

Class 11 Legal Studies Notes

Administrative Law

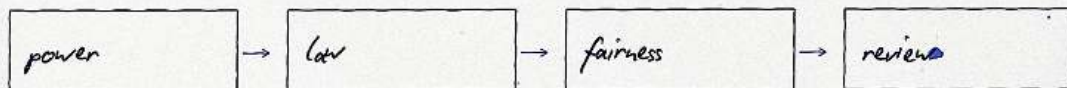
CHAPTER SNAPSHOT

This chapter explains how public authorities must use power lawfully and fairly.

It connects administration, rule of law, natural justice, judicial review and the Droit system.

Remember:

- * administrative law controls public power
- * it differs from constitutional law
- * fair hearing and no bias are core rules



Background

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WHY ADMINISTRATION MATTERS

Societies may survive without advanced science, but not without administration.

Public rules, policies and welfare work need officers and agencies to apply them.

Remember:

- * administration runs public services
- * law prevents misuse of power
- * public good remains the main aim

Meaning

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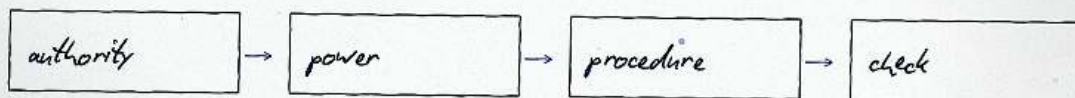
ADMINISTRATIVE LAW

Administrative law studies the organisation, powers and functions of administrative authorities.

It checks whether departments, agencies and officers act within law while performing public duties.

Remember:

- * lawful action
- * fair procedure
- * reasonable decision
- * accountability



Administrative vs Constitutional

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KEY DIFFERENCE

Constitutional law gives the broad design of the state and citizen rights.

Administrative law checks how public authorities act when they use those powers in real cases.

Remember:

- * constitutional law is the master plan
- * administrative law is day-to-day control *
- * both protect citizens from arbitrary power

Exam ~~shortcut~~ point: use the exact constitutional term.

Growth of Administrative Law

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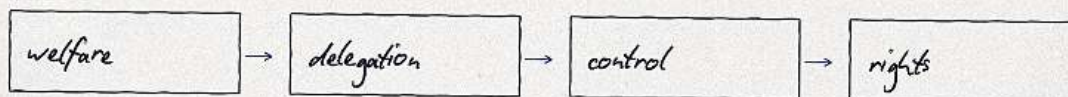
WELFARE STATE

Modern India expects an active State in education, health, welfare and regulation.

The legislature cannot approve every small administrative detail, so delegation becomes necessary.

Remember:

- * governance is complex
- * experts frame many detailed rules
- * delegated power needs legal control



Article 12 Link

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STATE AND OTHER AUTHORITIES

Article 12 includes the Government, Parliament, State legislatures and other authorities.

The textbook uses this to show why bodies doing public functions may come under legal control.

Remember:

- * authority created by law
- * agency or instrumentality of State
- * body performing public function

Types of Administrative Action

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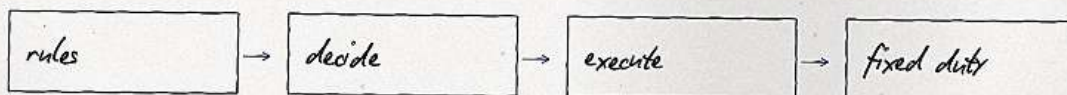
FOUR TYPES

Administrative action can take different forms depending on the power used.

For exam answers, name all four types before explaining any one type in detail.

Remember:

- * administrative legislative action
- * quasi-judicial action
- * administrative action
- * ministerial action



Administrative Legislative Action

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DELEGATED RULE MAKING

Here the administration puts on the hat of the legislature.

*
It frames rules or delegated legislation under authority given by a parent law. *

Remember:

- * fills detailed gaps
- * saves legislative time
- * must stay within parent Act

Quasi-Judicial Action

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ADMINISTRATIVE ADJUDICATION

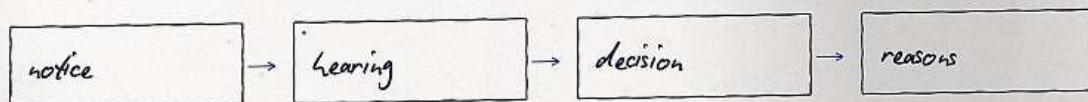
A quasi-judicial authority decides legal rights^{*} after hearing the parties.

