

ADMINISTRATIVE LAW (4th ed. 1984). By S.P. Sathe. N.M. Tripathi Private Ltd., 164, Samaldas Gandhi Marg, Bombay-400 002. Pp. Ixiii +495. Price Rs. 50.

THE BOOK under review has a foreword written by Ralph F. Fuchs, Professor (Emeritus) at Indiana University Law School, Bloomington, which is itself a critical evaluation of the work. The third edition of the book (1979) was last reprinted in 1981. Therefore, this fourth edition just after two years is itself a testimony to the popularity of the book amongst the student community. The book is intended to be a text-book for use in classrooms. The author, as he himself indicated in the first edition, seeks to achieve some of the benefits of an American style case book or volume of problem oriented materials which could become the basis for classroom discussion of an evolving body of law. However, the contents and arrangement fall short of this laudable ideal. Suggested readings and areas of discussion supported by carefully selected input are significantly absent. Nevertheless his treatment of the subject is comprehensive with a rich wealth of comparative material on statute and case law.

Addenda of about 10 pages merely show how fast growing the subject is. However, this technique of bringing the subject up-to-date can be hardly appreciated. The case law of 1983 should have been included in the text itself as this is supposed to be a 1984 edition. There is only one appendix to the book wherein a few articles of the Constitution have been reproduced. The author could have done still greater service to the student community by including important administrative law statutes, Indian and foreign, for ready reference. The index is sketchy and there is a definite scope for further elaboration. Errata relating to about 30 pages only reveal a hurried attempt to follow the printing schedule. This downgrades the book without any fault of the author.

The book follows the conventional pattern of the treatment of the subject which suggests that administrative law relates only to the delegation of law-making and adjudicatory powers to the administration as well as the control of these powers. Administrative law specialists in India rarely delve into administrative process itself to consider how the process actually operates or how and why its procedures and structures differ from the judicial model of decision-making or how the administrative process could be made more effective and efficient by reform from within. Today administrative law is more concerned with the inside of the administrative process rather than judicial scrutiny.

The text is divided into eleven chapters, which are well documented and make easy reading. Relevant case materials illustrate and elaborate basic principles of administrative law no matter at times it is difficult to

grasp the proper perspective of the cases covered. After a brief introduction in chapter I, chapters II and III deal with the delegation and control of administrative rule-making power. Chapters IV to VII cover delegation and control of administrative adjudicatory powers. Rest of the chapters concentrate only on administrative accountability and redress processes. In the last chapter on "Citizens' Grievances" reference has been made only to the institution of ombudsman ignoring all other developed and developing grievance procedures relevant to contemporary India. Today the role of consumers' protection movements, mass media and right to know strategies cannot be over-emphasized in a developing society like ours where the rights of the people suffer from atrophy and also paradoxically from activism.

The book is replete with thought-provoking suggestions which have been given not as final answers to the problems but to stimulate enquiry. The author himself says, "My function is limited to raising the questions and suggesting various alternative ways of solving them. If this sets in motion the process of critical enquiry I will have achieved my objective."¹

In India the post-Independence era has gradually but surely produced a new jurisprudence, the evolution of which may be hailed as an evolution in our society and politics itself. This development can be called administrative jurisprudence. This branch of jurisprudence is not a branch of philosophy of law but sociology of law. Thus, the spirit of administrative law runs close to the rule of life which we daily live. This journey of law from philosophical to sociological era has been long and difficult because of various conceptual, perceptual, institutional and societal compulsions and constraints. But surmounting these difficulties law has moved forward which is the definite impression one gets after reading the present work.

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1. S.P. Sathe, *Administrative Law* xv (4th ed. 1984).

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