

# Administrative Law

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*KSLU LL.B. — Complete Exam-Ready Study Bundle (All Five Units)*

KSLU LL.B. Study Bundle

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**Read this first page, then go to your unit.** This single file holds the whole subject: how to use the notes, the rules that win marks, and all units of content. Everything is in plain English, every Latin maxim is translated in [brackets], and every topic is built backwards from the real exam questions.

## How to Use These Notes

**What this is.** A complete, exam-focused bundle covering all five units of KSLU Administrative Law. Every topic is built from one question: *what will the examiner ask, and how do I score full marks?* High-frequency questions get the most space; the years listed under each question tell you where to spend revision time.

**Who it is for.** The first-time learner (understand before memorising), the revision student (fast high-yield recall), and the last-week crammer (which questions repeat and how to answer them).

**What is inside every topic** — the same blocks, in the same order:

Block	Its job	The mark it earns
<b>Previous Year Questions</b>	Real questions + years asked	What to prepare and how often it repeats
<b>The Hook</b>	A true story / landmark-case opener	Memorable; a strong opening line
<b>Jurist / Statutory Quotes</b>	Exact definitions & sections	Examiners reward precise authority
<b>In Simple Terms</b>	Plain-English translation	Ensures you <i>understand</i>
<b>The Visual (chart)</b>	Maps the topic structure	Recall and structure at a glance
<b>Case Laws</b>	Landmark judgments + ratio	Case names with years are pure marks
<b>Tracker + Risk Alert</b>	Answer plan + applied IRAC	Converts knowledge into a scoring answer

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

**The 4-step study plan.** (1) Read the PYQ box first. (2) Understand, then memorise. (3) Trace the chart from memory. (4) Rehearse the Tracker and one Risk Alert.

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## The 10 Rules That Win Marks

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1. **Lead with a definition + roadmap.**
2. **Follow the Blueprint Tracker** stage by stage.
3. **Name the case AND the year** every time.
4. **Quote the exact section / Article / jurist** where given.
5. **Translate every Latin maxim in [brackets].**
6. **Use the four IRAC headings** for problems; spot the decoy fact.
7. **Always give a definite verdict.**
8. **Use the chart's structure** to organise the body.
9. **Close with a short, confident conclusion.**
10. **Manage time** so no high-mark question is left unwritten.

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# UNIT 1 – Foundations of Administrative Law

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## 1. Definition, Nature & Scope of Administrative Law

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### Previous Year Questions

- **[16M]** Define administrative law; explain its nature, scope, objectives and sources. (Jun2010, Jan2011, Jun2013, Dec2013, Jun2015, Dec2016, Jun2018, Jun2019, Jun2022, Apr2022, Jan2026, and others) ★★
- **[16M]** “Administrative law is an instrument to combat administrative authoritarianism through the courts” / “the phenomenal outcome of the 20th century” — explain. (Jun2011, Apr2021, Apr2022, Feb2025)
- **[Short Note]** Sources of administrative law. (Jan2026, Jun2025)

Asked: 16M essay — ★★ (the single most repeated Unit-I question).

## The Hook

When the *A.K. Kraipak* bench sat in 1969, India had no codified “administrative law” — yet the Supreme Court quietly admitted that the line between administrative and judicial action had “become thin” and that fairness binds the administrator just as much as the judge. That sentence is administrative law in a nutshell: the law that keeps the vast modern State **inside legal limits**.

## What is Administrative Law?

Administrative law is the branch of public law that governs the **organisation, powers, duties and functions of administrative authorities**, the **procedure** they must follow, and the **remedies** available to a citizen when those powers are abused. Ivor Jennings called it “the law relating to the administration.” Modern writers prefer a wider statement: it determines *how* power is conferred on the administration, *how* that power is exercised, and *how* it is controlled.

Its **three concerns** map onto the syllabus itself — the triple function of administrative authorities, their constitutional and statutory limits, and the remedies (constitutional and otherwise) against administrative excess. **Nature:** it is essentially *judge-made* and *functional* — it grows case by case rather than from a single code. **Scope:** delegated legislation, administrative adjudication (tribunals), natural justice, discretionary power, judicial review, and the liability of the State.

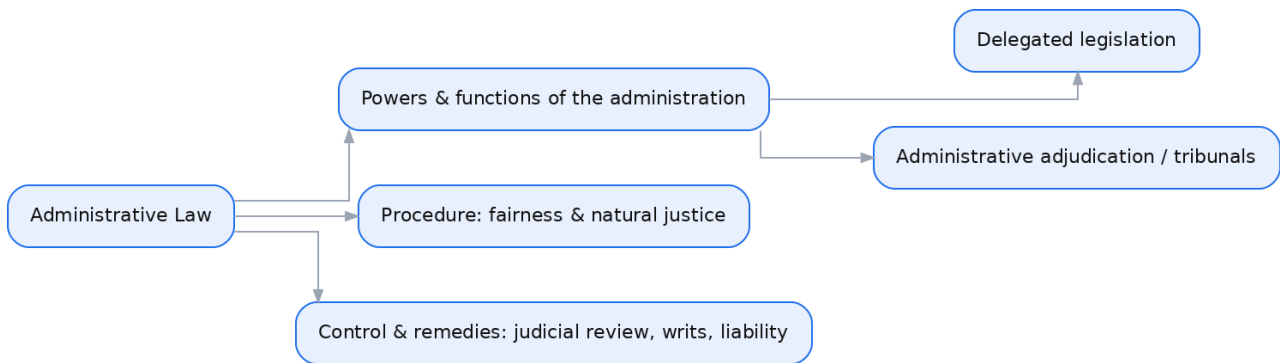
**Wade & Forsyth:** “Administrative law is the law relating to the control of governmental power... its primary purpose is to keep the powers of government within their legal bounds so as to protect the citizen against their abuse.”

**In Simple Terms:** Government today does a thousand things — it taxes, licenses, builds, polices, subsidises. Administrative law is the rulebook that makes sure each of those powers is used lawfully, fairly, and answerably, and gives you a court remedy when it is not.

## Sources

The working sources are the **Constitution** (Arts. 14, 19, 21, 32, 226, 300, 311), **statutes and delegated legislation, judicial decisions** (the largest source), and **administrative practice / ordinances**.

## The Visual



## Case Laws

- **A.K. Kraipak v. Union of India (1969)** — the divide between administrative and quasi-judicial functions is thin; fairness applies to administrative action too.
- **Maneka Gandhi v. Union of India (1978)** — administrative action affecting liberty must be just, fair and reasonable; widened the reach of administrative law.
- **Ridge v. Baldwin (1964)** — re-established that natural justice controls administrative bodies, reviving administrative law in England.

### ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** open with the “control of governmental power” definition; signpost nature, scope and sources.
- **STAGE 2** → **Definition:** give Jennings + Wade; state the three concerns (powers, procedure, remedies).
- **STAGE 3** → **Nature & Scope:** judge-made & functional; list the scope heads (delegated legislation, adjudication, natural justice, discretion, review, liability).
- **STAGE 4** → **Sources + cases:** Constitution, statutes, case law; cite Kraipak and Maneka Gandhi.
- **STAGE 5** → **Verdict:** administrative law is the citizen’s shield against “administrative authoritarianism” — close on that phrase.

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** A licensing officer refuses a trade licence citing an internal “office circular,” telling the applicant the circular is binding administrative law and not open to challenge. (Decoy: the circular is dressed up as “law”.)

- **I — ISSUE:** Is an internal administrative instruction enforceable “law”, and is the refusal subject to administrative-law control?
- **R — RULE:** Administrative law subjects every exercise of governmental power to legal limits and judicial review; mere directions confer no immunity (Kraipak; Maneka Gandhi).
- **A — ANALYSIS:** The circular is not a statute; the refusal is administrative action and remains reviewable for legality and fairness. Calling it “binding law” does not oust the court’s supervisory jurisdiction.
- **C — CONCLUSION:** The refusal is reviewable; the applicant may seek certiorari/ mandamus. The officer cannot self-certify immunity.

