अव्यवहार्यता
- +
4. Emergency आपातकालीन ⇒ Menaka Gandhi vs. UOI, 1978
(Prompt action (शीघ्र कार्रवाई) is required)
- +
5. Interim Disciplinary Action (अंतरिम अनुशासनात्मक कार्रवाई)
Abhay Kumar vs. Srinivasan, 1981 (Debarred students) छात्रों को विवर्जित किया



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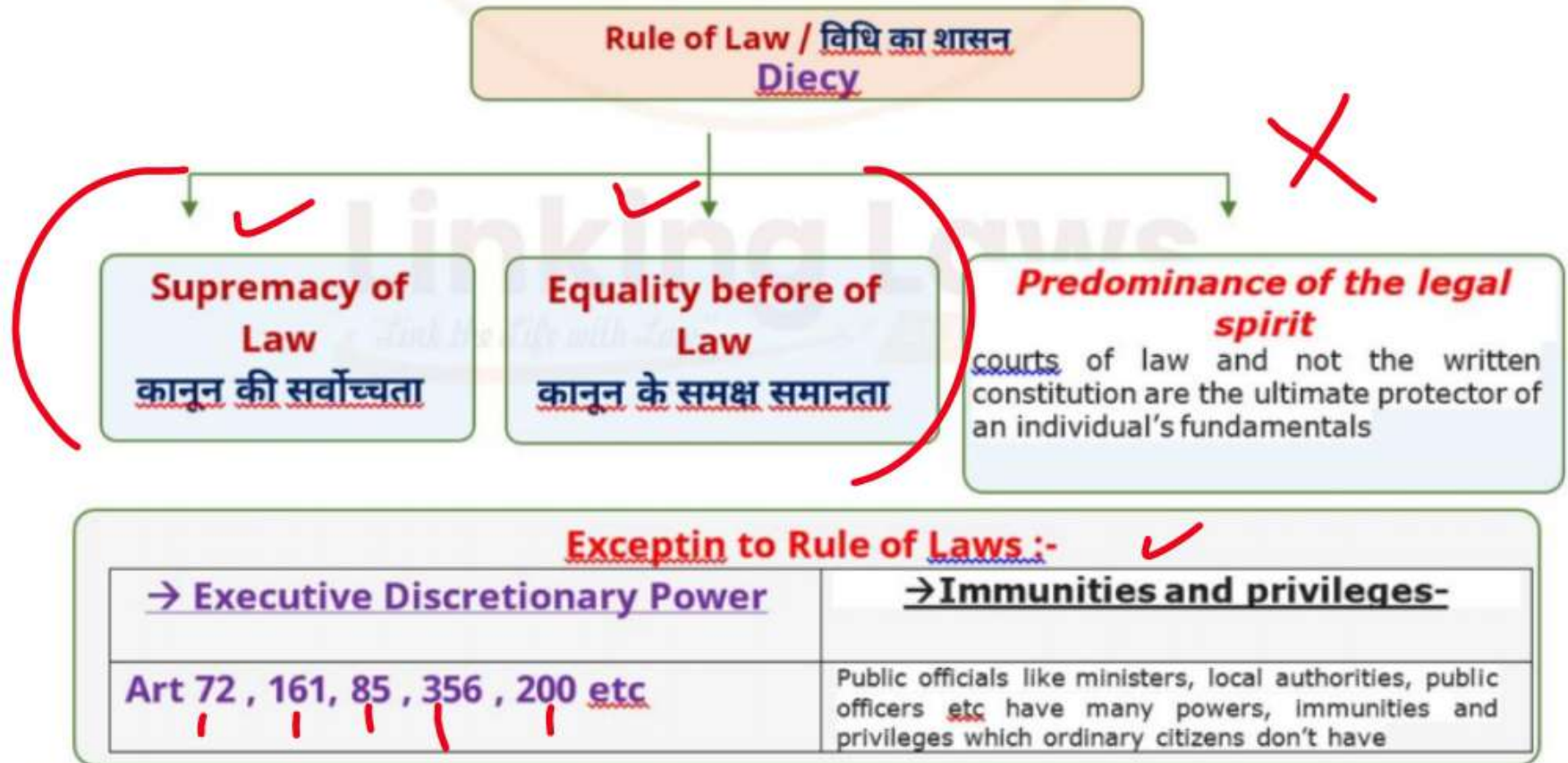


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Art. 50

Doctrine of Separation of Power

POWER: DIVISION

Same person should not form part of more than one of 3 organs of govt.
एक व्यक्ति, सरकार के तीन अंगों में से एक से अधिक का हिस्सा नहीं बन सकता

One organ should not interfere with any other organ
एक अंग दूसरे के साथ हस्तक्षेप नहीं कर सकता

One organ should not exercise function of other organ
एक अंग दूसरे अंग का कार्य नहीं कर सकता

Eg. → President of India (राष्ट्रपति)

- 1) Legislative Power - विधायी शक्ति → Art.123, 240, 357
- 2) Judicial Power - न्यायिक शक्ति → Art.103
- 3) Administrative Power - प्रशासनिक शक्ति → Executive head

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1 NJ

2 RoL

3 SoP

4. [MAXIM/Doctrine/Judicial Proceedw]

