



COURSE MANUAL

Name of the Elective Course: Advanced Administrative Law

Course Code: L-EL-1141

Name of the responsible Faculty Instructor:
Prof. Sayan Mukherjee

SPRING 2026
(AY2026-27)

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, *Advanced Administrative Law*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Advanced Administrative Law**

Course Code:

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG & PG Both**

Medium of Instruction: **English**

Pre-requisites (if applicable): Basic UG course on Administrative Law

Equivalent Courses: N/A

Part II

1. Acknowledgement of Course Ideators

I, hereby acknowledge the contribution of my colleagues, Prof. Anshuman Shukla, Associate Professor, Jindal Global Law School, OP Jindal Global University for a thorough review of the course designed by myself. I acknowledge my other colleague Prof. Anujay Srivastava's detailed guidelines regarding designing of the course.

2. Course Description

This course is designed as an advanced course on Indian administrative law. In this course we are not merely interested in knowing the law in its descriptive form. Rather, we are interested in trying to develop a normative framework for ourselves, within which we may place this branch of public law. We also intend to learn in this course, where the Indian administrative law has gone wrong, if viewed under the rubric of the Indian constitution. The course is divided into seven modules. In module one, we discuss the theoretical foundations of administrative law and how it comes in conflict with established principles of constitutional law while at the same time operating as an extension of the latter. In the second module we delve into more practical aspect of the course, which is, the writ jurisdiction of the Supreme Court and the High Courts and the craft of drafting writ petitions. In modules three and four, we go into two specific corners of Indian administrative law: firstly, we look into the different forms of governmental liabilities and secondly, we study the legal framework within which public corporations function. The fifth and sixth module, deals with the normative questions that this course seeks to answer: how legally and morally sound are the application of the different administrative law doctrines and standards of review in administrative adjudication. Lastly, we shall study the different audit systems that are put in place by law in order to create accountability and fair play in Indian public administration.

3. Course Aims

The aim of the course is to give students a holistic idea on administrative law.

4. Teaching Methodology

Teaching shall be done by regular lectures in respective class hours.

5. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks.

End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - "Extenuating circumstances" preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the "I" grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Mid-Term	30 Marks	
Essay (Take Home)	30 Marks	
Class Participation	10 Marks	
End Semester Examination (Compulsory)	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies.

Part III

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Administrative Law, Judicial Review, Governmental Liability, Service Jurisprudence, Public Audit.

Course Design and Overview (Weekly Plan)

MODULES (INDICATIVE)	WEEK(S)
ADMINISTRATIVE LAW: A THEORETICAL FOUNDATION <ul style="list-style-type: none">• Is Administrative Law “Unlawful”, as prof. Philip Hamburger claims it to be?• Is it an extension of constitutional law or a separate discipline altogether?• How do we reconcile “legal functionalism” with constitutional orthodoxy?	Week 1-2

<p style="text-align: center;">JUDICIAL REMEDIES IN ADMINISTRATIVE LAW</p> <ul style="list-style-type: none"> • Law of Writs in India • Drafting writ petitions and advocacy in administrative law. 	<p style="text-align: center;">Week 3</p>
<p style="text-align: center;">GOVERNMENTAL LIABILITY</p> <ul style="list-style-type: none"> • Contractual Liability • Quasi Contractual Liability, • Doctrine of unjust enrichment • Tortious liability • Liability by Estoppel. 	<p style="text-align: center;">Week 4-5</p>
<p style="text-align: center;">PUBLIC CORPORATIONS AND SERVICE JURISPRUDENCE</p> <ul style="list-style-type: none"> • Public Corporations as “State”; The “Public-Private” divide in administrative/constitutional law. • Control on Public Corporations: Judicial, Parliamentary & Political. • Rights, duties and Liabilities of Public Corporations. • Rights, duties and Liabilities of Public Servants. 	<p style="text-align: center;">Week 6-7</p>
<p style="text-align: center;">STANDARDS OF REVIEW</p> <ul style="list-style-type: none"> • Wednesbury Reasonableness v. Doctrine of Proportionality • Different Models of Proportionality • Relationship between Proportionality and "Rational Nexus” 	<p style="text-align: center;">Week 8-9</p>
<p style="text-align: center;">INDIAN ADMINISTRATIVE LAW: SOME PARADOXES</p> <ul style="list-style-type: none"> • The Rise and Fall of the Doctrine of: Essential Legislative Function • Doctrine of “Necessity”: when does it apply? • Equity in Indian public (administrative) law. 	<p style="text-align: center;">Week 10-11</p>
<p style="text-align: center;">AUDIT SYSTEMS IN INDIA</p> <ul style="list-style-type: none"> • Comptroller and Auditor General, CVC and CBI • Lok Pal and Lokayuktas • <u>Right to Information</u> 	<p style="text-align: center;">Week 12-13</p>
<p style="text-align: center;">REVISION</p>	<p style="text-align: center;">Week 14</p>