## 2. Reasons for the Growth of Administrative Law

### Previous Year Questions

- **[16M]** Explain the reasons / factors responsible for the growth of administrative law in India. (Jan2012, Dec2013, Jun2018, Jun2019, Dec2019, Jan2026) ★★★
- **[16M]** Critically examine the growth of administrative law in India. (Dec2020)

Asked: 16M essay — ★★★.

### The Hook

In 1885 Dicey denied that England even *had* administrative law. By 1947 the same country had a Crichton Down scandal forcing a public inquiry into a single ministry’s high-handedness. In two generations the “night-watchman State” had become the “welfare State” — and the law had to grow to match it.

### Why did it grow?

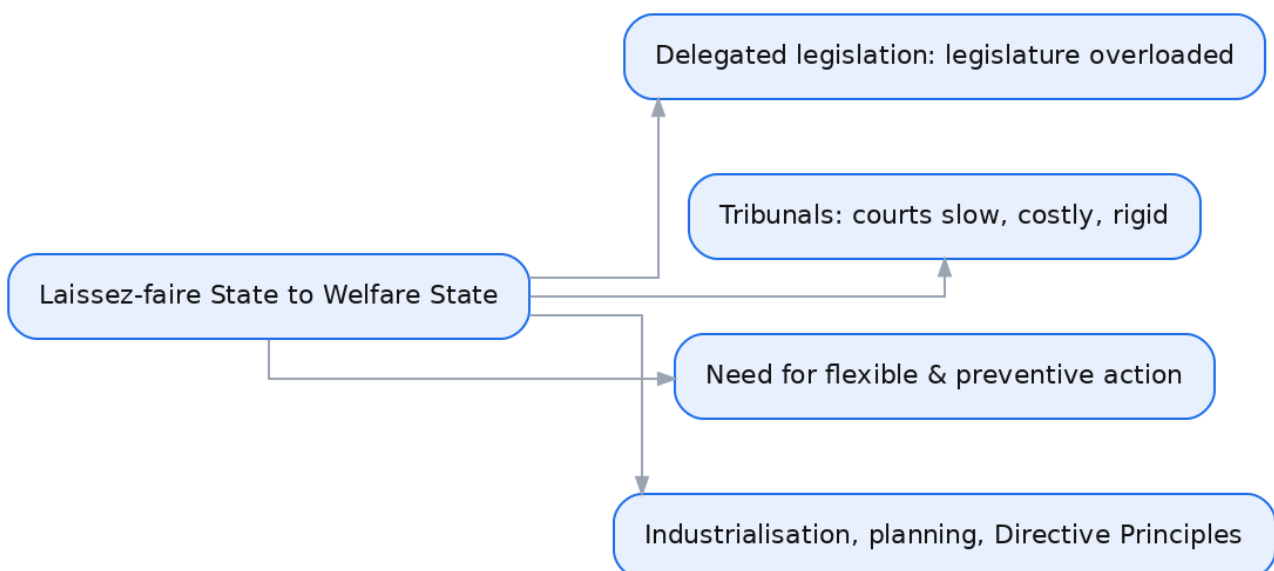
The driver is the change in the **philosophy of governance**: from a *laissez-faire* [leave-alone] State to a **welfare and service State**. A government that promises social and economic justice (the Directive Principles) must regulate, license, plan and distribute — and that needs vast administrative power, which in turn needs legal control.

The standard reasons: (i) inadequacy of the traditional legislature to make detailed technical law → **delegated legislation**; (ii) the ordinary courts were slow, costly and rigid → **administrative tribunals**; (iii) the need for **preventive** and **flexible** action (licensing, regulation) the courts could not supply; (iv) the demands of **industrialisation, urbanisation and planning**; and (v) the rise of a **collectivist, socialist** outlook after the World Wars.

**Indian context:** the Directive Principles (Part IV) make the State a positive agent of welfare; achieving Art. 38–39 goals is impossible without a large, legally-controlled administration.

**In Simple Terms:** The more the State promises to *do* for people, the more power it must take — and the more law we need to keep that power honest. Administrative law grew because government grew.

## The Visual



## Case Laws

- **Vasantlal Maganbhai v. State of Bombay (1961)** — recognised the practical necessity of delegated legislation in a modern administrative State.
- **Maneka Gandhi v. Union of India (1978)** — judicial response to the growth of administrative power: fairness controls discretion.

## ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** Dicey's denial → the welfare State; promise to list the causes.
- **STAGE 2** → **Core cause:** the shift from laissez-faire to welfare/service State (the engine).
- **STAGE 3** → **Consequential causes:** delegated legislation, tribunals, flexible/preventive action, planning.
- **STAGE 4** → **Indian colour:** Directive Principles; cite Vasantlal.
- **STAGE 5** → **Verdict:** growth of government = growth of administrative law; control followed power.

## ⚠️ FACT-PATTERN RISK ALERT

**Scenario:** A State sets up a specialised tribunal to decide service disputes "to reduce the burden on civil courts," and a litigant argues only regular courts may decide his case. (Decoy: the "burden reduction" purpose.)

- **I — ISSUE:** Is the creation of an administrative tribunal a legitimate growth of administrative power?
- **R — RULE:** Tribunalisation is a recognised cause of administrative law's growth, valid where the parent statute is *intra vires* and natural justice is observed.
- **A — ANALYSIS:** Reducing court burden is exactly the historical justification; the tribunal is valid if it follows fair procedure and remains subject to judicial review (Art. 226/227).
- **C — CONCLUSION:** The tribunal is legitimate; the litigant's remedy is review, not abolition.

## 3. Doctrine of Separation of Powers

### Previous Year Questions

- **[16M]** Explain the doctrine of separation of powers; extent followed in UK & USA / its impact on the growth of administrative law. (Jun2014, Dec2014, Dec2015, Apr2023) ★★★
- **[16M]** Separation of powers in India with reference to the **collegium system** of appointing judges. (Jun2016, Jun2025)
- **[10M]** “Structural than functional” — examine its impact in India. (Oct2023)
- **[Short Note]** Separation of powers in the Indian Constitution. (Jan2011, Apr2021, Dec2019)

Asked: 16M essay + recurring short note — ★★★.

### The Hook

Montesquieu, watching the abuses of pre-revolution France, wrote in 1748 that “there can be no liberty where the legislative and executive powers are united in the same person.” That single warning became the architecture of the U.S. Constitution in 1787 — and the question every Indian exam asks: how far does India follow it?

### The Concept

Separation of powers means the three organs — **legislature** (makes law), **executive** (enforces law) and **judiciary** (interprets/adjudicates) — should be **kept distinct**, so that no organ concentrates power and threatens liberty. Montesquieu’s pure theory has two limbs: each organ has its own function, and no organ interferes with another.

In practice no constitution applies it absolutely. The **USA** follows it most rigidly (separate elected President, fixed-term, with **checks and balances**). The **UK** barely follows it — Parliament is supreme, the Cabinet sits *in* Parliament. **India** adopts it in a **functional, not doctrinaire** sense: Arts. 50, 121, 122, 211, 212, 361 keep the organs broadly apart and the courts independent, but there is **no rigid separation** — the executive makes delegated legislation, tribunals adjudicate, and the legislature has judicial-type powers (privilege).

**Indian position (per Ram Jawaya Kapur, 1955):** “The Indian Constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches have been sufficiently differentiated.”