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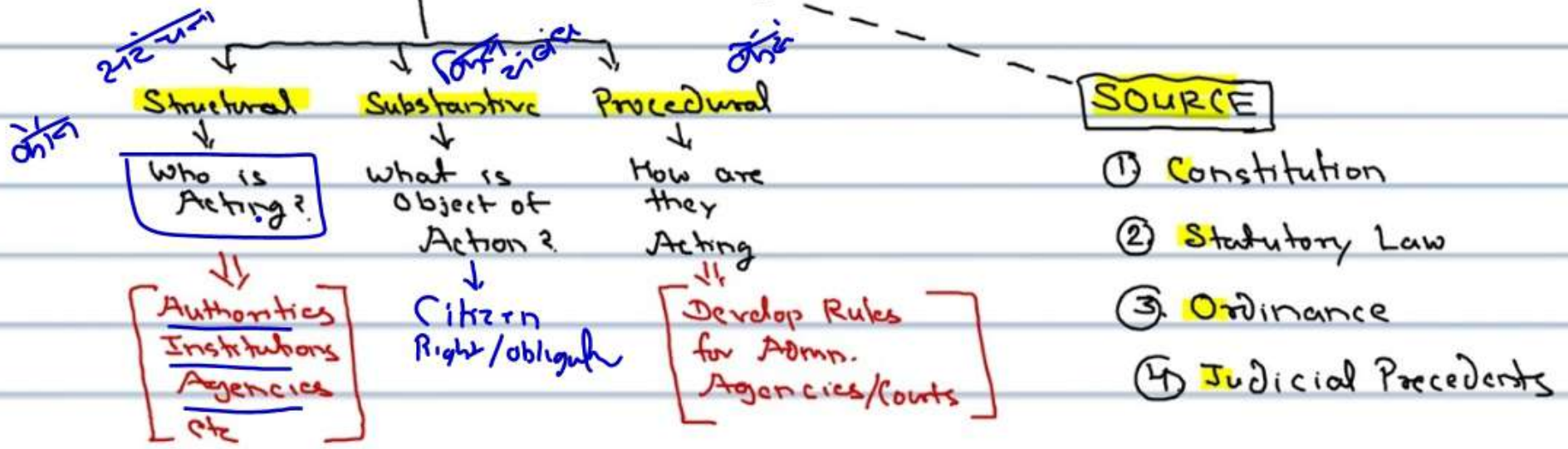
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(To Protect People from Arbitrary Acts of Public Authority)

Admn. LAW :- • Functioning of State
• Public Administration

Necessary for **EFFECTIVE**



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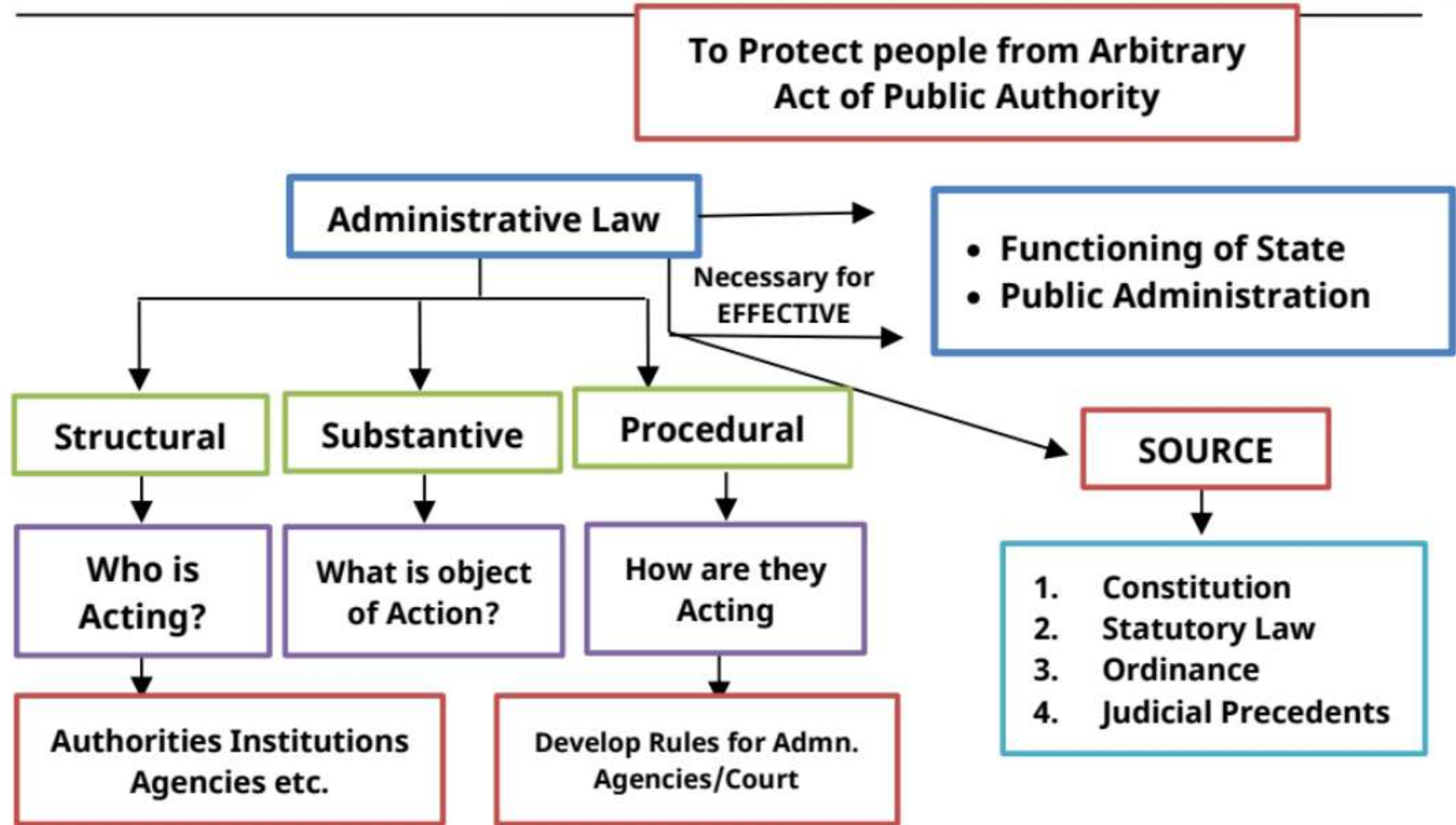
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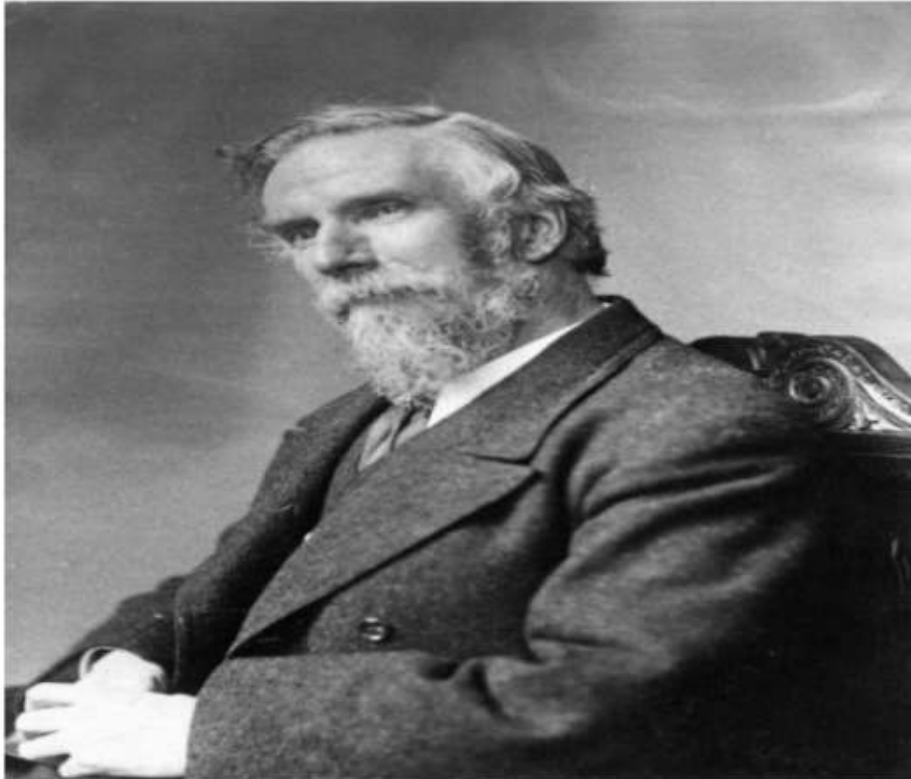
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Albert Venn

