Administrative Law in INDIA

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Table of content

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Articles

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Article by Sunita Zalpuri, J&K IMPA ,Jammu

Judicial Review of Administrative Discretion by Charles H. Koch Jr.William & Mary Law School.

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ADMINISTRATIVE LAW IN INDIA

It has been rightly said by Porfirio Diaz veteran of reform war and 29th president of Mexico, 'Less Politics and more administration'. Based on which, contention travels through Historical part of Administrative Law, parameters of Administrative law viz. Rule of law, Natural justice and judicial review, Administrative functions. In addition to that Administrative discretion, Judicial and quasi-judicial authorities, delegated, sub-delegated legislation with leading precedents are emphasized. Even so Judicial restraint and judicial activism is reconsidered in along with own views. Enlightening on Administrative Law of India particularly.

Introduction

It's a tricky task to define administrative law. So far, it has not been defined in any substantial or procedural law which governs the sovereign country, but certainly there are some aspects defined on which entire base of administrative law is functioning. Administrative law is a body of law that governs the administrative agencies like rule making, adjudication and enforcement of law in the government. Administrative activities are mainly concerned with implementation of law and keeping eye on the bodies which are governing or executing the country. Administrative laws deal with better functioning of organization of legislatures and judiciary. It's a Judges made Law.[1] It derives power from legislature to rule which enriches the implementation of law. In a simple and vernacular sense, administrative law is nothing but managing the ongoing activities of state with certain powers bestowed by legislatures. Constitutional law defines the laws to be imposed and administrative law administers those laws in the society and mainly concerned with proper functioning of various wings of government. Core of this concept is, to impose the law enacted in such a manner that is derives benefits to each citizen of the country. These are some definitions given by eminent personalities,

Dicey defines it as, 'denoting that portion of the national legal system which determines legal status and liabilities of all state officials, which defines rights and liabilities of private

[1] C.K thakkar's Administrative Law, Introduction, Historical growth and development, page 11

individuals on their dealing with public officials which specifies the procedure by which those rights and liabilities are enforced.'[2]

According to **Wade**, it's 'the law which is relating to the control of governmental power.'

Ivor Jenning's view, 'It's a law relating to the administration. It determines the organization, power and duties of administrative authorities.'[3]

Further, **K.C Davis** stats, 'Administrative law is the law concerning the powers and procedures of administrative agencies, including especially the governing judicial review of administrative action.'[4]

Authors say that, Administrative law is that branch of constitutional law which deals with the powers and duties of administrative authorities the procedure followed by them in exercising powers and discharging the duties and the remedies available to an aggrieved person when his right are affected by the action of such authorities.

In the view of author of this paper, Administrative law is undefined for sure but it carries importance as defined especially in the Indian view. It's a process by which authorities derive power from legislatures to deal with certain functions which are mandatory to be performed for betterment and for Implementation of laws defined.

Historical background

History of administrative law is mute and speaks very rare. In ancient times, it was king's rule followed and admired by the citizens. King was the supreme power and laws made by him were mandatory to be followed. It was a 'Police state'. It doesn't end here, and makes me to go into deepness of those days in which there was no system of government. Very object of the people was just to defend their respective territories from external rebellions & wars, maintaining tranquility and collect taxes from citizens for maintaining inter-state activities. It is usually known as 'Laisser faire' system that leave government control over private business & direct result of which is freedom of private persons or personal bodies. Wherein, rich started becoming richer and poor, poorer. For abridging such trend a significant concept of 'Government' was introduced.

[2] Law and the constitution (1915) 329
[3] The and the constitution (1959) 217; see also wade and phillips, constitutional law (1971) 583
[4] Administrative Law Text (1959) 1

Government was construed as, **Protector**- who used to protect from fatal circumstances, a **regulator**- who enact law and regulate functioning of the same, **entrepreneur**- encouraging business and transition for generating income and lastly **umpire**- who adjudicates the matter of dispute prevailing between parties.

William Wade said that, administrative law is required to control governmental power.[5]

Government simply means keeping powers bestowed within the certain ambit and preventing powerful engine to run over country. This is how Governmental administration sums up, read with historical background.