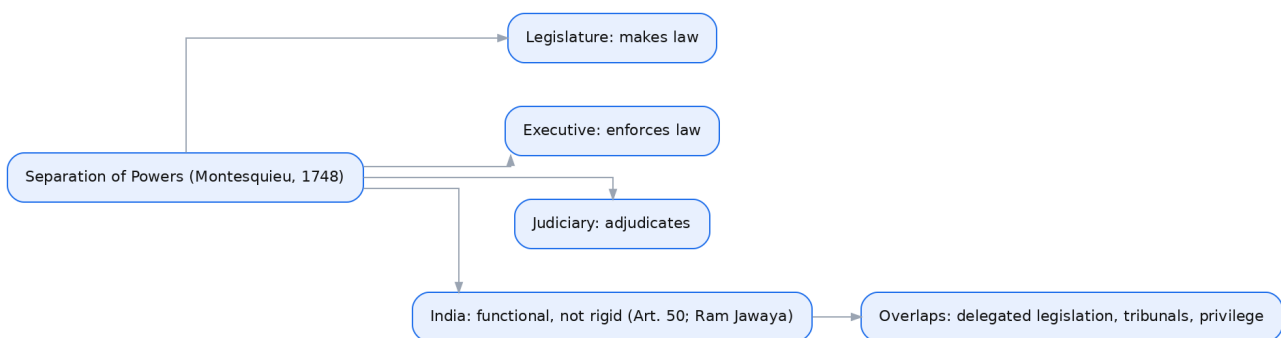
**In Simple Terms:** India keeps the three organs broadly separate but lets them overlap where modern government needs it. The separation is real enough to protect liberty and

judicial independence, loose enough to allow administrative law (delegated legislation and tribunals) to exist at all.

**Collegium link:** the *collegium* system (judges appointing judges, *Second Judges Case* 1993; *NJAC* struck down in ***Supreme Court Advocates-on-Record Association v. Union of India (2015)***) is a modern illustration — the judiciary guards its independence from executive interference in appointments, which is the *separation* value in action.

**Basic structure:** separation of powers is part of the basic structure (*Kesavananda, Indira Nehru Gandhi*).

## The Visual



## Case Laws

- ***Ram Jawaya Kapur v. State of Punjab (1955)*** — India follows separation functionally, not in absolute rigidity.
- ***Kesavananda Bharati v. State of Kerala (1973)*** — separation of powers is part of the basic structure.
- ***Indira Nehru Gandhi v. Raj Narain (1975)*** — Parliament cannot exercise judicial power to validate an election; separation as basic structure.
- ***I.R. Coelho v. State of Tamil Nadu (2007)*** — reaffirmed separation within the basic-structure framework.

### ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** Montesquieu's warning; promise UK/USA/India comparison + impact on administrative law.
- **STAGE 2** → **Theory:** the three organs + two limbs of the pure doctrine.
- **STAGE 3** → **Comparison:** USA (rigid + checks), UK (fused), India (functional, not rigid).
- **STAGE 4** → **India + cases:** Arts. 50/121/122/211/361; *Ram Jawaya*, *Kesavananda*, *Indira Gandhi*; collegium illustration.
- **STAGE 5** → **Verdict:** a loose separation is what allows administrative law (delegated legislation, tribunals) to exist; basic-structure status secures liberty.

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** Parliament passes a law declaring a particular pending election dispute “valid,” removing it from the court’s reach, citing parliamentary supremacy. (Decoy: “supremacy of Parliament”.)

- **I — ISSUE:** May the legislature exercise a judicial function and decide a *lis*?
- **R — RULE:** Separation of powers is basic structure; the legislature cannot usurp the judicial function (*Indira Nehru Gandhi*, 1975).
- **A — ANALYSIS:** Deciding the validity of a specific dispute is adjudication, not legislation; “supremacy” cannot defeat the basic structure.
- **C — CONCLUSION:** The law is unconstitutional for violating separation of powers.

## 4. Rule of Law

### Previous Year Questions

- **[16M]** Explain / critically examine the “Rule of Law” (Dicey) and its application / incorporation in India, with cases. (Jun2011, Jun2013, Dec2013, Jun2016, Dec2018, Jan2026) ★★★
- **[10M]** Applicability of the doctrine of rule of law in administrative law, with cases. (Feb2025, Apr2022)
- **[Short Note]** Doctrine / components of rule of law. (Jun2010, Apr2023, Dec2019)

Asked: 16M essay — ★★★.

### The Hook

In 1611, when James I claimed he could decide cases himself, Chief Justice Coke replied that the King “ought not to be under any man, but under God and the law.” That medieval clash — *no one is above the law* — is the seed Dicey grew, three centuries later, into the “Rule of Law.”

### The Concept

Coined in its modern form by **A.V. Dicey** (1885), the rule of law has **three meanings**: (i) **Supremacy of law** — no one is punishable except for a distinct breach of law established in the ordinary courts; the absence of **arbitrary power**. (ii) **Equality before law** — every person, official or citizen, is subject to the same ordinary law administered by the same ordinary courts (his attack on the French *droit administratif*). (iii) **The Constitution is the**

**result of the ordinary law** — in England, rights flow from judicial decisions, not from a written charter.

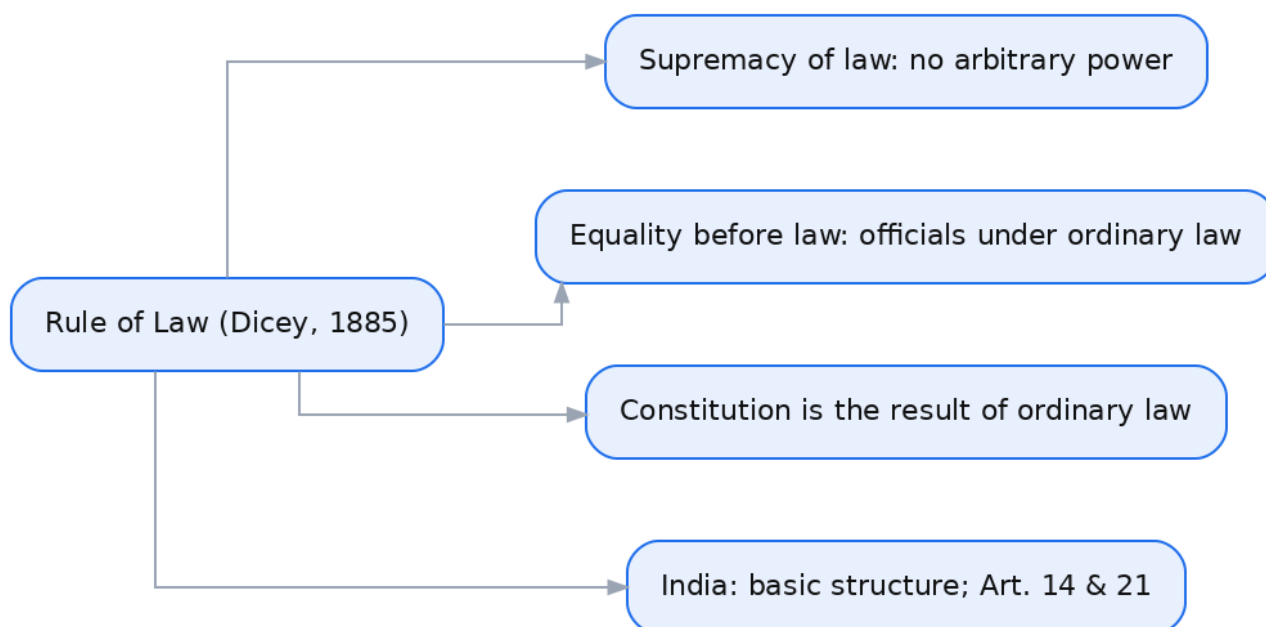
Dicey's third meaning is criticised (it ignores written constitutions and discretionary power, which modern States cannot avoid). But the **core** — supremacy of law, equality, and absence of arbitrariness — survives and is the bedrock of judicial review.

**Dicey (1885):** "No man is punishable... except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land... every man, whatever be his rank or condition, is subject to the ordinary law of the realm."

**In Simple Terms:** Power must come from law, not whim; everyone — including the minister and the police — is under the same law and the same courts; and arbitrary government is unlawful. That is the standard against which administrative action is tested.

**Indian incorporation:** the rule of law is part of the **basic structure** (*Indira Nehru Gandhi*, 1975); **Art. 14** (equality, anti-arbitrariness) is its constitutional home (*E.P. Royappa*, *Maneka Gandhi*); **Art. 21** secures it for life and liberty; *ADM Jabalpur* (1976) — where the Court suspended it during the Emergency — is now buried by the 9-judge bench in *K.S. Puttaswamy* (2017).

## The Visual



## Case Laws

- **Indira Nehru Gandhi v. Raj Narain (1975)** — rule of law is part of the basic structure.
- **A.D.M. Jabalpur v. Shivkant Shukla (1976)** — (the low point) majority suspended the rule of law during Emergency; later overruled.