Dicey.

He was a British jurist and constitutional theorist.

According to A.V. Dicey, administrative law is that portion of a nation's legal system which determines the legal status and liabilities of all state officials.

He propounded the principle of Rule of Law. It functions on the 3 pillars-

- i) Supremacy of Law.
- ii) Equality before Law.
- iii) Judge made Constitution.

✓ FR: P.W.U.

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Sir Kenneth

- # He was an Australian academic, who spent most of his career at Oxford University in England.
- # He considered the Constitution of India as neither completely unitary nor completely federal.
- # He gave a semi-federal form to the Constitution of India.

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Keith David

- # He was a professor of public law at King's College London and recognised as a leading scholar in public law, constitutional law, law of democracy.
- # He has been recognised as "one of the world's leading scholars of the constitution of social democracy".
- # He is a co-author of two of Britain's leading textbooks in constitutional and administrative law, and labour law.

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Owen Hood Phillips

He was a British jurist. He was a Professor of Jurisprudence at the University of Birmingham.

According to him, the term Constitution is used to denote all written and unwritten Principles regulating the administration of the State.

Administrative law is concerned with the organization and functions of government in motion.

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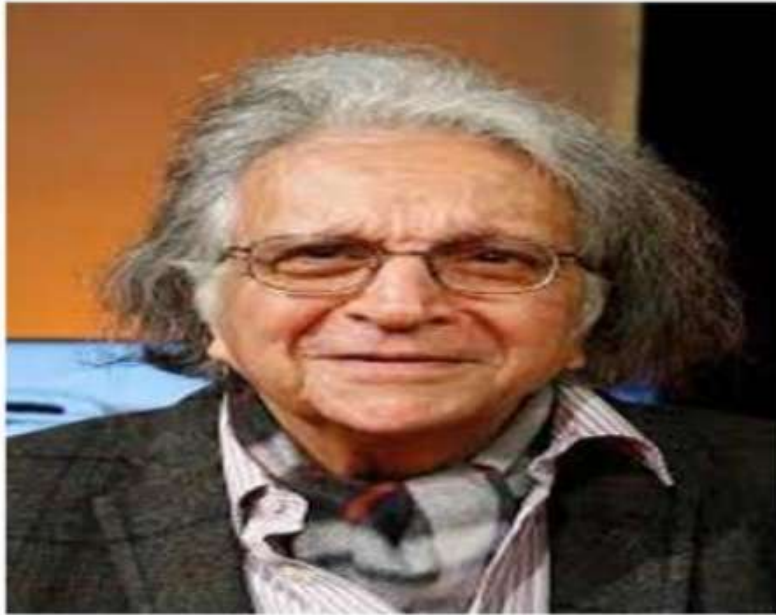


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Prof. (Dr.) Upendra Baxi

He is a legal scholar, since 1996 professor of law in development at the University of Warwick, United Kingdom.

He lays special stress on the protection of the little man from the arbitrary exercise of public power.

According to him, “Administrative law is a study of pathology of power in a developing society”. Accountability of the holders of public power for the ruled is the focal point of this formulation.

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Bhimrao Ramji Ambedkar

He was an Indian jurist, economist, social reformer and political leader who headed the committee drafting the Constitution of India.

According to him, Indian constitution has both federal and unitary features, which can be called dual polity.

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Montesquieu

He was French political philosopher.

He advocated reform of slavery in *The Spirit of Law*.

He is the principal source of the theory of separation of powers, which is implemented in many constitutions throughout the world.

↓
Delegated Legislation

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Edward Coke

He was an English barrister, judge, and politician.

He was the originator of principle of Rule of Law & said that the entire basis of administrative law is the doctrine of rule of law.

This principle was further developed by A.V. Dicey.