Tribunals are the chapter's simple example of this kind of action.

Remember:

- * looks like a court process
- * affects legal rights
- * must follow natural justice^{*}

Exam ~~shortcut~~ point: use the exact constitutional term.



Administrative Action

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DISCRETIONARY EXECUTION

This covers execution of administrative decisions that do not fall in the first two types. *

The authority often has discretion, so it may choose a lawful option based on facts.

Remember:

- * execution of policy
- * uses judgment
- * must avoid arbitrariness

Ministerial Action

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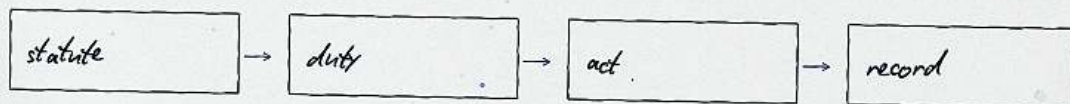
NO DISCRETION

Ministerial action is a fixed duty where only one lawful method is available.

The textbook example is a university opening a bank account with the bank named by statute.

Remember: *

- * copybook action
- * no personal judgment
- * statute tells the officer what to do



Rule of Law

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FOUNDATIONAL PRINCIPLE

Rule of law means government by law, not by personal will.

It prevents arbitrary exercise of power and protects liberty through legal limits.

Remember:

- * law is supreme
- * no one is above law
- * courts protect rights

Dicex's Three Ideas

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RULE OF LAW TEST

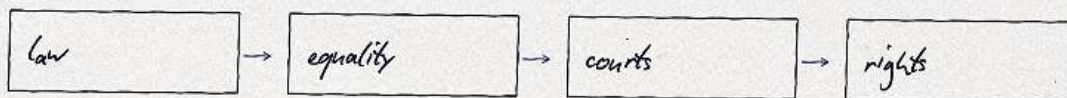
A. V. Dicex explained rule of law through three linked principles.

Use these headings in exam answers because they make the answer structured.

Remember:

- * supremacy of law
- * equality before law
- * predominance of legal spirit

*



Rule of Law in India

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CONSTITUTIONAL LINK

The Constitution does not need the exact phrase everywhere for the idea to operate.

Article 14, Article 21 and judicial review strongly reflect rule of law values.

Remember:

- * Article 14 gives equality before law
- * Article 21 needs fair legal procedure
- * judicial review checks invalid actions

Exam ~~shortcut~~ point: use the exact constitutional term.

Separation of Powers

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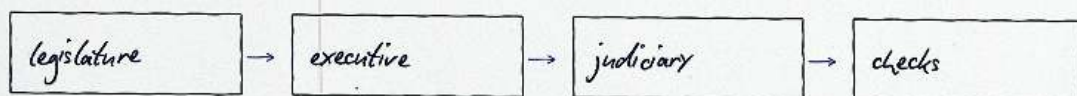
CHECKS AND BALANCES

Separation of powers divides functions among legislature, executive and judiciary.

India does not follow complete separation, but courts check excess administrative power.

Remember:

- * prevents concentration of power
- * reduces misuse
- * keeps each organ within limits



Delegated Legislation

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NEED AND CONTROL

Delegated legislation lets the executive frame detailed rules under a parent statute.

Courts ensure delegated rules do not exceed the power given by the parent Act. *

Remember:

- * modern rules are technical
- * rule making becomes quicker
- * courts stop arbitrary rules

Natural Justice

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FAIRNESS PRINCIPLES

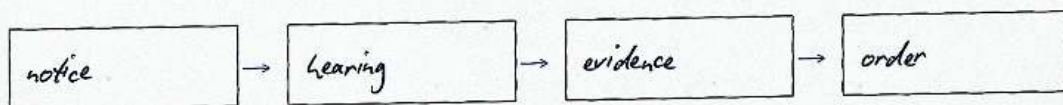
Natural justice makes administrative action fair, transparent and impartial.

It applies when a decision affects a person's rights, duties or interests.

*

Remember:

- * no bias
- * hear the other side*
- * give fair notice and evidence



Rule Against Bias

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NEMO JUDEX

*

Nemo judex in causa sua means no person should be a judge in his own cause.

A deciding authority must be impartial and free from interest in the outcome.

Remember:

- * pecuniary bias means financial interest
- * personal bias comes from relationships
- * subject matter bias comes from direct involvement

Exam ~~shortest~~ point: use the exact constitutional term.