- **Maneka Gandhi v. Union of India (1978)** — Art. 14 strikes at arbitrariness; rule of law animates Arts. 14 & 21.
- **K.S. Puttaswamy v. Union of India (2017)** — expressly overruled *ADM Jabalpur*; rule of law cannot be suspended.

### ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** *Coke vs James I; promise Dicey's three meanings + Indian application.*
- **STAGE 2** → **Dicey's three meanings:** *supremacy, equality, constitution-from-ordinary-law.*
- **STAGE 3** → **Criticism:** *the third meaning + discretionary power critique; the surviving core.*
- **STAGE 4** → **India + cases:** *basic structure; Art. 14/21; Indira Gandhi, Maneka, ADM Jabalpur overruled by Puttaswamy.*
- **STAGE 5** → **Verdict:** *the rule of law is the master-principle behind all judicial review of administrative action.*

### ⚠️ FACT-PATTERN RISK ALERT

**Scenario:** *During an emergency the executive detains a person and argues that, since fundamental rights are suspended, no court may test the legality of the detention. (Decoy: the emergency "suspension".)*

- **I — ISSUE:** *Can the rule of law be wholly suspended so as to bar judicial scrutiny of executive detention?*
- **R — RULE:** *Rule of law is basic structure; ADM Jabalpur (1976) is overruled by Puttaswamy (2017) — life and liberty cannot be at the State's mercy.*
- **A — ANALYSIS:** *Even in emergency the State must act under law; arbitrary detention is reviewable; the suspension argument no longer holds.*
- **C — CONCLUSION:** *The detention is testable in court; the rule of law survives the emergency.*

## 5. Classification of Administrative Action

### Previous Year Questions

- **[16M/10M]** Explain the classification of administrative actions / characteristics of administrative functions. (Dec2012, Apr2023, Feb2025, Nov2022) ★★
- **[16M/10M]** “The dividing line between administrative/quasi-judicial power is thin and gradually being obliterated” — discuss. (Jan2011, Apr2021, Jun2022, Nov2022) ★★
- **[16M]** When do administrative authorities have to act judicially? / tests. (Jun2011)
- **[Short Note]** Judicial vs quasi-judicial functions; whether licensing authorities act judicially. (Oct2023, Jan2011)

Asked: 16M essay + recurring short notes — ★★.

### The Hook

For decades a citizen could only claim a hearing if the officer was acting “judicially.” Then in 1967 the House of Lords in *Ridge v. Baldwin* (1964) and, in 1969, the Indian Supreme Court in *A.K. Kraipak* tore down the label-game: fairness, they held, does **not** depend on calling the function “quasi-judicial.” The classification still matters — but the **dividing line had become thin.**

### The Concept

Administrative action is classified into four kinds: (i) **Administrative (purely executive)** — applying policy, no *lis* [dispute], wide discretion (e.g. granting a subsidy); (ii) **Quasi-judicial** — a decision affecting rights, made after hearing parties, with a duty to act judicially (e.g. cancelling a licence); (iii) **Legislative (rule-making / delegated legislation)** — making general rules (e.g. framing regulations); (iv) **Ministerial** — a duty performed in a prescribed manner with no discretion (e.g. issuing a receipt).

The **classical test** for quasi-judicial was: a *lis* between two parties + a duty to act judicially. The modern position (*Kraipak*) is that the **duty to act fairly** attaches to administrative functions too, so the practical importance of the line has shrunk — but it still governs **which writ** lies (certiorari/prohibition lie against quasi-judicial action) and the **degree** of procedural protection.

**Why classify? (the “necessity”):** classification decides (a) whether natural justice applies, (b) which writ is available, (c) the standard and scope of judicial review, and (d) whether reasons must be given.

**In Simple Terms:** Naming the function tells you what protection the citizen gets and what remedy the court can give. After *Kraipak* the labels matter less for *fairness* (which now applies broadly) but still matter for *remedy and review*.

## The Visual



## Case Laws

- ***A.K. Kraipak v. Union of India (1969)*** — the line between administrative and quasi-judicial is thin; duty to act fairly applies to administrative action.
- ***Ridge v. Baldwin (1964)*** — natural justice not confined to “judicial” functions.
- ***Province of Bombay v. Khushaldas Advani (1950)*** — early classical test of “duty to act judicially.”
- ***Maneka Gandhi v. Union of India (1978)*** — fairness applies even to administrative orders affecting rights.

### 📋 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** *Ridge / Kraipak dissolving the label-game; promise the four classes + the “thin line.”*
- **STAGE 2** → **Four classes:** *administrative, quasi-judicial, legislative, ministerial — one example each.*
- **STAGE 3** → **The thin line:** *classical lis test vs modern “duty to act fairly” (Kraipak).*
- **STAGE 4** → **The necessity + cases:** *natural justice, writ, review, reasons; Khushaldas Advani → Kraipak → Maneka.*
- **STAGE 5** → **Verdict:** *the labels survive for remedy and review, but fairness now reaches all administrative action.*

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** A licensing authority refuses a renewal without a hearing, arguing that licensing is “purely administrative,” so natural justice does not apply. (Decoy: the “purely administrative” label.)

- **I — ISSUE:** Does the administrative/quasi-judicial label decide whether a hearing is owed?
- **R — RULE:** After *Kraipak* (1969) the duty to act fairly attaches to administrative action that affects rights; the label is not decisive.
- **A — ANALYSIS:** Refusing a renewal affects a valuable right; fairness requires at least notice and an opportunity, whatever the function is called.
- **C — CONCLUSION:** The refusal without hearing is bad; the label cannot defeat natural justice.

## 6. Administrative Law vs Constitutional Law

### Previous Year Questions

- **[6M/5M]** Distinguish / differentiate administrative law from constitutional law. (Jun2013, Dec2013, Oct2023, Apr2022, Nov2022) ★★

Asked: short note / distinction — ★★.

### The Hook

Holland once pictured the two as a chart: constitutional law shows the **State at rest** — the great organs in their places; administrative law shows the **State in motion** — those organs actually doing their daily work. Same building, different photograph.

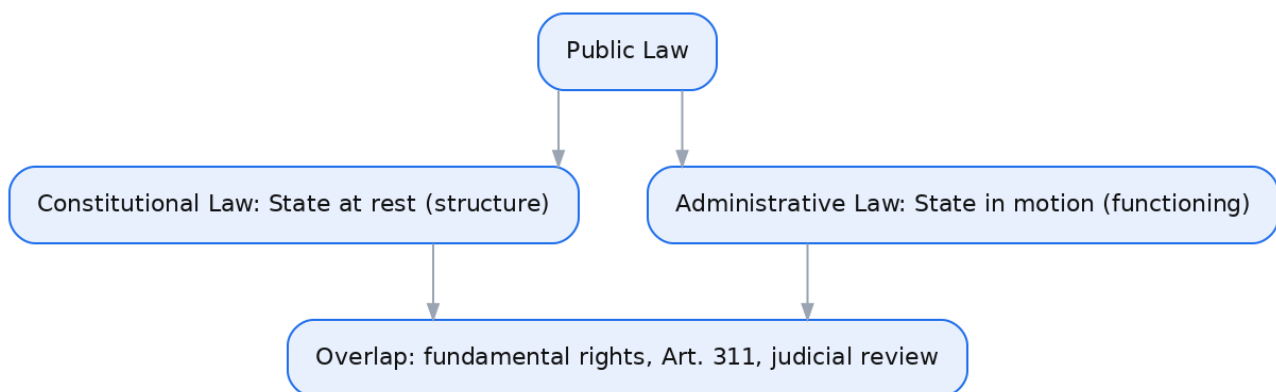
### The Concept

Both are branches of **public law** and overlap heavily, especially in a written-constitution country like India. The differences are of **emphasis and detail**: constitutional law deals with the **structure and the highest organs** of the State and their broad inter-relations; administrative law deals with the **detailed working of the administrative authorities**, their procedure and control. Constitutional law is the **genus**; administrative law is a **species** within it.