Module Descriptions:

Part V Relevant Readings / Essential Readings

Week 1 Theory of Administrative Law- I

Essential Readings:

- Martin Loughlin, The Functionalist Style in Public Law, University of Toronto Law Journal, vol. 55, 2005, p.361
- Philip Hamburger, Is Administrative Law Unlawful? University of Chicago Press, 2014, pp. 1-21
- *In Re : The Delhi Laws Act, 1912, the Ajmer-Merwara (Extension of Laws) Act, 1947 and the Part C States (Laws) Act, 1950* AIR 1951 SC 332 (focus on the judgements of Kania, C.J., Fazl Ali & Mukherjee J.J.)
- Edward Rubin, “Introduction”, Beyond Chamelot, Princeton University Press.

Recommended Readings:

- Loughlin, Public Law and Political Theory (1992), chapters 4, 7, 8, 9
- Craig, ‘Public Law, Political Theory and Legal Theory’ [2000] PL 211

Week 2 Theory of Administrative Law II

Essential Readings:

- Forsyth, ‘Of Fig Leaves and Fairy Tales’ (1996) 55 CLJ 122
- Elliott, ‘The Ultra Vires Doctrine in a Constitutional Setting’ (1999) 58 CLJ 129
- Craig, ‘Competing Models of Judicial Review’ [1999] PL 428
- Allan, ‘The Constitutional Foundations of Judicial Review: Constitutional Conundrum or Interpretative Inquiry?’ (2002) 61 CLJ 87

Recommended Readings:

- Oliver, ‘Is the Ultra Vires Rule the Basis of Judicial Review?’ [1987] PL 543
- Bamforth, ‘Ultra Vires and Institutional Interdependence’, ch.6 of Forsyth, *Judicial Review*
- Forsyth, ‘Heat and Light: A Plea for Reconciliation’, ch.18 of Forsyth, *Judicial Review*
- Craig & Bamforth, ‘Constitutional Analysis, Constitutional Principle and Judicial Review’ [2001] PL 763

- Forsyth & Elliott, ‘The Legitimacy of Judicial Review’ [2003] PL 28

Week 3-5 **Judicial Remedies & Governmental Liabilities**

Essential Readings:

- M. P. Jain & S. N. Jain, Ch. 35-38
- Takwani, *Lectures on Administrative Law*, Lecture IX
- M. P. Jain & S. N. Jain, Ch. 28-31

Recommended Readings:

- Cane, ‘The Constitutional Basis of Judicial Remedies in Public Law’ in Leyland & Woods (eds.), *Administrative Law Facing the Future: Old Constraints and New Horizons* (1997)
- U. Varottil, Government Contracts, Oxford handbook of Indian Constitution, Ch. 53

Week 6-7 **Public Corporations & Service Jurisprudence**

Essential Readings:

- R. Ramachandran, Public Employment & Service Law, Oxford Handbook of Indian Constitution, Ch. 55
- Takwani, *Lectures on Administrative Law*, Lecture XI
- State of W.B. v. Baishakhi Bhattacharyya, 2025 SCC Online SC 719 r/w *Baishakhi Bhattacharyya v State of West Bengal* (2024), MANU/WB/0595/2024
- A. V. Nachane v. Union of India AIR 1982 SC 1126
- Union of India v. G S Chatha Rice Mills, 2020 SCC Online SC 770
- Kumari Regina v. St. Aloysius Higher Elementary School and Another, AIR 1971 SC 1920
- Union of India v. K. P. Joseph and Others, AIR 1973 SC 303
- B.S. Minhas v. Indian Statistical Institute & Ors., AIR 1984 SC 363
- State of Uttar Pradesh v. Chandra Mohan Nigam and Others, AIR 1977 SC 2411
- Managing Director, ECL v. B. Karunakar AIR 1994 SC 1074

Recommended Readings:

- S. Mukherjee, Nullifying 24000 jobs: Legal sustainability of the Calcutta High Court’s “Cash for Job” order EPW vol LIX p. 28

