# EVOLUTION OF ADMINISTRATIVE LAW IN INDIA

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## ABSTRACT

The development of massive state administrations designed to meet a confounding array of cultural needs and the advancement of liberal, fair standards of social association and public authority are inseparably bound to two marvels that follow their origins to the nineteenth century, and these two marvels are the subject of administrative law. A large portion of administrative law can be understood as an effort to relieve the pressure that naturally exists between these two marvels, a recognition that the accomplishment of public goals depends on a system of full-time representatives who are paid by the public and loyal to the state, and at the same time, a conviction that public authority is real when it is ingrained in significant rule governmental issues and liberal social orders. These are the objectives, from a perspective of impartiality and capability, and then again, of a vote-based system of democracy and liberal rights, to put it more succinctly.

The main purpose of studying administrative law is to figure out how to keep these administrative authorities within their legal bounds so that their discretionary powers don't become arbitrary ones. In plain English, administrative law prevents authorities from abusing their authority and ensures that they operate in a morally righteous, rational, and effective manner.

A variety of causes, some exerting pressure on the legal system from the outside while others from inside, have combined to create administrative law. The strongest economic and social pressures emerged from without, while internal resistance arose against the unworkable details and rigidity of a system that was too tightly fused to the present due to past generations, conditions, and foundations.


**Keywords:** Development, Authority, Administrative law, Cultural needs, Social Association

## Introduction

Administrative Law in simple words means the Law relating to administration. It determines the organization, powers, and duties of the administrative authorities.

As per Dr. F.J. Port "Administrative law is made up of all these legal rules whether formally expressed by statute or implied in the prerogative which have their ultimate object the fulfilment of public law."

Administrative law is a by-product of the state's expanding socioeconomic functions. The interaction between the administrative authorities and the populace has grown extremely complicated, making administrative law important for the modern society.

Hence, to control such complicated relationships, it is vital to have a law that can both bring about clarity and serve as a check in the event that administrative authorities abuse their authority.

The structure and authority of various administrative institutions are explicitly covered under administrative law. Administrative law, to put it simply, is the study of the exercise of authority, notably by quasi-judicial and quasi-legislative administrative agencies and their executive powers.

The complexity of the society grew with its expansion, which presented additional administrative difficulties. The state had very few duties in ancient civilization. The principal ones among them were maintaining peace and order, collecting taxes, and guarding against foreign attack. That doesn't imply that administrative law didn't exist before the turn of the 20th century.

Administrative law in India dates to the immaculately structured government of the Mauryas and Guptas, millennia before the birth of Christ. The East India Company introduced the globe to the modern administrative system after the Mughals.

Yet the state now serves two distinct purposes. First, the state is seen as the protector of the general welfare of the populace, and secondly, no activity is exempt from direct or indirect official intrusion.

The state now has new obligations since it has been given new rights and responsibilities. As the state's obligations grow, administrative law becomes more prevalent. The creation of administrative law was very necessary in the modern era. The study of administrative law familiarises us with the guidelines for conducting administration.

**Development of administrative law in India**

In India, administrative law has existed since the dawn of civilization. Both the Guptas and the Mauryas had a centralised administration structure. The Mughals followed and had a comparable governmental structure. Defending the state and its citizens against external attack, upholding law, and order, and obtaining various taxes from the populace were the rulers' and kings' key concerns.

Modern administrative law began to emerge when the British arrived in India. The East India Company's founding led to an expansion of governmental authority. The British Parliament introduced a number of Acts, laws, and statutes throughout that time to control public health, safety, morals, transportation, etc.

The State Carriage Act of 1861 marked the start of the period of licences. The Bombay Port Trust Act of 1879 allowed for the creation of the first public corporation. Several legislation allowed for the issuance of permits, licences, and the resolution of disputes through administrative bodies and courts.

The Defence of India Act gave the Indian administration the authority to act as the Second World War raged throughout the globe. The British government also issued several administrative directives and regulations during that time.

India embraced a welfare state philosophy after becoming independent, which boosted the state's operations. The necessity for "Rule of Law" and "Judicial Review" was prompted by the government and administrative authorities' growing authority and actions. The principles of a welfare state are stated in the Indian Constitution. The Constitution's provisions were created to ensure the equality, social fairness, economic opportunity, and political freedom of all citizens.

In order to serve the interests of society as a whole, ownership and control of material resources shouldn't be restricted to a small number of people.

Provisions were taken from several nations throughout the world as the constitution was being created. The idea of delegated legislation was also taken from the modern world to meet the demands of India in order to improve law administration and implementation. The administrative authorities' rules, regulations, and commands were deemed ultra-vires and invalid if it was determined that they exceeded their authority. An essential aspect of the development of administrative law in India is the flexibility of administrative law.