**Distinction in brief:** Constitutional law = the structure (organs at rest); Administrative law = the functioning (organs in motion). Where they overlap (e.g. Art. 311, fundamental rights against administrative action), the rules belong to both.

**In Simple Terms:** Constitutional law draws the map of government; administrative law follows the officials as they actually walk the roads. In India the two cannot be sharply divided — they shade into each other.

## The Visual



## Case Laws

- **A.K. Kraipak v. Union of India (1969)** — illustrates the overlap: constitutional fairness applied to administrative action.
- **Maneka Gandhi v. Union of India (1978)** — Arts. 14, 19, 21 (constitutional) directly control administrative action.

### 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** Holland's "State at rest / in motion"; promise the points of distinction.
- **STAGE 2** → **Common ground:** both public law; both control governmental power.
- **STAGE 3** → **Distinction:** structure vs functioning; genus vs species; breadth vs detail.
- **STAGE 4** → **Overlap + cases:** Art. 311, fundamental rights; Kraipak, Maneka.
- **STAGE 5** → **Verdict:** in India the line is one of degree, not of kind.

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** A government servant is dismissed without the Art. 311(2) enquiry; the department says this is “pure administrative law” and the constitutional protection does not apply. (Decoy: the “pure administrative” framing.)

- **I — ISSUE:** Does a constitutional safeguard (Art. 311) govern an administrative dismissal?
- **R — RULE:** Administrative and constitutional law overlap; Art. 311(2) is a constitutional limit on administrative action.
- **A — ANALYSIS:** Dismissal is administrative and governed by the constitutional guarantee of enquiry; the two cannot be split to defeat the safeguard.
- **C — CONCLUSION:** The dismissal without enquiry is void; constitutional protection applies.

## 7. Droit Administratif

### Previous Year Questions

- **[6M/5M]** Write a note on “Droit Administratif” (French administrative law). (Jun2011, Jan2012, Jun2014, Feb2025, Apr2021, Jan2026, Nov2022) ★★

Asked: short note — ★★ (very frequent 5/6-mark note).

### The Hook

Dicey hated it. He pointed across the Channel and said France’s separate system of administrative courts let officials escape the ordinary law. Yet that very system — *droit administratif* — produced some of the most powerful citizen-protections in the world, and Dicey, late in life, quietly admitted he had misunderstood it.

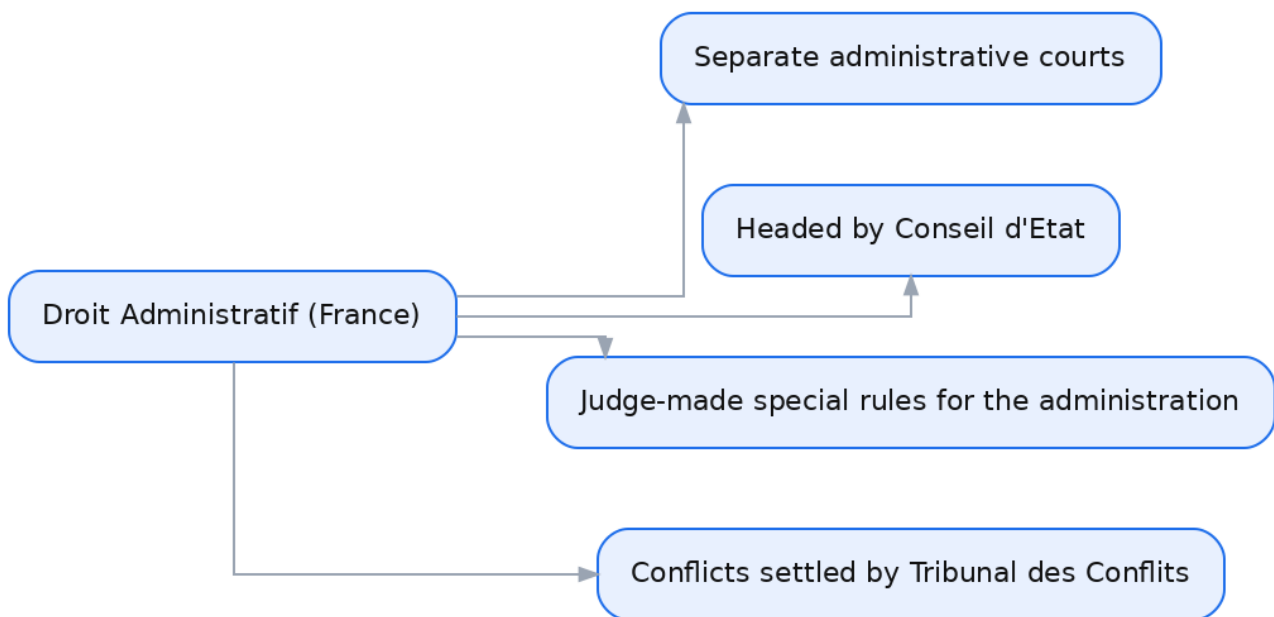
### The Concept

*Droit administratif* [French administrative law] is the body of rules governing the administration in France, developed and applied **not by the ordinary civil courts but by a separate hierarchy of administrative courts** headed by the **Conseil d’État** (Council of State). Its features: (i) matters concerning the State are decided by **administrative courts**, not ordinary courts; (ii) it is largely **judge-made** by the Conseil d’État; (iii) there is a **separate body of rules** for the administration, distinct from private law; and (iv) conflicts of jurisdiction are resolved by the **Tribunal des Conflits**.

Dicey criticised it as violating equality before law (his second meaning). The modern view rejects that criticism: the Conseil d'État is **independent** and often protects citizens **more** strongly than ordinary courts.

**In Simple Terms:** France runs two court systems — one for private disputes, one (the Conseil d'État) for disputes against the administration, with its own special rules. Dicey thought this shielded officials; in fact it polices them rigorously.

## The Visual



## Case Laws

- **Blanco case (1873)** — the foundational decision marking State liability as a matter for administrative law, decided by the Tribunal des Conflits.

## ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Roadmap:** Dicey's attack and recantation; promise features + assessment.
- **STAGE 2** → **Meaning:** French administrative law applied by separate courts (Conseil d'État).
- **STAGE 3** → **Features:** administrative courts, judge-made, separate rules, Tribunal des Conflits.
- **STAGE 4** → **Dicey's critique + answer:** equality objection vs the Conseil's strong citizen-protection; Blanco.
- **STAGE 5** → **Verdict:** droit administratif is not official immunity but specialised, often superior, control.

## ⚠️ FACT-PATTERN RISK ALERT

**Scenario:** A student argues India should copy droit administratif and bar ordinary courts from hearing claims against the government. (Decoy: equating specialised courts with ousting jurisdiction.)

- **I — ISSUE:** Does a separate administrative-court system necessarily oust ordinary judicial control?
- **R — RULE:** In India, Arts. 32/226 guarantee judicial review; tribunals are subject to High Court/Supreme Court supervision (basic structure).
- **A — ANALYSIS:** France's model has independent administrative courts; India's constitutional scheme keeps the writ jurisdiction intact, so a French transplant cannot oust Art. 226.
- **C — CONCLUSION:** Specialised tribunals are welcome, but the ordinary courts' supervisory jurisdiction cannot be excluded.

## Quick Revision & Case Law Table

### One-line memory hooks

- **Definition/nature/scope:** Wade — “control of governmental power”; judge-made, functional; powers + procedure + remedies.
- **Growth:** laissez-faire → welfare State; delegated legislation + tribunals + flexible action + Directive Principles.

- **Separation of powers:** Montesquieu pure theory; India functional not rigid (*Ram Jawaya*); basic structure; collegium illustration.
- **Rule of law:** Dicey's 3 meanings (supremacy, equality, constitution-from-ordinary-law); basic structure; Art. 14/21; *ADM Jabalpur* overruled by *Puttaswamy*.
- **Classification:** administrative / quasi-judicial / legislative / ministerial; the "thin line" (*Kraipak*); decides natural justice + writ + review.
- **Admin vs Constitutional law:** State in motion vs at rest; genus & species; overlap at Art. 311 & fundamental rights.
- **Droit Administratif:** France's separate administrative courts (Conseil d'État); Dicey's critique answered; *Blanco* (1873).