Indian administrative Law

In India, The Constitution is supreme with discretionary powers at the other side in England the parliament is supreme. Law enacted by the parliament is authoritative and fully admired. No person can challenge the validity of such law but only Ultra Vires statute can challenge under which it was taken.[6] Besides, Law enacted by the British parliament is the highest form of law and prevails over every other form of Law.[7] In our India on the other hand by the written Constitution power of Judicial Review is on Supreme Court and High court the same can be challenged as Ultra Vires.[8] Testimonies of the validity of such challenges are also defined as,

1. The action must be taken in accordance with rules and regulations,

2. Rules regulation and parent acts are also to be consonance to the Constitution,

3. Rules must be in accordance with relevant with statutes,

4. If challenge converted and accepted in Amendment, such amendment should be conformity with Basic structure.[9]

Constitutional Law and Administrative Law

Constitutional Law has notwithstanding Substantial and Procedural law a separate status defining structure and organization of only Laws particularly. On the other hand

[5] Administrative Law Text (1959) 1
[6] C.K Thakwani , Lectures on Administrative Law, Introduction, page. 14
[7] Cheney v. Conn. (1968) 1 ALL ER 799: (1968) 1 WLR 242.
[8] C.K Thakwani , Lectures on Administrative Law, Introduction, page. 14
[9] Keshavananda Bharti v. state of Kerarala (1973) 4 SC 225

Administrative Law obeying Constitutional laws and dealing with organization and functioning of laws 'In Force'. Application and implementation of such statutes should be in conformity with the Constitution. Any law abridges or endangers or violates or abrogates Right of an Individual provided as Fundamental Rights will attract the action of judicial review or any misconduct detected in functions will also have to be reviewed by the action of Judges as Judiciary having powers to decide the administrative matters. Source of Administrative Law and Constitutional Law id same and i.e. Rule of Law.

Red light theory and Green light theory

Red light theory: - Emphasizing on the Judicial Control over the activities of the authorities it tends to believe that power conferred may be misused. Approach of this theory is Indirect, external[10] and with fear of action with Arbitrariness of the authorities.

Green light theory:- It emphasizes on Direct and Internal action means in total control. As Red light theory powers are given but they are under direct control of the upper hands. Green Light theory allows intervention of the state in large public interest ensuring the rights of the citizen and wellbeing of the society.[11]

Kernels of Administrative Law

1. Rule of Law: Supremacy of Law

2. Natural Justice: fairness and Justness in Law

3. Judicial Review: When Administrative and Legislative authorities are subject of Review and administrative discretion

Rule of Law

Concept was introduced by Sir Edward coke CJ in King James first reign. In the battle against king he maintained successfully that 'King should be under God and Law and he established the supremacy of the Law against the executive'.[12]

"The Constitution is the mandate. The Constitution is the rule of law. There can be no rule of law other than the Constitutional rule of law. There cannot be any pre-constitutional or post-

[10] C.K Thakwani , "Lectures on Administrative Law", p. 10
[11] Ibid page 10
[12] Ibid page 25 rule of law 1.1 general

constitutional rule of law which can run counter to the rule of law embodied in the constitution, nor be there any invocation to any rule of law to nullify the constitutional provisions during the time of Emergency. Article 21 is out rule of law regarding life and liberty."[13]

Habeas Corpus case

ADM, Jabalpur v. Shivakant Shukla[14]

In which, under Art. 358, Art. 14, 21 & 22 were suspended and mob of persons was arrested under MISA (Maintenance of Internal Security Act, (1971) on 27th June 1975 by an order from the president at the time when Emergency was proclaimed by Indira Gandhi's Government on 25th June 1975. Supreme Court was confronted with a question whether the third limb of Dicey's doctrine was integral part of the Indian concept of rule of Law.