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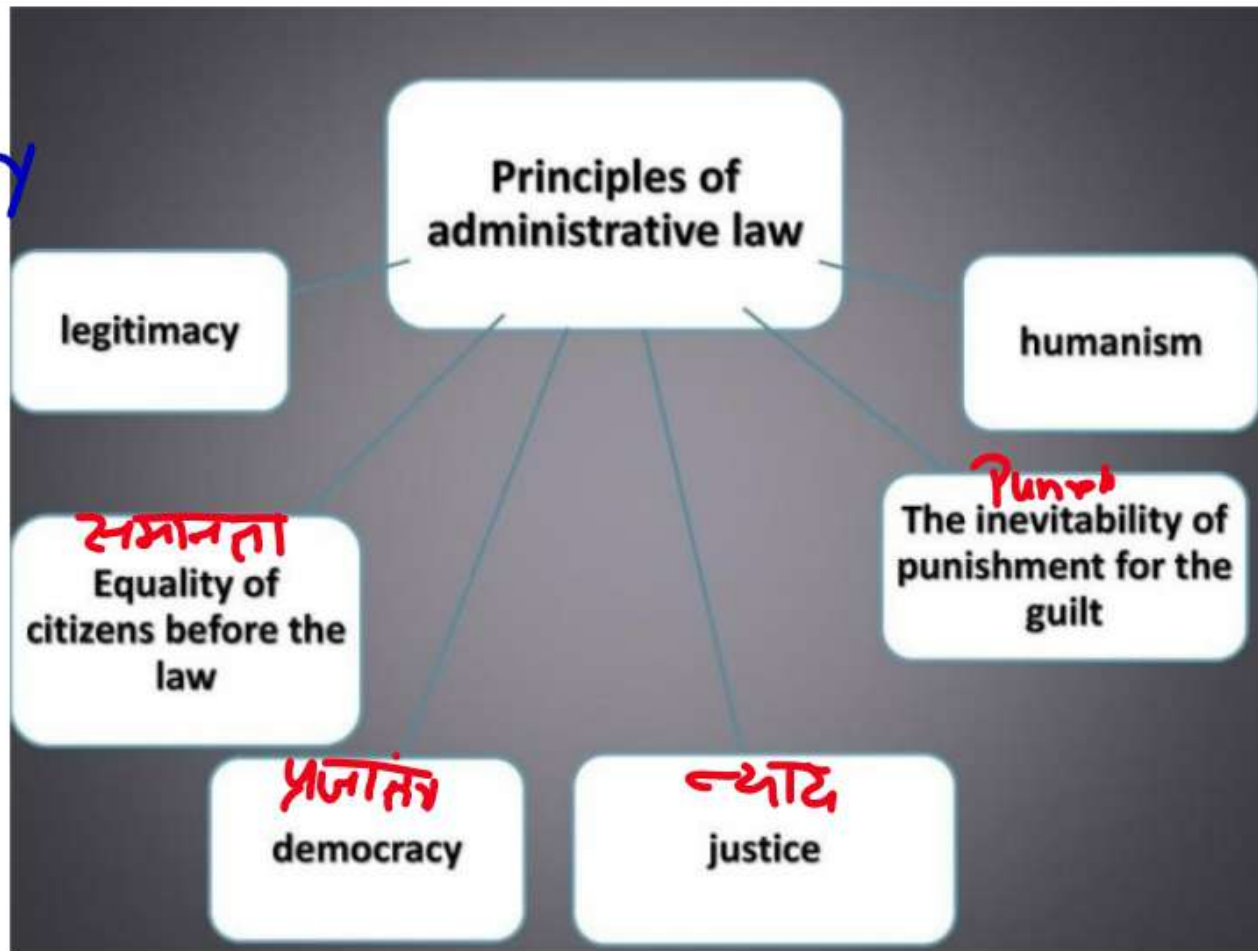
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Legality



मानवता

समानता
Equality of
citizens before the
law

युजातय
democracy

न्याय
justice

Punish
The inevitability of
punishment for the
guilt

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Important Maxims	Meaning
Delegatus non potest delegare	One who is delegated, cannot further re-delegated.
Audi alteram partem ✓	No man shall be condemned unheard.
Justitia nemini neganda est	Justice is to be denied to nobody.
<u>Nemo judex in sua causa</u>	No man shall be the judge in his <u>own case</u> .
<u>Ignorantia juris non excusat</u>	Ignorance of law is no excuse.
<u>Rex non protest peccare</u>	The king can do no wrong.
<u>Suprema lex salus populi</u>	The welfare of the people is the supreme law.

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[Excessive Legislation]

↓
Delegated Legislation (प्रत्यायोजित विधान)

1. Meaning :- Power delegated to Executive to make law (Not to give Retrospective Effect of Law)
(Disadvantage :- ① Chances of Misuse by Executive)

2. Modes of Control :- ② Against Doctrine of Separation of Power.

- (i) Procedural Control
 - (ii) Parliamentary Control
 - (iii) Judicial Control
- [Ultravires] [Prerogative writs]

4. Different from Conditional Legislation (viz. No Rule Making Power)

Permissible Legislation/ प्रत्यायोजित विधान	Delegated अनुमेय	Impermissible Delegated Legislation/ अननुमेय प्रत्यायोजित विधान
Supplying Details/ आपूर्ति विवरण		Essential legislative functions/ आवश्यक विधायी कार्य
Inclusion/ समावेश		Repeal of law/ कानून का निरसन
Suspension/ निलंबन		Modification/ परिवर्तन
Application of existing laws/ मौजूदा कानूनों की प्रयोज्यता		Exemption/ छूट
Modification/ परिवर्तन	simv	Retrospective operation/ पूर्वव्यापी संचालन
Henry VIII clause (Removal of difficulties)/ हेनरी VIII खंड (कठिनाइयों को हटाना)		Future Acts/ भावी अधिनियम
Prescribing punishments/ दण्डों का विधान करना		Imposition of Taxes/ करों का अधिरोपण
		Ouster of jurisdiction of courts/ न्यायालयों के अधिकार क्षेत्र का बहिष्करण
		Offences and Penalty/ अपराध वर्णन