## Master Case List for Unit 1

Case	Topic	One-line ratio
<i>A.K. Kraipak v. Union of India (1969)</i>	Classification / fairness	Thin line; duty to act fairly applies to administrative action.
<i>Ridge v. Baldwin (1964)</i>	Natural justice / classification	Natural justice not confined to “judicial” functions.
<i>Province of Bombay v. Khushaldas Advani (1950)</i>	Quasi-judicial test	Classical “duty to act judicially” test.
<i>Ram Jawaya Kapur v. State of Punjab (1955)</i>	Separation of powers	India follows separation functionally, not rigidly.
<i>Kesavananda Bharati v. State of Kerala (1973)</i>	Separation / rule of law	Both are part of the basic structure.
<i>Indira Nehru Gandhi v. Raj Narain (1975)</i>	Separation / rule of law	Legislature cannot exercise judicial power; basic structure.
<i>A.D.M. Jabalpur v. Shivkant Shukla (1976)</i>	Rule of law	(Overruled) suspended rule of law in Emergency.
<i>Maneka Gandhi v. Union of India (1978)</i>	Rule of law / fairness	Art. 14 strikes at arbitrariness; fairness controls administration.
<i>K.S. Puttaswamy v. Union of India (2017)</i>	Rule of law	Overruled <i>ADM Jabalpur</i> ; rule of law cannot be suspended.
<i>Blanco case (1873)</i>	Droit Administratif	Foundation of French State-liability administrative law.

*End of Unit 1.*



# Administrative Law

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*KSLU LL.B. — Question Bank · Model Answers (Essays & Problems)*

KSLU LL.B. Question Bank

**Medha-Academy**

[www.medha-academy.in](http://www.medha-academy.in)

Notes Version: **v1.0**

June 2026

**Read this first, then go to your unit.** This companion to the study notes gives you a full, exam-ready **model answer** to every 16M essay, every 10M short / explanatory note, and every fact-pattern problem asked in past KSLU Administrative Law papers — grouped by unit and topic in the same order as the notes. Sub-10-mark short notes (5M / 6M / 8M) are answered in the notes bundle, not here.

## How to Use This Question Bank

**What this is.** A rehearsal book. The study notes teach the concept; this bank shows you how to *write the marks* — a complete answer in the exact shape an examiner rewards.

**The 3-step drill.** (1) Read the question and try a 2-minute plan from memory. (2) Read the model answer; note the structure, the cases, the verdict. (3) For problems, re-do the IRAC in your own words under time.

**Priorities.** The ★ rating shows how often a question repeats — ★★ (5+ times) is a near-certainty; do these first. The Priority Index below lists them ranked.

**House rules that win marks.** Lead with a definition + roadmap; name the case **and** the year; quote the exact Article / section; for problems use the four IRAC headings and always give a definite verdict. The underlined fragments in each answer are the must-write core — read them alone and they form a passing skeleton.

## Exam Pattern & Mark Weights

KSLU sets Administrative Law in **two formats**. **100-mark paper:** answer Q.No.9 (20 marks = two problems × 10) **and any five** of Q1–Q8 (16 each); always attempt Q9 first. **80-mark paper:** all five units; **one essay (10M) + one short note/problem (6M)** compulsory from each unit.

<b>Mark slot</b>	<b>What it is</b>	<b>How many</b>	<b>Where it's drilled</b>
16M	Long essay (100-mark paper)	Answer ~6	Section A of each unit
10M	Essay / explanatory note (80-mark paper)	One per unit	Sections A & B
6M/5M	Short note (sub-10M)	One per unit	<b>Study-notes bundle</b>
Problems	Fact-pattern, IRAC (Q9 / 6M)	2-3 per paper	Section C of each unit

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# Priority Index – Questions by Frequency

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Rank	Question (short)	Type	Frequency	Unit
1	Define administrative law; nature, scope & sources	16M	★★★	1
2	Reasons for the growth of administrative law	16M	★★★	1
3	Separation of powers (UK/USA/ India; collegium)	16M	★★★	1
4	Rule of law (Dicey) & its application in India	16M	★★★	1
5	Delegated legislation — meaning & reasons for growth	16M	★★★	2
6	Judicial control over delegated legislation	16M	★★★	2
7	Parliamentary & procedural control of delegated legislation	16M	★★★	2
8	Rule against bias / kinds of bias	16M	★★★	3
9	Audi alteram partem / stages of fair hearing	16M	★★★	3
10	Administrative adjudication & its problems	16M	★★★	3
11	Judicial review of administrative discretion	16M	★★★	4
12	Writs (mandamus, certiorari, prohibition, quo warranto, habeas corpus)	16M	★★★	4
13	Government contract — Art. 299 essentials	16M	★★★	4
14	Control over public undertakings	16M	★★★	5
15	Lokpal & Lokayukta / Ombudsman	16M	★★★	5
16	Central Vigilance Commission	10M/6M	★★★	5
17	Tortious liability of the State & constitutional tort	16M	★★	4
18	Promissory estoppel / legitimate expectation / proportionality	16M	★★	4

Rank	Question (short)	Type	Frequency	Unit
19	Reasoned/speaking decision	16M	★★	3
20	Public/statutory corporations — status & classification	16M	★★★	5

*(Problems: the dog-owner/SPCA bias, the venereal-disease delegation, the 3-year-tax-exemption estoppel, the cane-commissioner dictation, the custodial-death tort, and the mass-copying cancellation are the most-repeated fact-patterns — drill these first in §C.)*

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# Year Index — Questions by Paper

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<b>Year (paper)</b>	<b>Essays / short notes asked (by topic)</b>	<b>Problems asked</b>
Jan2026(100)	Admin law definition; separation of powers; delegated legislation; audi alteram partem; JR of discretion; certiorari; promissory estoppel	P3 (dog/SPCA), P3 (CTO dictation), P4 (gravel-injury tort)
Jun2025(80)	Admin law objectives/sources; parliamentary control; principles of NJ; govt contract; public corporations; commission of enquiry	P2 (ADB sub-delegation), P3 (adjudication without notice), P4 (tax-exemption estoppel), P4 (slum-clearance)
Feb2025(80)	Admin law as adjective law; ultra vires; rule against bias; grounds to set aside discretion; tortious liability; public corporations; CVC	P2 (venereal-disease delegation), P3 (dog/SPCA), P3 (university cancellation), P4 (convict's letter/ PIL)
Apr2023(100)	Separation of powers; growth of delegated legislation + procedural control; kinds of bias; growth of adjudication; quo warranto; promissory estoppel	P3 (mass copying), P4 (cane-commissioner), P4 (jail PIL)
Nov2022(80)	Admin functions; legislative control; fair-hearing stages; proportionality & legitimate expectation; controls over corporations	P2 (machinery tax), P3 (co-op society licence)
Jun2022(100)	Admin law features; ultra vires effects; <i>Nemo judex</i> ; JR of discretion; mandamus & quo warranto	P2 (music-100-yards), P3 (contempt witness), P4 (MISA habeas)
Dec2020(100)	Growth of admin law; JR of delegated legislation; adjudication; fair-hearing stages; certiorari & prohibition; tortious liability	P2 (Mining Board), P3 (confidential report)
Apr2021(100)	Admin law 20th-century; legislative control; fair hearing; govt contract; controls over corporations	P4 (Hopcoms), P4 (municipality land), P4 (police revolver)
Jun2019(100)	Admin law growth; JR of delegated legislation; govt contract; kinds of bias; habeas corpus; control of undertakings; Lokpal	P3 (army food), P3 (coded exam), P3

Year (paper)	Essays / short notes asked (by topic)	Problems asked
		(subsistence allowance)
Dec2018(100)	Rule of law; delegated legislation; tortious liability; JR of discretion; audi alteram partem; mandamus; control of undertakings	P3 (debar student), P2 (venereal-disease), P5 (commission re State minister)
<i>(earlier papers 2010-2017 follow the same topic spread; see each unit's per-block "Asked" line for the full year list.)</i>		



# UNIT 1 — Foundations of Administrative Law · Question Bank

## Administrative Law · KSLU LL.B. · Medha-Academy.in

**Scope of this unit's bank:** full model answers to every **16M essay** (§A) and every **10M short / explanatory note** (§B) asked in past KSLU papers for this unit. Sub-10-mark short notes (Droit Administratif, Admin vs Constitutional law) are answered in the study-notes bundle. Unit 1 has **no fact-pattern problems** (§C) — the only Unit-1 scenario is a discretion problem answered in Unit 4.