Agreeing with view as early as in 1215, in Magna Carta, it had been said: No free man shall be taken and Imprisoned or diseased or exiled or in any way destroyed, nor will we go or send for him, except under a lawful judgment of his peers and by Law of the land. Dicey developed his theory of Coke in his classic book 'the law and the constitution' in 1885.[15]

Analysis:

It goes as, Supremacy of Law that projects all are falling under the ambit of law, no one is above the law and activities are subject to law only;

Equality before Law says each one has equal protection of law without any discrimination and without and discretion by any authority, include right to remedy;

And judges made Law; the laws made by the judges are to be respected and obeyed as they are Precedents and cases which are decided earlier considering implementing their common sense and wisdom and fine sense of judgment.

Essentials of Rule of Law are elaborated in the case of S.G Jaisinghani v. UOI & others.[16]

Natural justice

[13] For a scathing criticism of majority view, see H.M Seervai, *Habeas Corpus* Case; Emergency and future safeguard(1977)
[14] (1976) 2 SCC 521: AIR 1976 SC 1207
[15] Ibid page 25 rule of law 1.1 general
[16] AIR 1967 SC 1427

According to Roman law certain basic legal principles were required by nature, or so obvious that they should be applied universally without needing to be enacted into law by a legislator. This was a seedbed for the growth of natural justice. The rules or principles of natural justice are now regularly applied by the courts in both common law and Roman law jurisdictions. In the case of Menka Gandhi v. UOI[17] it was held that Parliament has no power to legislate any Law which violates Fairness & justness. Meaning thereby, law enacted should carry Justness. Principle of Natural Justice or Fundamental actions are neither fixed nor prescribed in any code of law. The term is also known as Substantial Justice, Universal justice, Divine Justice fundamental justice and rational Justice. Role of Natural justice can be described as basic values which a man has cherished through the ages.

In the historic case, A.K Karipak v. UOI a Supreme Court case in which it was held that, "the aim of the rule of natural justice is to secure justice or to put it in negatively to prevent miscarriage of justice. This rule can operate only in areas not covered by any law validity made. In other words they do not supplant law of the land but supplement it."[18]

Indian legal system has always admired a policy which says, 'let thousand of wrongdoers go free, but not a single innocent should be convicted or sentenced.' This travels to the roots of justness and fairness and gives certain privileges to the convicted, like Fair hearing, to represent himself in the courts of law without biasness and consideration & implementation of law while pronouncement of verdict. Natural justice essence could just be referred to as procedural fairness with the purpose of ensuring decision making is fair and reasonable.[19]

The principles of Natural Justice are a part of the legal and judicial procedures and it comprises of two concepts, viz.

(a) Audi alteram partem or the right to fair hearing

(b) Nemo judex in sua causa or the no man can be a judge in his own cause.

"Natural law is the sum total of all those norms which are valid independently of, and superior to, any positive law and which owe their dignity not to arbitrary enactment but, on the contrary, provide the very legitimating for binding force of positive law."[20]

Judicial Review

[17] 1978 AIR 597, 1978 SCR 2 (621)

[18] (1969) 2 SCC 262: AIR 1970 SC 150

[19] From the selective works of Mubashshir sarshar also available on http://works.bepress.com/mubashshir/2

[20] Max Weber, LAW IN ECONOMY AND SOCIETY, 1969, pp. 287-88.

Judicial review is the most essential power in the hand of judiciary by which rule of law in the country can be maintained. Power of the judiciary to keep eye on Legislatures and Administrative activities, how they are rendering their duties, whether functioning of each sphere is consistent in nature or not and in case when Rights provided to an individual is abrogated, they are suppose to be reviewed by the upper authority i.e. Judiciary. Power of Judiciary to review and determine validity of Law or an order may be described as the power of judicial review.[21] Two standards are followed, 1. Legitimizing the Governmental Action, 2. Protecting Constitutional actions. It's a doctrine under which Executives and Legislatures are subject to reconsideration or subject to review. By comprising way, the Judiciary has an ultimate power to play a role of a Watchdog of Legislatures and Executives. In a wrongful act by any of the governmental body judiciary having discretionary power it can review the matter and check and balance the wrong done, so as to when fundamental rights are wrongfully taken off.