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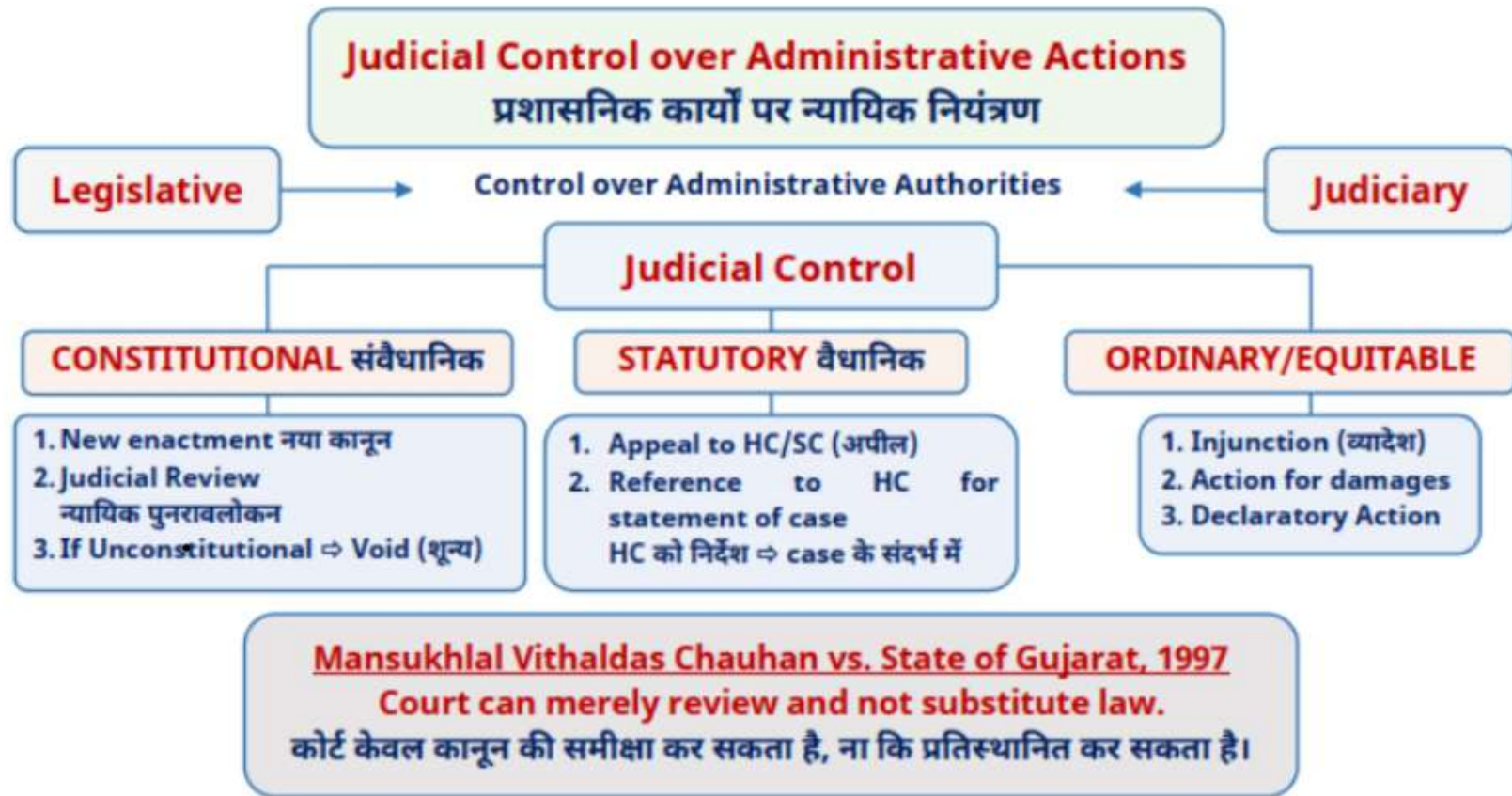
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Types of Writ

Types of Writ	Meaning	Purpose of issue	Against whom it can be issued
Habeas Corpus बंदी प्रत्यक्षीकरण	You may have body	To release person who has been detained unlawfully गैरकानूनी रूप से हिरासत में लिए गए व्यक्ति को रिहा करने के लिए	Against any private person as State
Mandamus परमादेश रिट	We command	To secure performance of public duties by lower court, tribunal or public authority अदालत, ट्रिब्यूनल या सार्वजनिक प्राधिकारी द्वारा किसी सार्वजनिक कर्तव्यों को करवाना	Person performing public duty Except - President, Governor
Certiorari उत्प्रेषण लेख	To be certified	To quash order passed by inferior court tribunal or Quasi judicial authority निचली अदालत, ट्रिब्यूनल के आदेश को हतोत्साहित करना	Inferior court, tribunal, Quasi judicial authority
Prohibition प्रतिषेध रिट	To prohibit	To prohibit an inferior court from continuing proceeding of case, if it has no jurisdiction न्यायालय के समक्ष किसी कार्यवाही को जारी रखने से प्रतिबंध लगाना, यदि उस न्यायालय के पास अधिकार नहीं है	Inferior court, tribunal
Quo Warranto अधिकार पृच्छा	What is your authority	To restrain person from holding public office which is not entitled व्यक्ति को सार्वजनिक पद धारण करने से रोकना जिसका वह हकदार नहीं है।	Person holding public officer

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Leading Case Laws	Held
Narendra Kumar vs. Union of India (1960) <i>DL = Unconsti</i>	Even though a parent Act might not be unconstitutional, an order made in delegated legislation can still be unconstitutional.
<u>A.K. Kraipak vs. Union Of India (1969)</u> <i>STATE Duty: RoL</i>	State is duty bound to discharge their functions in a just, fair and reasonable manner, which forms the basic principle of Rule of Law.
Kesavananda Bharati vs. State of Kerala (1973)	Rule of Law is the basic feature of the Constitution.
ADM Jabalpur vs. Shivkant Shukla (1976)	The Constitution is the rule of law and no rule is above the Constitution.
Maneka Gandhi vs. Union of India and Anr. (1978)	Principle of natural justice are applicable to administrative proceedings also.