### A. Essay Questions (16M) — Model Answers

#### Q1.1 — [16M] Define administrative law. Explain its nature, scope, objectives and sources.

Asked: Jun2010(100), Jan2011(100), Jun2013(100), Dec2013(100), Jun2015(100), Dec2016(100), Jun2018(100), Jun2019(100), Jun2022(100), Apr2022(100), Jan2026(100), and 80-mark sittings · ★★★ · Notes: Unit 1 → Definition, Nature & Scope

**Introduction.** Administrative law is the branch of public law that governs the organisation, powers, duties and functions of administrative authorities, the procedure they follow, and the remedies available to a citizen against their abuse. Its purpose, in Wade's words, is "to keep the powers of government within their legal bounds." With the rise of the welfare State this branch has become the most rapidly growing field of public law. This answer states its definition, nature, scope, objectives and sources.

#### Definition

1. Ivor Jennings — "the law relating to the administration" — the simplest statement: it concerns the administrative organs of the State, not the legislature or the regular judiciary. It tells us how administrative power is organised, exercised and controlled, and therefore touches the daily working of every government office.
2. Wade — "the law relating to the control of governmental power" — the modern, control-centred definition. Here the emphasis is on the citizen: the primary purpose of the subject is to protect the individual against the abuse of power, so the focus falls on legal limits and remedies rather than mere description of offices.

## Nature

1. Essentially judge-made and functional — unlike a codified statute, administrative law in India has grown case by case through judicial decisions such as *Kraipak* and *Maneka Gandhi*. It is dynamic, expanding alongside the State, and is concerned with how power actually functions rather than with abstract structure.
2. A branch of public law — it deals with the relationship between the individual and the State. It overlaps with constitutional law but is focused on the *functioning* of the administration, i.e. the State “in motion”.

**Scope** — administrative law studies delegated legislation, administrative adjudication (tribunals), the principles of natural justice, administrative discretion and its control, judicial review and the writs, and the liability of the State in contract and tort. These six heads, which the KSLU syllabus itself tracks unit by unit, together cover the whole life-cycle of administrative power — its conferment, its exercise, and its control.

**Objectives.** The subject exists to check administrative arbitrariness (“administrative authoritarianism”), to ensure fairness and reasonableness in administrative action, to provide the citizen with effective and speedy remedies, and to balance individual liberty against the needs of an efficient welfare State.

**Sources** — the working sources are the Constitution (Arts. 14, 19, 21, 32, 226, 300, 311), statutes and delegated legislation, judicial decisions (the largest source), and administrative practice / ordinances. Of these, judicial decisions have contributed most, because the subject is largely judge-made.

## Leading cases

- ***A.K. Kraipak v. Union of India (1969)*** — the line between administrative and quasi-judicial action is thin; fairness binds administrative action too.
- ***Maneka Gandhi v. Union of India (1978)*** — administrative action affecting liberty must be just, fair and reasonable.

**Conclusion.** Administrative law is the citizen’s shield against administrative authoritarianism — a judge-made, ever-growing body of public law that keeps the vast modern State inside legal limits while still allowing it to perform its welfare functions.

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## Q1.2 — [16M] Explain the reasons / factors responsible for the growth of administrative law in India.

Asked: Jan2012(100), Dec2013(100), Jun2018(100), Jun2019(100), Dec2019(80), Dec2020(100), Jan2026(80) · ★★★ · Notes: Unit 1 → Growth of Administrative Law

**Introduction.** The growth of administrative law is the legal consequence of the change from a *laissez-faire* [leave-alone] State to a welfare and service State. As government took

on more functions, it needed more power, and that power in turn needed legal control — which is administrative law. The factors below explain this expansion.

### **The engine — change in the philosophy of governance**

1. Shift to the welfare State — a State that promises social and economic justice (the Directive Principles, Part IV) must regulate, license, plan, tax and distribute. This needs vast administrative machinery; and machinery that touches every citizen's life must be controlled by law, which is the very subject of administrative law.

### **The consequential causes**

1. Inadequacy of the legislature — Parliament has neither the time nor the technical expertise to make detailed law for every field, so it lays down policy and leaves the detail to **delegated legislation**. The sheer volume of modern rule-making is therefore administrative, not legislative.
2. Inadequacy of the ordinary courts — the regular courts are slow, costly, technical and overburdened, so disputes in specialised fields are routed to cheaper, faster, expert **administrative tribunals**. This “tribunalisation” is itself a major head of administrative law.
3. Need for flexible and preventive action — licensing, inspection and regulation prevent harm before it occurs, something the courts (which act only after the event) cannot supply. The administration alone can act in advance and adjust quickly.
4. Industrialisation, urbanisation and planning — a planned, industrialising economy generates regulation across labour, industry, finance, town-planning and the environment, multiplying administrative powers.
5. Collectivist outlook after the World Wars — emergencies and socialist thinking expanded State intervention, and with it administrative power and the law controlling it.

**Indian colour.** The **Directive Principles** make the State a positive agent of welfare; achieving Arts. 38-39 is impossible without a large, legally-controlled administration. Indian administrative law is therefore tied to the constitutional goal of social justice, and the judiciary (through Art. 14 and Art. 21) supplies the control side of the equation.

### **Leading cases**

- ***Vasantlal Maganbhai v. State of Bombay (1961)*** — recognised the practical necessity of delegated legislation in a modern State.
- ***Maneka Gandhi v. Union of India (1978)*** — the judicial response to growing administrative power: fairness controls discretion.

**Conclusion.** In short, administrative law grew because government grew — the welfare State's expanding functions demanded new tools (delegated legislation and tribunals), and those tools demanded a new body of law to keep the administration accountable.

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## Q1.3 — [16M] Explain the doctrine of separation of powers and its impact on administrative law / in India (with the collegium context).

Asked: Jun2014(100), Dec2014(100), Dec2015(100), Jun2016(100), Apr2021(100), Apr2022(80), Apr2023(100), Oct2023(80), Jun2025(80), Jan2026(100) · ★★★ ·  
Notes: Unit 1 → Separation of Powers

**Introduction.** Separation of powers means the three organs of the State — legislature (makes law), executive (enforces law) and judiciary (adjudicates) — should be kept distinct, so that no organ concentrates power and threatens liberty. Propounded by **Montesquieu (1748)**, the doctrine's central concern is liberty. The question for Indian administrative law is: how far is it followed, and how does it accommodate the administrative State?

### The pure doctrine

1. Each organ confined to its own function — the legislature should not adjudicate, the judiciary should not legislate, and the executive should not do either. Each organ is to keep to its allotted sphere.
2. No organ should interfere with another — independence between the three is meant to prevent any one of them from becoming tyrannical, which Montesquieu thought the surest guarantee of freedom.

### Comparative position

1. USA — most rigid — a separately elected President with fixed terms, distinct from the legislature, operating through a system of **checks and balances** (e.g. presidential veto, judicial review, Senate confirmation).
2. UK — barely followed — Parliament is supreme and the Cabinet sits within and is drawn from it; the organs are fused rather than separated.
3. India — functional, not doctrinaire — Arts. 50, 121, 122, 211, 212 and 361 keep the organs broadly apart and secure judicial independence, but overlaps are deliberately permitted: the executive makes delegated legislation, tribunals adjudicate, and the legislature exercises privilege powers of a judicial kind.

**Impact on administrative law.** The *loose* Indian separation is precisely what *allows* administrative law to exist. If separation were absolute, the executive could not make rules and tribunals could not decide disputes — the two pillars of the subject. The modern **collegium** system (judges effectively appointing judges, *Second Judges Case* 1993) is a living illustration of the judiciary guarding its independence from executive interference, which is the separation value in action.