Broadly speaking, there are there functions of judicial review, viz. 1. Judicial review of legislative actions, 2. Judicial review of judicial action, 3. Judicial review of administrative action. It prevents legislatures and administrative functions to take Unconstitutional decisions.

An order appointing a commissioner or report submitted by him may be challenged inter alia on the grounds of mala fide, colourable exercise of power, ultra vires, ect.[22] If wrong and illegal acts applying the parameters of Judicial Review can be set aside by the courts, the same act can be reviewed by the administrative authorities by reviewing such orders if found to be ultra vires. "Judicial review is thus the touchstone and essence of the rule of law."[23]It is a custodian of Rule of Law.

Judicial Restraint

Some limitations conferred on the actions of the Judiciary are considered to be judicial restraint. It's a theory of judicial interpretation which encourages judges to limit to exercise their own power. Judges should not take any decision of the matter in which such decision is or about to be Un-Constitutional obviously. Judicial restraint simply moves as, it decides certain ambit of powers bestowed to judicial authorities by the constitution.

[21] Available at Preservearticles.com

[22] State of J&K v. bakshi Ghulam Mohommad, AIR 1967 SC 122

[23] By C.K Takwani in lectures on administrative law, Judicial review: nature and scope, page 237 also see, R.K Kain v. UOI (1993) 4 SCC 119 (168)

Judicial Activism (Guidelines by Judiciary)

"This Court in M.C. Mehta v. Union of India & ors,[24](Ganga Pollution Case) had issued certain directions with regard to the industries in which the business of tanning was being carried on near Kanpur on the banks of the River Ganga. On that occasion, the Court had directed that the case in respect of the municipal bodies and the industries which were responsible for the pollution of the water in the river Ganga would be taken up next, and accordingly, the Court took up for consideration this case against the Kanpur Nagar Mahapalikas, since it was found that Kanpur was one of the biggest cities on the banks of the river Ganga. Under the laws governing the local bodies, the nagar Mahapalikas and Municipal Boards were primarily responsible for the maintenance of cleanliness in the areas under their jurisdiction and the protection of their environments. Under the water (Prevention and Control of Pollution) Act, 1974 (the 'Water Act') provisions had been made for the establishment of Boards for the prevention and control of water pollution, etc. The Environment (Protection) Act, 1986, contained provisions relating to the control, prevention and abatement of pollution of water. Although Parliament and the State Legislature had thus enacted laws, imposing duties on the Central and State Boards and the municipalities for the prevention and control of pollution of water, no adequate action had been taken pursuant to many of their provisions. 274.50 million liters a day of sewage water was being discharged into the river Ganga from the city of Kanpur, which was the highest in the State of U.P. Sewer cleaning, had never been done systematically in Kanpur, and there was mal-functioning and choking of the city sewerage. Pollution of water in the river Ganga was of the highest degree at Kanpur, and a large extent of misery, sickness and death due to infectious diseases arose out of water supplies. The petitioner filed this writ petition as a Public Interest Litigation against the public nuisance." In earlier age powers of judiciary were limited and up to certain ambits. In this case it was held that Legislatures are not only interpreters of the laws but also can render duties by providing guidelines to the Administrative and Quasi Judicial authorities. It shows how judiciary is involved in the execution and administration of law.

[24] [1987] 4 S.C.C. 463

Analysis:

Function of Judiciary is to work as a watchdog and adjudicate the matters in which executives or Legislatures are incompetent to render their duties or they have abrogated right of an individual by using their discretionary power bestowed by the Constitution. Judicial Review is separated from legislatures and Executives so as to administer functioning of both of these departments. In short judicial review is mandatory to maintain rule of law.

Administrative Functions

Administrative functions are neither judicial nor Legislative in character.