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Leading Case Laws	Held
<u>Arvind Singh vs. State of Punjab</u> (1979)	Parliamentary control over delegated legislation should be a living continuity as a constitutional necessity.
<u>Indian Express Newspapers vs. Union of India</u> (1985)	Subordinate legislation does not enjoy the same degree of immunity as substantive legislation enjoys.
<u>A. R. Antulay vs. R. S. Nayak</u> (1988)	An action in violation of the principles of <u>natural justice</u> is a <u>nullity</u> .
<u>S.R. Bommai vs. Union of India</u> (1994) <i>A. 35 C.</i>	The court must be conscious while examining the validity of the <u>proclamation</u> , the court will not lightly presume abuse or misuse.
<u>State of Kerala vs. Unnikrishnan</u> (2007)	<u>Judicial review</u> of Administrative rule-making cannot be a foreclosed in any manner by the enabling Act. <i>57cm</i>

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Which of the following cases is not related with rule of law? / निम्नलिखित में से कौन सा मामला विधि का शासन से संबंधित नहीं है?

- (a) Indira Gandhi v. Raj Narain / इंदिरा गांधी बनाम राज नारायण
- (b) ADM Jabalpur v. S.K. Shukla / एडीएम जबलपुर बनाम एस.के. शुक्ला
- (c) S.P. Gupta v. Union of India / एसपी गुप्ता बनाम भारत संघ
- (d) Jaisinghani v. Union of India / जयसिंघानी बनाम भारत संघ

Ans. [c]

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Which doctrine of administrative law is a 'dilutory' doctrine because of many exceptions? / प्रशासनिक विधि का कौन-सा सिद्धांत अनेक अपवादों के कारण 'निराशाजनक' सिद्धांत है?

- (a) Doctrine of separation of powers / शक्तियों के पृथक्करण का सिद्धांत
- (b) Rule of law/ विधि का शासन
- (c) Doctrine of pleasure / प्रसाद का सिद्धांत
- (d) Doctrine of proportionality / आनुपातिकता का सिद्धांत

Ans. [a]

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Delegated legislation in India can be decided for post Constitution period. This was held by / भारत में प्रत्यायोजित विधान (डेलीगेटेड लेजिस्लेशन) संविधान बनने की अवधि के पश्चात् भी तय हो सकता है। यह किस केस में तय किया गया?

(a) Queen vs. Burah / रानी बनाम बुरहा

(b) Re. Delhi Laws Act, 1912 [AIR 1951 SC 332] / री. डेल्ही लॉज ऐक्ट, 1912 [AIR 1951 SC 332]

(c) J. N. Gupta vs. Province of Bihar / जे० एन० गुप्ता बनाम बिहार प्रान्त

(d) Both (a) and (c) / (a) और (c) दोनों

Ans. [b]

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वो

Habeas corpus literally means 'have the corpus' or 'bring the body'. Under which case, habeas corpus ~~will~~ not be issued? / बन्दी प्रत्यक्षीकरण का शाब्दिक अर्थ है 'शरीर को प्रस्तुत करें'। किस केस में बन्दी प्रत्यक्षीकरण नहीं जारी की जा सकेगी?

- (a) A. K. Gopalan vs. State of Madras / ए० के० गोपालन बनाम मद्रास राज्य
- ✓ (b) Batul Chandra vs. State of West Bengal / बातुलचंद्र बनाम पश्चिम बंगाल राज्य
- (c) Both (a) and (b) / (a) और (b) दोनों
- (d) Neither (a) nor (b) / न तो (a) और न ही (b)

Ans. [b]

✓

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Mahavir Saini	Trapiti Jain	Richa Agrawal	Rishi Gupta	Arunima Singh	Animesh Rajpurahit	Kiran Prajapat	Shivani	Mahima Shrimali	Vaidani Singh Rajpurahit	Harsh Vardhan	Ritika Agrawal	Shini Jain	Sakat Jain	Mansi Agnihotri	Bharat Parmar
RJS (RANK-46)	RJS (RANK-56)	RJS (RANK-63)	RJS (RANK-66)	RJS (RANK-74)	RJS (RANK-75)	RJS (RANK-78)	RJS (RANK-88)	RJS (RANK-97)	RJS (RANK-105)	RJS (RANK-112)	RJS (RANK-119)	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Lucky Sani	Devendra Puri	Komal Bhati	Kartika Gehlot	Yeena Suwalka	Trilochana Rathore	Akshay Tambi	Richa Shikhowat	Meenakshi Khatri	Dimpal Kumar	Anita Rajwaniya	Shivani Meena	Dharmveer Singh Rathor	Shrishty Kushwaha	Srishti Sahu	Akshita Shukla
MPCJ	MPCJ	MPCJ	MPCJ	MPCJ	MPCJ	BJS	HCS(JB) RANK-5	HCS(JB) RANK-6	HCS(JB) RANK-16	HCS(JB) RANK-18	HCS(JB) RANK-36	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Akansha Gupta	Utkarsh Jain	Trapiti Jain	Kundan Kachhiwaha	Sanjeet Chourasia	Amber Shrivastava	Kumari Preeti	Paras Chaudhary	Jodinder Jangra	Arunima Chauhan	Ritiz Arora	Jasmeet Kaur	Ratnapriya Shrivastava	Sarfaraz Khan	Swapnil Verma	Pravesh Kabra
GJS (RANK-1)	GJS (RANK-7)	GJS (RANK-8)	GJS (RANK-11)	GJS (RANK-12)	GJS (RANK-13)	GJS (RANK-16)	GJS (RANK-37)	GJS (RANK-54)	HCS(JB) RANK-43	HCS(JB) RANK-50	HCS(JB) RANK-73	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Aditya Rajeshbhai Gor	Meghaben	Prahlad kumar	Mayuri Jain	Pankti Soni	Kirti Sharma	Shipra Soyat	Divyakant Pandya	Kaushar Banu	Prince Garg	Jaspreet Kaur	Saru Goyal	Shweta Arya	Avani Vyas	Shweta Yadav	
MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Shivangni Bhatt	Satinder Pannu	Prachi Gunwan	Swati Bhargava	Drutika Upadhyay	Kajal Nayak	Yinay Sharma	Abhay Pratap Singh	Manvendra Singh	Preeti Rathore	Priya Chauhan	Aika Soni	Vaishali Chauhan	Hiteshi Sharma	Vikas Thakur	