## Leading cases

- ***Ram Jawaya Kapur v. State of Punjab (1955)*** — India follows separation functionally, not in absolute rigidity.
- ***Indira Nehru Gandhi v. Raj Narain (1975)*** — the legislature cannot exercise judicial power; separation is part of the **basic structure**.
- ***Kesavananda Bharati v. State of Kerala (1973)*** — separation of powers is part of the basic structure.

**Conclusion.** India adopts a functional separation of powers, secured as part of the basic structure — rigid enough to protect liberty and judicial independence, yet flexible enough to permit the delegated legislation and tribunals on which administrative law rests.

## Q1.4 — [16M] Explain / critically examine the “Rule of Law” (Dicey) and its application in India.

Asked: Jun2011(100), Jun2013(100), Dec2013(100), Jun2016(100), Dec2018(100), Feb2025(80), Apr2022(100), Jan2026(80) · ★★ · Notes: Unit 1 → Rule of Law

**Introduction.** The rule of law, as formulated by A.V. Dicey (1885), means the supremacy of law, equality before law, and the absence of arbitrary power. It is the master-principle behind all judicial review of administrative action, because every administrative act is tested against the question: is it authorised by law and free of arbitrariness? This answer states Dicey’s three meanings, the criticism, and the Indian position.

### Dicey’s three meanings

1. Supremacy of law — no one is punishable except for a distinct breach of law established before the ordinary courts. The opposite of the rule of law is arbitrary or wide discretionary power, which Dicey distrusted as a threat to liberty.
2. Equality before law — every person, whether an official or a private citizen, is subject to the same ordinary law administered by the same ordinary courts. It was on this ground that Dicey attacked the French *droit administratif* for giving officials a separate forum.
3. The Constitution is the result of ordinary law — in England, individual rights flowed from judicial decisions in particular cases, not from an abstract written charter; the constitution was thus the *consequence*, not the *source*, of private-law rights.

**Criticism.** The third meaning is outdated, since most modern States (including India) have written constitutions from which rights flow. Dicey’s hostility to discretion is also unrealistic, for the welfare State cannot function without wide discretionary and administrative power. But the *surviving core* — supremacy of law, equality, and absence of arbitrariness — remains the foundation of administrative law.

## Application in India

1. Basic structure — the rule of law is part of the basic structure of the Constitution (*Indira Nehru Gandhi*, 1975) and cannot be abrogated even by constitutional amendment.
2. Article 14 — equality before law and equal protection; the Court has read into it a guarantee against arbitrariness (*E.P. Royappa; Maneka Gandhi*), making Art. 14 the constitutional home of the rule of law.
3. Articles 21 & 32/226 — life and liberty are protected by “procedure established by law”, enforced through the writ jurisdiction, so that no person suffers at the hands of the State except under and according to law.

## Leading cases

- ***A.D.M. Jabalpur v. Shivkant Shukla (1976)*** — (the low point) the majority suspended the rule of law during the Emergency; later overruled.
- ***K.S. Puttaswamy v. Union of India (2017)*** — expressly overruled *ADM Jabalpur*; the rule of law cannot be suspended even in emergency.

**Conclusion.** The rule of law is the bedrock of Indian administrative law — supremacy of law and freedom from arbitrariness, secured by Art. 14, Art. 21 and the basic-structure doctrine, against which every administrative action is measured.

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## Q1.5 — [16M] Explain the classification of administrative action and the thin dividing line between administrative and quasi-judicial functions. When must an authority act judicially?

Asked: Dec2012(100), Jan2011(100), Jun2011(100), Apr2021(80), Jun2022(100), Nov2022(80), Apr2023(80), Feb2025(80) · ★★ · Notes: Unit 1 → Classification of Administrative Action

**Introduction.** Administrative action is classified by its character, because the classification decides whether natural justice applies, which writ lies, and the scope of judicial review. This answer gives the four kinds of action, the tests for “acting judicially”, and the modern “thin line” position.

### The four kinds of administrative action

1. Administrative (purely executive) — action applying policy with wide discretion and no *lis* [dispute], such as granting a subsidy or sanctioning a scheme. Traditionally it attracted little procedural protection.
2. Quasi-judicial — a decision affecting rights, made after hearing the parties, with a duty to act judicially, such as cancelling a licence or dismissing an employee. It attracts natural justice and the supervisory writs.
3. Legislative (rule-making) — making general rules, i.e. delegated legislation, which applies to a class rather than an individual and generally needs no personal hearing.

4. Ministerial — a duty performed in a prescribed manner with no element of discretion, such as issuing a receipt or registering a document.

### Tests — when must an authority act judicially?

1. Classical test — there must be a *lis* between parties **plus** an express or implied duty to act judicially (*Province of Bombay v. Khushaldas Advani*, 1950). On this view, the duty to hear arose only when the function was “judicial”.
2. Modern test — after *A.K. Kraipak* (1969), a **duty to act fairly** attaches to administrative action affecting rights, even without a formal *lis*; the mere fact that civil consequences follow is enough to require fairness.

**The thin dividing line.** Because fairness now reaches administrative action too, the practical importance of the label has shrunk. But the classification still governs the *remedy* (certiorari and prohibition lie against quasi-judicial action, not against purely administrative or legislative action) and the *degree* of procedural protection a person is entitled to. The line is therefore thin, not erased. The modern approach is to ask not “what is the label?” but “does this action affect rights, and if so what fairness does it demand?” — yet the answer still feeds back into the classification, because the available writ depends on whether the action is treated as quasi-judicial, legislative or purely administrative.

### Leading cases

- ***A.K. Kraipak v. Union of India (1969)*** — the line is thin; the duty to act fairly applies to administrative action.
- ***Ridge v. Baldwin (1964)*** — natural justice is not confined to “judicial” functions.

**Conclusion.** The four-fold classification still decides remedy and review, but the duty of fairness now reaches all administrative action — the dividing line has become thin, not irrelevant, and classification remains the gateway to procedure and remedy.

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## B. Short Notes (10M) — Model Answers

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### S1.1 — [10M] Classification of administrative functions / “structural than functional” separation — explain.

Asked: Apr2023(80), Oct2023(80), Feb2025(80), Nov2022(80) · ★★ · Notes: Unit 1  
→ Classification / Separation of Powers

**Introduction.** Administrative functions are classified to fix the **procedure** an authority must follow and the **remedy** a citizen has against it. The four functions are administrative, quasi-judicial, legislative and ministerial.

## The classification

1. Administrative function — discretionary executive action with no *lis*; it is reviewable for fairness and legality but does not require a full trial-type hearing, only the duty to act fairly.
2. Quasi-judicial function — a decision affecting rights taken after hearing the parties; it attracts the principles of natural justice and the writs of certiorari and prohibition.
3. Legislative function — rule-making (delegated legislation) addressed to a class; it generally needs no individual hearing but must stay within the parent Act.
4. Ministerial function — a fixed, non-discretionary duty performed in a prescribed manner, enforceable by mandamus.

**Why classify (the necessity).** The label decides (i) whether natural justice applies, (ii) which writ lies, (iii) the standard of judicial review, and (iv) whether reasons must be given. In India the separation of powers is “structural than functional” — the three organs are broadly demarcated but overlap, which is exactly why administrative bodies lawfully discharge legislative and judicial-type functions at all. The structural demarcation preserves liberty; the functional overlap makes the administrative State workable.

**Leading case.** *A.K. Kraipak v. Union of India (1969)* — the duty to act fairly attaches even to administrative functions, blurring but not erasing the classification.

**Conclusion.** Classification is the gateway that decides procedure, remedy and review — indispensable even after the “thin line” between administrative and quasi-judicial action.

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## C. Problems — Model Answers (IRAC)

*Unit 1 has no distinct fact-pattern problem of its own. The only scenario set in a Unit-1 slot (an officer announcing a fixed policy that fetters his discretion, Jun2010) is a **discretion** problem and is answered as **P4.1** in the Unit 4 bank.*

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*End of Unit 1 Question Bank.*