1. Orders to be based on Government policies,
2. There is no obligation to adopt a judicial approach to matters decided,
3. Not bound by the evidence or procedure unless compulsion made by statutes,
4. Can take decisions in exercise of statutory power unless not in contravention to the Law,
5. Function as delegated or sub delegated powers unless any bar or prohibition by statute,
6. Not only evidence to be considered, discretion also to be admired,
7. Not bound by the principle of Natural Justice, unless made bound by the statute,
8. Reasons given by Legislatures or Judiciary can be invalidated on the grounds of Unreasonableness,
9. Power to act as Quasi Judicial authority is not given in each matter,
10. Writs like Certiorari and Prohibition not available in each matter.

Administrative Law is recognized separate and independent branch of Legal entity. The Constitution of India is also having significant effects on laws including Administrative Law.

Administrative Discretion

As per writer's view, in certain cases administrative authorities having more powers and authorities than Legislatures and Judiciary fear of misusage of such powers is possible. But these powers conferred to Administrative body are undoubtedly discretionary, but also are

limited in certain actions. The ideology created by the Constitution of India in Administrative functioning is always adorable and respectable in nature.

Functions dischargeable by the administration may either be ministerial or discretionary. A ministerial function is one where the relevant law prescribes the duty to be performed by the concerned authority in certain and specific terms leaving nothing to the discretion or judgment of the authority.[25]

Judicial and quasi judicial authorities

Judiciary in India

Judiciary is the wing of Federal system of India in which Laws are interpreted and Punishments are to be awarded as per the nature of the crime, besides that Judiciary renders duty as watchdog of Administrative authorities and gives powers to execute the laws in the country. Taking into consideration the hierarch of the court, Supreme Court is considered to be the upper hand. Then it moves to High Court in each state and District court. These courts are also bifurcated in Criminal & Civil courts. Administration of these courts is in the hands of Ministry of Justice, Department of Legal affairs, Legislative department, Department of Justice and Law commission of India.

Quasi Judicial Authorities

Today over and above ministerial functions, the executive performs many quasi legislative and quasi judicial functions also. Government functions have increased even though according to traditional theory, function of Adjudication of disputes is the exclusive jurisdiction of ordinary court of Law. The traditional theory of laissez states that earlier it was a police state and now it's a welfare state. Administrative Tribunals are considered to be the Quasi-Judicial body made to adjudicate certain matters and disputes in between.

Industrial dispute between workers and management of an industry must be settled as early as possible. Quick judgment in such matters is beneficial not only to the industry but also to the society at large. It is not possible for the ordinary courts to decide this matter in a short span of time due to its lengthy procedure. Also it has to be noted that, matter like this should not

[25] Article referred- Manek Mahendru, Lawnote

be decided arbitrarily or autocratic manner in which it discriminates rights given. Administrative tribunals are made for such purposes only. Such tribunal derives powers from Judiciary and justifies the matter accordingly.

It is not possible to define the word 'Tribunal' precisely and significantly. The expression has also been defined in the Indian Constitution.[26] According to dictionary meaning Tribunal means 'a seat for a bench upon which judges sit in a court, a court of Justice, Judicial assembly, judicial authority. In the case of Durga Shankar Mehta v. Raghuraj singh[27] the Supreme Court defined 'tribunal' as;

The expression tribunal is used in Art. 136 does not mean the same things as 'Courts' but includes within its ambit, all adjudicating bodies provided they are constituted by the state and are invested with judicial as distinguished from purely administrative or executive functions.

Moreover in the matter of Bharat Bank Ltd. Employees[28] (Bharat Bank), Supreme Court observed that tribunals exercise judicial powers and quasi-judicial functions but they are not 'full fledged courts'. Thus, tribunal is an adjudicating body which decides controversies between parties and exercises judicial powers distinguished from purely administrative functions and thus possess some of the trappings of the court, but not all.[29] Agreeing with, a quasi-judicial body is an individual or separate organization. It has powers resembling those of a court of law or judge and is able to remedy a situation & can impose legal penalties on a person or organization or any.[30]

Judicial and quasi-judicial functions Distinguished

1. Quasi Judicial have some of the Trappings of Judiciary, but not all of them, besides that has obligation to act judicially.
2. Lis inter partes i.e. Dispute between parties is required in the judicial matters, but so is not required in Quasi-Judicial matters.
3. Courts are bound by the Codified laws as Evidence act and procedural aspects, on the other hand it is not required to follow such norms for quasi-judicial bodies.
4. Courts are bound by the Precedents, but quasi judicial body is not.