Week 8-9 **Standards of Review: rationality, proportionality, deference**

Essential readings:

- Taggart, ‘Proportionality, Deference, Wednesbury [2008] NZLR 423

- Lord Steyn, ‘Deference: a Tangled Story’ [2005] PL 346
- TRS Allan, ‘Human Rights and Judicial Review: A Critique of Due Deference’ (2006) CLJ 671
- Craig P.P., *Administrative Law* (6th edition, Sweet & Maxwell 2008): Chapter 18 &19
- *Associated Provincial Picture Houses Ltd v. Wednesbury Corporation* (1948) 1 KB 223
- *Om Kumar v. UOI* 2000 (7) SCALE 524
- Stavros Tsakyrakis, Proportionality: An Assault on Human Rights? 7(3) *International Journal of Constitutional Law* 468-493 (2009)
- Madhava Khosla, Proportionality: An Assault on Human Rights? A Reply 8(2) *International Journal of Constitutional Law* 298-306 (2010)

Recommended Readings:

- King, ‘Institutional Approaches to Judicial Restraint’ (2008) 28 *OJLS* 409
- Kavanagh, ‘Defending Deference in Public Law and Constitutional Theory’ (2010) 126 *LQR* 222
- Allan, ‘Judicial Deference and Judicial Review: Legal Doctrine and Legal Theory’ (2011) 127 *LQR* 96
- Hickman, ‘Problems for Proportionality’ [2010] *NZLR* 303
- King, ‘Proportionality: a halfway house’ [2010] *NZLR* 327
- Sales, ‘Rationality, Proportionality and the Development of the Law’ (2013) 129 *LQR* 223.
- Craig, ‘The Nature of Reasonableness Review’ (2013) *CLP* 1
- Hunt, ‘Sovereignty’s Blight: Why contemporary public law needs the concept of “due deference”’, Chapter 13 in Bamforth & Leyland (eds.), *Public Law in a Multi-layered Constitution* (2003)
- Craig, ‘Proportionality, rationality and review’ [2010] *NZLR* 265

Week 10-12 Indian administrative Law: some principles and paradoxes

Essential Readings:

- The Rise and fall of the Essential Legislative Functions doctrine:
 - *Hamdard Dawakhana (Wakf) Lal Kuan, Delhi and Another v. Union of India and Others*, AIR 1960 SC 554
 - *Gwalior Rayon Silk Manufacturing (Weaving) v. Assistant Commissioner of Sales Tax and Others*, AIR 1974 SC 1660
 - *Rajnarain Singh v. Chairman, Patna Administration Committee, Patna, and Another*, AIR 1954 SC 569
 - *Lachmi Narain Etc. v. Union of India & Ors*, AIR 1976 SC 714
 - *Harishankar Bagla and Another v. State of Madhya Pradesh*, AIR 1954 SC 46
 - *Jalan Trading Company (Private Limited) v. Mill Mazdoor Union*, AIR 1967 SC 691

Contrast with:

- *Panama Refining Co. v Ryan*, 293 U.S. 388 (1935)
- *National Broadcasting Co., Inc. v United States*, 319 U.S. 190 (1943)

- Equity in Indian Public Law:
 - *M/S Motilal Padampat Sugar Mills v. State of U. P.* AIR 1979 SC 621
 - *R. v. Devon Health Authority ex parte Coughlan* [2000] 2 WLR 622
 - P. Sales and K. Steyn, Legitimate Expectations in English Public Law: An Analysis [2004] PL 564, 569.
 - Y. Dotan, Why Administrators should be Bound by their Policies (1977) 17 OJLS 2
 - Chintan Chandrachud, The Fictitious doctrine of substantive Legitimate expectations in India, available at:
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2738799

Week 13: Audit Systems: CAG, CVC Lokpal & Lokayukta, Ombudsman

Essential Readings:

- M. P. Jain & S. N. Jain, Principles of Administrative Law, LexisNexis, 7th ed Chapter 45, 48, 49.
- *Centre for PIL v. Union of India* 2011
- Amended RTI v. Participatory Democracy: EPW Vol. 54, Issue No. 30, 27 Jul 2019

Recommended readings:

- The Lokpal and Lokayukta Act, 2013 (relevant provisions)
- S.K. Das, *Institutions of Internal Accountability* in D. Kapur and P.B. Mehta, Public Institutions in India: Performance and Design (Oxford 2007) pp. 128-156
- Nikhil Dey and Aruna Roy, The RTI Story (selected chapters)

Week 14: Revision