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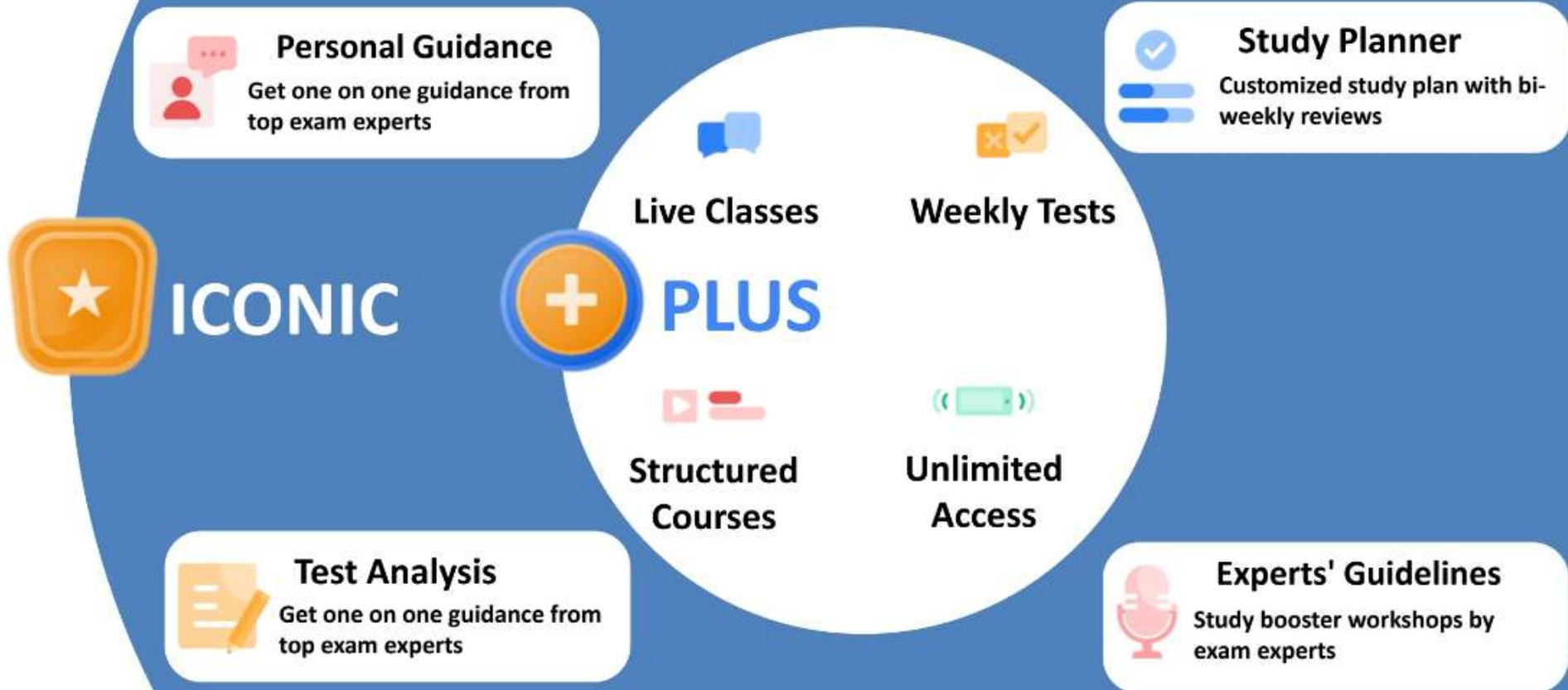
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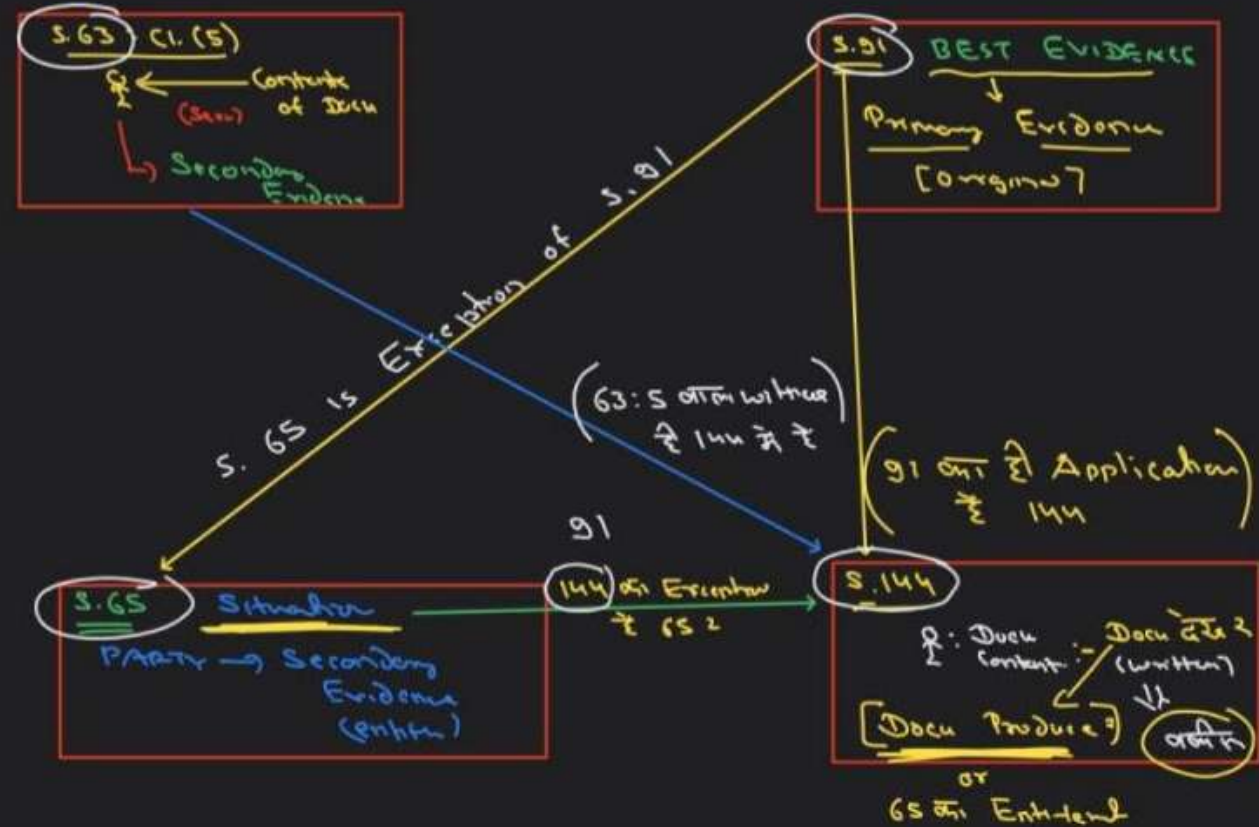
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Chat