[26] Arts. 136, 227, 232-A, 232-B
[27] AIR 1954 SC 520 : (1955)1 SCR 267
[28] AIR 1950 SC 188: 1950 SCR 459
[29] by C.K Thakwani , Lectures on Administrative Law, page. 461
[30] Available at http://answers.yahoo.com/question/index?qid=20081001182818AAj6PGz

5. A court can't decide the matter on its own, but administrative authorities having derived powers as quasi judicial body can act and decide matters despite of controversies.

Administrative function and quasi judicial function

1. Granting lease is an Administrative function, cancellation, revocation of which without notice is quasi judicial function.
2. Admission of student is an administrative function and an act of dismissal of student is quasi judicial act, moreover granting license to cinema hall is an administrative function and cancellation or suspension of the same is a quasi judicial function.
3. Decision made by Administrative bodies carries justness, but decision taken by quasi judicial authorities due to lack to higher authority may carry unjustness and unfairness.
4. There are two parties before Administrative functions definitely, on the other hand also there are also two parties before quasi judicial authorities but they are in the matter of dispute wherein one is representing aggrieved and another is defending from the accused side.
5. Administrative actions are un-challengeable before the court, quasi judicial actions are rectifiable by the Writs like, Certiorari, Prohibition, Mandamus, Habeas corpus.
6. In administrative decision judicial actions are mandatory, but in Quasi judicial functions it is not.
7. Administrative functions are not required to provide reasons, but quasi judicial functions are required to give reasons based on which they decided the matter.
8. Administrative authorities have power derived from Legislatures and have discretionary powers to decide the matter without any interference, on the other hand Quasi Judicial authorities derive power from Judiciary and does not have a discretionary power. It is always subject to Judiciary.

Legislation

Simple meaning of Legislation goes as, to make or Enact Law, to create or introduce new rules and ordinance in the system. In England Parliament is considered to be highest legislative authority that makes Laws and those laws are considered to be the highest admirable. On the other hand India, following the most important case of Keshavananda Bhatri case, reads as Parliament having ultimate power to amend Laws along with Fundamental Rights but does not have power to amend the basic structure giving unlimited

power to introduce new laws which ultimately or otherwise does not affect right of an individual powers given by The Constitution.

Delegated Legislation

It is very difficult to define the term Delegated Legislation. Agreeing with Mukharjee J[31]; "delegated legislation is expression which covers a multitude of confusion. It is an excuse for the legislatures, a shield for the administrators and provocation to the constitutional jurist…" Halburg's Laws of England[32]; 'when the instrument of a legislative nature is made by any authority in exercise of power delegated or conferred by the legislature it is called 'Subordinate Legislation.'

There are two types of Legislation, one is Primary and second one is Secondary Legislation. Concept of primary legislation contains legislation made by The Parliament and Secondary legislation consists of legislation made by the authority to which powers were rendered by the parliament i.e. Delegated legislation. Delegated simply projects that some power or authority has been given to the other body to make workload lesser. Wherein, motto and purpose of such delegation should not be changed.

The legislation created by delegated legislation must be made in accordance with the purposes laid down in the Act. An Act of Parliament creates the framework of a particular law and tends only to contain an outline of the purpose of the Act. By Parliament giving authority for legislation to be delegated it enables other persons or bodies to provide more detail to an Act of Parliament. Parliament thereby, through primary legislation (i.e. an Act of Parliament), permit others to make law and rules through delegated legislation.[33]

Importance of Delegated Legislation

There are several reasons why delegated legislation is important. Firstly, it avoids overloading the limited Parliamentary timetable as delegated legislation can be amended and/or made without having to pass an Act through Parliament, which can be time consuming. Changes can therefore be made to the law without the need to have a new Act of Parliament and it further avoids Parliament having to spend a lot of their time on technical matters, such as the clarification of a specific part of the legislation. Secondly, delegated

[31] Quoted by chakravarti, Administrative Law(1970) 166
[32] (4th Edition.) Vol. 44, 981-984
[33] Available at http://www.lawteacher.net/english-legal-system/resources/delegatedew-legislation.php

legislation allows law to be made by those who have the relevant expert knowledge. By way of illustration, a local authority can make law in accordance with what their locality needs as opposed to having one law across the board which may not suit their particular area.

