



ADMINISTRATIVE LAW (1994). By Jai Jai Ram Upadhyaya, Central Law Agency, Allahabad. Pp. viii +510. Price Rs. 110.

THOUGH ADMINISTRATIVE Law as an independent subject of study has been recognised only about twenty years ago, there are in the market a number of good text-books written mostly by veteran teachers of the subject. The book under review is a new adventure by another experienced teacher of the subject. The rich experience of the author is evident in each chapter of the book. He has designed his work in a new format. He has coined many terms for the old expressions to convey the true sense and popular meaning of such terms. Instead of borrowing the same from the old English classics, he has imbibed them from the emerging Indian jurisprudence. His main source material has been the growing body of case law being handed down by the Supreme Court of India since its inception. He does make appropriate references to a foreign case or book wherever necessary to explain a particular point. He has given a short bibliography at the very beginning of the book to show his familiarity with relevant literature on the subject.

The author has divided his book into twenty three chapters. In the optima of this review, this was not necessary. Instead, he should have adopted a compact scheme of about fifteen chapters. The first chapter on Introduction deals with meaning, definition, nature, scope and growth of administrative law and its relation with constitutional law. His treatment of *droit administratif* of France is very good. He deals with development of administrative law in India in a separate chapter very imaginatively called Administrative Law in action. His fondness for coining new phrases and expressions is visible throughout the pages of the book. A separate chapter is devoted to sources of administrative law. The fourth chapter on Basic Concepts is very well written. Rule of law under the Indian law refers to all relevant and uptodate cases. The reference to cases on reservations is very apt. Just as he has explained the doctrine of Rule of Law in modern context, he has also discussed the theory of separation of powers under the American, the British and the Indian constitutional law in their present day context so as to show that neither rule of law is incompatible with administrative law nor separation of powers any longer a barrier to the growth of administrative law. He refers to the recent cases, to what extent and in what form the Indian Constitution has recognised the theory of separation of powers as a system of checks and balances and its political usefulness.

The fifth chapter on classification of administrative action has a wide coverage and has turned out to be very useful. This is likely to give a good understanding of the whole subject matter of the book. Not many books devote so much attention and space to this topic which is otherwise so useful for students and teachers. The only other book which recognises its importance is one by D. Basu.

1. *Indira Nehru Gandhi v. Raj Narain*, AIR, 1975 S.C. 2299; *Krishan Kumar v. Union of India* (1990) 4 S.C.C. 207; *Mallikarjuna v. State of A.P.*, A.I.R. 1990 S.C. 1251.



Chapters VI and VII deal with Delegated Legislation, *first* with the theory and the *second* with the control of delegated legislation. Both the chapters are very detailed and complete in themselves.

Chapters VIII and IX deal with adjudication by administrative tribunals. Chapter VIII on Administrative Adjudication and Tribunals is very well written and covers all relevant aspects. But chapter IX on Administrative Agencies and Tribunals leaves much to be desired in respect of its treatment of Administrative Tribunals Act 1985. The Supreme Court judgment in the case of *Sampath Kumar v. Union of India*² has not been analysed nor subjected to critical examination. The case is mentioned on pages 174, 176 and 178 with brief comments. The next case of *J.B. Chopra*³ is also noted. But then there are a number of cases, which have unfavourable reactions on the working of these tribunals which have escaped the attention of the author. The author should have studied such working from 1986 to 1993.

Chapter X on Principles of Natural Justice is one of the best written chapters of the book. In this chapter the topic of post-decisional hearing has been very well treated. So is the discussion under the topic exclusion of natural justice.

Chapter XI on Power of Investigation and Inquiry should have been taken up at a later stage along with chapter XXII on Ombudsman and Central Vigilance Commission. In his analysis of the Commissions of Inquiry Act 1952 the author did not mention the recent development of not laying the Report of the Commissions on the Table of the House and to this extent not respecting the citizen's right to know and the commitment of the open government. The discussion under the topic selfincrimination is good but in its very sentence the word 'of' between canons and Anglo-American is missing on page 241 of the book under review.

Chapters XII, XIII, XIV and XV deal with the theory and practice of judicial control of administrative action and discretion and may be said to be heart and soul of the book under review. They are the best written chapters and contain an authentic analysis of the relevant case law presented in a very simple and lucid style. Chapter XXI on exclusion of judicial review could have been conveniently placed here along with these chapters. Likewise chapter XX on sub-delegation of powers could have been tagged with the chapters on Delegated legislation.

Chapter XVI on Liability of Government and chapter XVIII on Privileges, Estoppel and Waiver could have been placed together. Chapter XVII on ordinary remedies is very well written. The chapter on Ombudsman, *etc.* is very well written. The last, but not the least, chapter on Public Corporations and undertakings is extremely well written. In the chapter on tribunals as well as in this chapter the author has used the term constituent statute for the statute creating or constituting a tribunal or undertaking which to the reviewer is not appropriate.

On the whole the book is a welcome addition to the growing literature on the subjects and would benefit the students preparing for LL.B., LL.M. and various competitive examinations. The price for such a good book is indeed very low and is within the easy reach of all students.

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2. A.I.R. 1987 S.C. 386.

3. A.I.R. 1987 S.C. 357.

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