- Vishal witness 10:20 AM
- Tripti 135-166 10:20 AM
- Nikky Exam witness 10:20 AM
- padmini L/w o 18 10:20 AM
- Shivani 10:21 AM
Siiiiiiiiiiiiii Maths wala diagrae screenshot le k grp m jur dainaa Today's maths class
- kavita ys 10:21 AM

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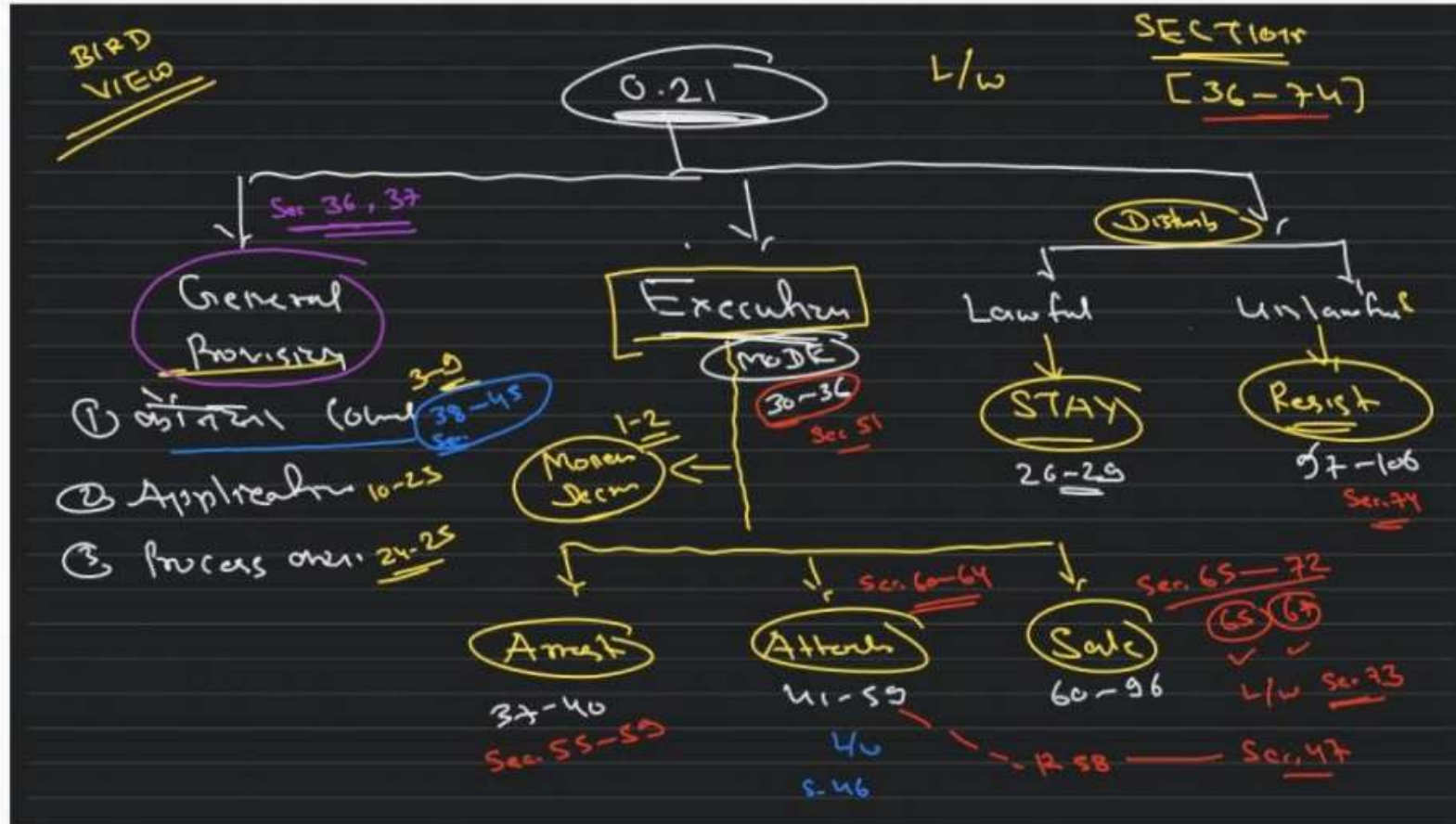
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- Nishu 9:01 AM Apka pdane ka trika toh wo yt p dekh lete
- Akash 9:01 AM No. Sir hmne to apko sun k hi subscription liya hu sir,, ab jaise aap le. Chle hm ready hai sir
- Sreejolee 9:01 AM bird view
- Nilu 9:01 AM Sir aap agar ashe order 21 nahi padhate to hum kabhi dekhte bhi nahi rule 106 dekh kar hi dar lagta tha
- ADARSH 9:01 AM Screenshot le lo sir

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