Distinguished

Secondary or Delegated legislation means, powers given to certain body for the purpose of making laws, by-laws, ordinance, notifications. It is a concept of derived authority where in such law making authorities are provided with certain limited power which is subject to same purpose as the legislative body has, is known to be sub delegated legislation. Such delegated legislation always should be in conformity with the purpose same as from where law making authority has derived such authority or power. Making such legislation is subject to be reviewed by the upper body from where law making authority is given. Purpose of such delegation is nothing but reducing workload from the main body. Such delegation helps the Parliament to take decisions faster and prevents consumption of time unnecessarily. The traditional theory of laissez states that earlier it was a police state and now it's a welfare state. Following the theory there is immense increase in legislative actions. Moreover, delegation of such rule making authority improves implementation as powers delegated would be aware of the situation in the region and can understand better than someone else.

Legislative body i.e. Parliament in India which derives power from The Constitution itself, but delegation of such ordinance making derives power from Parliament. Additional answer "Subordinate legislation is a collective term for statutory rules, regulations, ordinances, by-laws and rules created by persons or bodies to whom Parliament has delegated some of its law-making powers."[34]

Administrative Authorities in India

IAS- Indian Administrative Service

IPS- India Police service

IAF- Indian Air force

Indian Navy

Ministry of MSME- Ministry of Micro, Small and Medium Enterprises

[34] Available at http://www.ask.com/question/what-is-secondary-legislation-in-the-uk

Indian Military- e.g. BSF Border Security Force and so on…

Department of Finance

Home Ministry, etc.

Revenue Department (Overview)

Revenue is kind of Income of the Government from which administration of activities of government are carried out. There are various sources from which government gets revenue and types are discussed below, Taxes like Direct- Indirect, Wealth Tax, Prices, Fine and so on. Focusing on Taxes they are bifurcated as per federal principle. Center and State.

Tax consists of, Direct taxes, Indirect taxes, Central sales Tax, VAT- Value add Tax, Stamp duty, Goods & Service tax.

Department of revenue administers the Following Acts,

1. Income Tax Act, 1961;
2. Wealth Tax Act, 1958;
3. Expenditure Tax Act, 1987;
4. Benami Transactions (Prohibition) Act, 1988;
5. Super Profits Act, 1963;
6. Companies (Profits) Sur-tax Act, 1964;
7. Compulsory Deposit (Income Tax Payers) Scheme Act, 1974;
8. Chapter VII of Finance (No.2) Act, 2004 (Relating to Levy of Securities Transactions Tax)
9. Chapter VII of Finance Act 2005 (Relating to Banking Cash Transaction Tax)
10. Chapter V of Finance Act, 1994 (relating to Service Tax).

Indian Constitution deals with Taxes in Art. 262 to Art. 277 precisely in Art. 267A.

Administrative Reform Commission (ARC)

It is a commission appointed by the Government of India for reviewing the administrative system. First ARC was established in 5th January 1966. The committee was chaired by MP, Morarji Desai. The Second Administrative Reforms Commission (ARC) was constituted on 31.08,2005, as a Commission of Inquiry, under the Chairmanship of Veerappa Moili for preparing a detailed blueprint for revamping the public administrative system.

Conclusion

Administrative law is a part of Indian Constitution and does not have any separate authority or distinguished power. Jurisdiction of administrative law is within the ambit of constitutional law only and restricted in certain matters. It derives powers from constitution only and administers them for public interest. For maintenance of Rule of Law administrative law is required. Administrative law is a custodian of rule of law which administers it by applying its power conferred, kernels of Administrative law, judicial and quasi-judicial authorities bestowed by 'The Constitution'.