Fair Hearing

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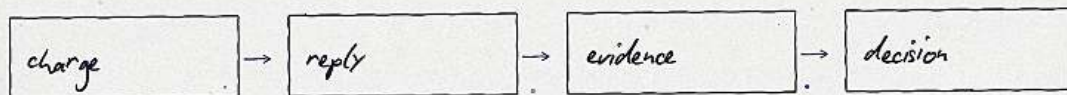
AUDI ALTERAM PARTEM

Audi alteram partem means hear the other side.

A person must get a reasonable chance before an adverse order is passed.

Remember:

- * disclose charges
- * allow explanation
- * allow evidence
- * allow rebuttal



Essentials of Hearing

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NOTICE AND MATERIAL

A fair hearing starts with proper notice of time, place, proceedings and allegations.

The authority must consider relevant material and disclose evidence used against the person.

Remember:

- * prior reasonable notice
- * knowledge of allegations
- * chance to rebut evidence
- *

Judicial Review

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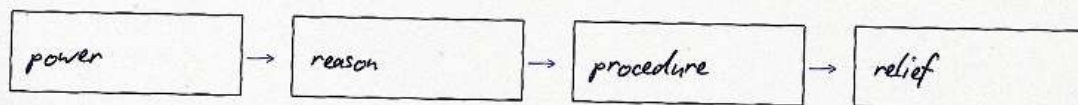
COURT CONTROL

Judicial review lets courts examine the legality of administrative actions.

It does not make courts run administration, but it keeps authorities within law.

Remember:

- * illegality
- * irrationality
- * procedural impropriety



Droit Administrative Law

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FRENCH SYSTEM

The French Droit system grew from a different approach to disputes involving government departments.

Private disputes went to civil courts, while government department disputes went to administrative courts.

Remember:

- * linked with Napoleon's reforms
- * special administrative courts
- * Conseil de Etat as highest administrative court

*

Droit vs Common Law

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FAST COMPARISON

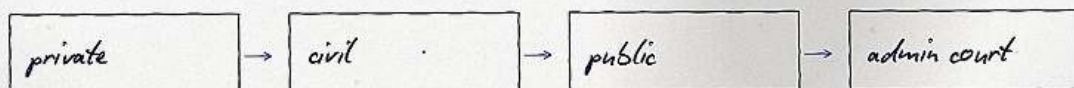
The Droit system uses specialised administrative courts for many government disputes.

The common law approach usually gives ordinary courts a larger role in checking public power.

Remember:

- * Droit system is specialised
- * common law relies on ordinary courts
- * efficiency is a key claim for Droit

Exam ~~shortcut~~ point: use the exact constitutional term.



Case Names to Remember

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RULE OF LAW CASES

The chapter names Indian cases to connect rule of law with the basic structure and fair procedure.

Use the cases only as support, not as a replacement for the concept.

Remember:

- * Kesavananda Bharati: basic structure
- * Indira Gandhi v. Raj Narain: rule of law value
- * Maneka Gandhi: just, fair and reasonable procedure

Answer Frame

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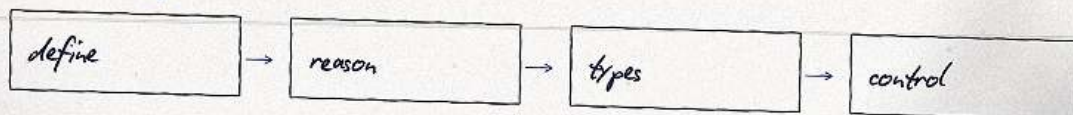
HOW TO WRITE

For a long answer, define the concept first, then add types or principles.

Use a small example so the examiner sees that you understand administrative power in practice.

Remember:

- * define administrative law
- * write why it grew
- * name types or principles
- * end with fairness and accountability



Common Mistakes

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*

AVOID THESE

Do not write that administrative law is only procedural.

The textbook says it is now a full-fledged discipline with substantive importance.

Remember:

- * do not confuse constitutional and administrative law
- * do not skip ministerial action
- * do not forget natural justice has two core rules

Last Minute Recall

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FINAL REVISION

Revise the chapter as a chain: background, distinction, growth, action types, principles and Droit system.

The safest closing idea is that administrative law protects citizens from arbitrary public power.

Remember:

- * B-D-G-A-P-D: background, difference, growth, actions, principles, Droit
- * rule of law plus natural justice plus judicial review
- * delegation needs control

