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Chapter — 04

* Administrative Law

* State of M.P and Ors. V. Thakur
Bharat Singh.

- Constitutionality of Section 3 of Madhya Pradesh Public Security Act was challenged which gave the district Magistrate arbitrary power.
- The Court declare it unConstitution due to lack of Safe guard and it was emphasive that govt action must be Supported by legislative Authority.

CASE LAW

* In Mineral development Ltd v. State of Bihar

- Revenue Minister Cancel Companies Mica Mining License. The Company owner had previously opposed the Minister in elections and Minister filled a defamation Case against him.
- Supreme Court ruled that Minister's action was Quasi Judicial and Bias due to Personal rivalry.

• As a result Cancellation was invalid.

★ In Annamalai Cotton Mills Vs. Tamilnadu electricity Board.

• The Court found that Showcase notice for electricity theft was too vague lacking details like meter reading, time period and the authority conducting the inspection.

• The Court rule notice and Order are invalid as they violated principle of natural Justice by failing to provide adequate details

★ In S.c Girotra Vs. United Commercial bank

• The petitioner (S.c Girotra) was dismissed by the bank based on Committee report prepared by an enquiry officer.

• He claimed that he was not allowed to cross examine the officer who prepared the report or witness who provided evidence.

• Supreme Court held that denial of opportunity to cross examine witness violated principle of natural Justice.

* In *Nandini Satpathy v. P. L. Dani*.

- S.C. held that an accused person must be allowed access to legal representative during Custodial Interrogation. The police must wait for reasonable arrival of lawyer and denying this rights violate article 22 of Constitution of India and principle of natural Justice.

* In *Canara Bank v. Debasu Das*.

- Court define natural Justice as Minimum protection for individuals against arbitrary actions by Judicial, Quasi Judicial and administrative bodies.
- This principle ensures fairness and prevents injustice.

* In *Sunil Batra Vs. Delhi Administration*.

- Court interpreted Sec 56 of Prisons Act 1894 and found that Jail Superintendent must provide reasons for putting Bar fetter on prisoner to ensure that action is justified under Section 21.

CASE LAW

* In Manika Gandhi vs. Union of India :-

- SC Set that right to travel is a part of personal freedom. Govt. can take away someone's passport for public reason without warning but the person must be given a chance to explain afterwards. The Court made it clear that what counts as a public int. can be checked by the Court's.

* In P. Radha Krishnan v. Osmania University. (Unique book 4.13)

~~* Judicial review at delegation of discretion.~~

* Judicial Review at delegation of discretion :-

- when laws delegate discretionary power to administrative authorities, Courts can review whether such delegation is constitutional.
- If law is too vague or provides uncontrolled discretion it can be struck down as ultra vires under article 14 and 19.

* In State of Bengal v. Anwar Ali

- The act allow the govt. to try certain cases in special court but give no clear standards for selecting these cases.

- The Court held that act violated article 14 as it lack proper guidelines making it arbitrary, and unConstitution.

* In H.R benthis V. Union of India.

- The gold Control act granted power to administrators to issue licenses for gold dealers based on vague criteria like anticipated demand and public interest
- Supreme Court struck down the law declaring ^{it gave} unguided discretion and lacked objective standards.

* Examples of Statutory appeals :-

- (i) Appeal from Competition Commission of India to national Company law appellate tribunal.
- (ii) Appeal from NCI to S.C within 60 days.

* Examples of Reference to the H.C :-

- (i) Sec 256 assesses can request income tax appellate tribunal refer a case to H.C and if income tax appellate tribunal refuses H.C can direct it to make reference.

* Natural Justice

* Nawabkhan Vs. State of Gujarat

- S.C. ruled that an order to remove Nawabkhan from the city was invalid because it didn't follow proper legal process.
- The order affected his basic right to freedom and since he wasn't given a chance to be heard, before the order was made, the court ruled that the order was void-ab-initio.

Heading → Liability of State or Govt. in Contract.

* As per article 299, President or Governor cannot be personally liable for any contract or assurance made on behalf of the Govt.

• If Govt. breaches the contract initially, the only remedy was damages, but after Gujarat State Financial Corporation v. Lotus Hotel

• Govt. can also be compelled to perform its contract through a writ of Mandamus.