In the case of Vellunkunnel v. Reserve Bank of India[1], the Supreme Court held that under the Banking Companies Act, 1949, the Reserve Bank was the sole authority to decide whether the affairs of a Banking company were being conducted in a manner prejudicial to the depositors and passed an order for winding up as it was demanded by the Reserve Bank of India in its petition before the Hon'ble court.

Also, in the landmark case of State of Andhra Pradesh v. C. V. Rao[2], the Supreme Court while dealing with a case of departmental inquiry, held that the jurisdiction of the court to issue a writ of certiorari is merely supervisory in nature. If the tribunal had passed an order based on some evidence on record such findings cannot be challenged on the ground that the evidence is insufficient or inadequate. To determine the adequacy or sufficiency of the evidence is the exclusive jurisdiction of the tribunal.

The Apex Court in the matter of Shrivastava v. Suresh Singh[3], held that in matters relating to questions regarding adequacy or sufficiently of an expert opinion of public service commission it will be accepted by the court on the record.

The Supreme Court in the case of State of Gujrat v. M. I. Haider Bux[4], held that under the provisions of the Land Acquisition Act, 1994, the government is the best authority to decide whether the land is used for public purposes and whether the land can be acquired for that purpose or not.

The government and administrative authorities now have more activities and authority, but there is also an urgent need for the rule of law to be upheld and for judicial oversight of how

[1] 1962 AIR 1371
[2] 1975 AIR 2151
[3] 1976 AIR 1404
[4] 1977 AIR 594

those powers are used. Hence, the citizens must be allowed to freely use the rights that the constitution grants them.

In addition to providing remedies outlined in Articles 32, 226 and 227 of the Indian Constitution, it also grants the right of appeal, review, modification, etc. The concept of judicial review is now recognised as a component of our constitution, and an administrative authority's decision that violates the Act or the constitution's provisions or was made in bad faith can be readily overturned. The laws, rules, and orders enacted by the authorities may be deemed ultra vires and invalid if they exceeded their authority.

**Scope of Administrative law**

Administrative agencies and public representatives may only use their statutory or public powers while carrying out their official responsibilities.

There are two different categories of functions: public law and private law. The first one regulates interactions between the state and the person, whereas the second one regulates interactions amongst citizens. For instance, if a person works in a state-owned factory and is afterwards fired by it, he may file a lawsuit under a private law provision.

Nonetheless, he would file a lawsuit under a public law function if he were an employee. When there is a relationship between people and the state, administrative law norms and principles are relevant. In cases where the nature of the connection is governed by private law, it is not extended.

The focus of administrative law is on the function of the legislatively appointed administrative agencies, who carry out their duties in accordance with the procedures and authority delegated to them. So, the study of administrative law is restricted to examining how things are handled inside an agency.

Judicial review is a process that is used if there is a doubt as to whether a certain judgement was made correctly or not. Administrative law therefore addresses both the decision-making process and the decision's merits

**Concept of Rule of Law and Administrative Law**

The term 'Rule of Law' is a French phrase which means 'la principle de legalite', i.e. a Government based on the principles of law. The ideals of rule of law can be seen in the Constitution of India which are justice, liberty and equality are embodied in the preamble. As per Prof. Dicey, the structure rule of law is structured on three principles: -

1. Supremacy of Law: It means that no one is above law. What is supreme is rule of law.

Prime Minister and a common man are on equal footing. Law is equally applicable to both.

2. Equality before Law: It states that no man is above law. The application of rule of law can be seen in Article 13 of the constitution of India.

3. Predominance of Legal Spirit: It says that legal judgements governing the right to submit private person cases before the Court have led to the general principles of the constitution.

In the landmark judgement in Kesavanda Bharti v. State of Kerala[5], (1973) 4 SCC 225 the Apex Court ruled that the rule of law forms an essential part of the doctrine of basic structure. The Supreme Court in Maneka Gandhi v. Union of India[6], held that Article 14 strikes against arbitrariness.

In A.D.M Jabalpur v. Shivakant Shukla[7], Hon'ble Supreme Court by the majority that there was no rule of law other than the constitutional rule of law and Article 21 was the new rule of law.

**Conclusion**

Administrative law was created with the intention of restricting governmental agency power and monitoring how administrative authorities used their authority. There is a need for an appropriate legislation to control such issues as well as administrative law, which regulates administrative operations, as it is not always viable to depend on certain broad statutes when disagreements arise between citizens and public agencies.

[5] 1973 4 SCC 225
[6] AIR 1978 SC 597
[7] AIR 1976 SC 1207