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CONTEMPORARY ISSUES IN ADMINISTRATIVE LAW

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ABSTRACT

There is a great need of administration in our society because without administration we cannot do any work systematically. Administration is a must: so that the work can be done quickly and efficiently, for that we need some laws that prevent chaos in our work and society. Administrative law is the body of the law that governs the activities of the administrative agencies of the government. As we know mostly in every agency every information is confidential whether we talk about recruitment process, decision making process etc. in administration of an every agencies there are lots of stages of work from clerk to class I officer and every branch has their own work and responsibility to do. Administrative law governs the actions of the government agencies and officials, and is concerned with the issues such as the scope of agency authority, procedure that agency must follow while making the decision and how the rights of individuals and organization get affected by agency decision. Today there are contemporary issues and challenges that administrative law is facing such as ensuring transparency and accountability, balancing regulatory objectives. We will also pay attention to what problems arise in the lives of people because of the issue, because any decision of the administrative agency, any work is done on the advice of the government

KEYWORD - Administrative law, administrative agency, government agency, Problems, organization

INTRODUCTION

Let's discuss with some history of the Administrative law. Administrative law has its roots in the 19th century, when governments began to create administrative agencies to regulate various aspects of public life. However, the modern field of administrative law emerged in the mid-20th century, many legal scholars and policymakers grappled with the challenges of regulating complex and rapidly evolving areas such as healthcare, telecommunications, and the environment. Today, administrative law is a critical component of the legal and policy landscape, knowing that how the governments and regulatory agencies interact with citizens, businesses, and other stakeholders.

Administrative law is a complex and rapidly evolving field that is concerned with regulating the actions of government agencies and officials. Today, there are a number of contemporary issues and challenges facing

administrative law, including ensuring transparency and accountability, balancing regulatory objectives with individual rights and freedoms, and incorporating emerging technologies into administrative decision-making processes. In this context, it is important to explore the key issues and challenges facing administrative law today, and to consider how the field can evolve and adapt to meet the needs of a changing world. In this article, we will discuss some of the most pressing contemporary issues in administrative law, and consider how they might be addressed in the years to come.

BASIC PRINCIPLES OF ADMINISTRATIVE LAW

Let's discuss some basic principles of the administrative law before discussing the contemporary issues regarding them as it is very important to know about the subject here we are talking about and it's a law subject it's

very important to know about the basic features of the subject.

1. **Natural justice:** This principle requires that administrative agencies act fairly and impartially, and that they provide individuals with an opportunity to be heard before making decisions that affect their rights or interests.
2. **Rule of law:** This principle requires that administrative agencies act within the bounds of their legal authority, and that their actions are subject to review by the courts.
3. **Separation of powers:** This principle requires that administrative agencies operate independently of the executive and legislative branches of government, and that they are subject to appropriate checks and balances.
4. **Accountability:** This principle requires that administrative agencies are accountable to the public for their actions, and that they are transparent in their decision-making processes.
5. **Reasonableness:** This principle requires that administrative agencies make decisions that are reasonable and proportionate to the objectives they are trying to achieve, and that they take into account all relevant factors and evidence.

INDIA IS FACING SEVERAL ISSUES IN TERMS OF ADMINISTRATIVE LAW

1. **Lack of transparency:** Administrative agencies in India are often criticized for their lack of transparency. This means that they do not provide clear and detailed information about their decision-making processes, which can make it difficult for citizens to understand the basis for their decisions. This lack of transparency can also make it difficult for citizens to hold administrative agencies accountable for their actions.
2. **Inefficient service delivery:** Administrative agencies in India are often criticized for their slow and inefficient service delivery. This can lead to long delays and backlogs, which can be frustrating for citizens. Inefficient service delivery can also make it

difficult for citizens to access the services and benefits that they are entitled to.

3. **Weak accountability mechanisms:** There are often weak mechanisms in place to hold administrative agencies accountable for their actions. This means that citizens may have limited options for challenging decisions that they believe are unlawful or unfair. Weak accountability mechanisms can also make it difficult for citizens to trust that administrative agencies are acting in their best interests.
4. **Limited public participation:** Citizens often have limited opportunities to participate in the decision-making processes of administrative agencies. This means that decisions may not reflect the needs and concerns of the public. Limited public participation can also make it difficult for citizens to have their voices heard and can lead to decisions that are not in the best interests of the public.
5. **Overlapping jurisdictions:** There can be significant overlap between different administrative agencies in India, which can lead to confusion and inefficiency. This can make it difficult for citizens to know which agency is responsible for a particular issue. Overlapping jurisdictions can also lead to duplication of efforts and waste of resources.
6. **Inadequate regulation:** Some areas of administrative law in India are inadequately regulated. This means that there may be abuses of power and other problems. Inadequate regulation can also make it difficult for citizens to know what their rights are and can make it difficult to hold administrative agencies accountable.
7. **Limited access to justice:** Citizens often have limited access to justice when their rights are violated by administrative agencies. This can make it difficult for citizens to challenge decisions that they believe are unfair or unlawful. Limited access to justice can also make it difficult for citizens to trust that they will be treated fairly by administrative agencies.

CHANGES REQUIRED IN ADMINISTRATIVE LAW

1. **Lack of transparency:**

Administrative agencies in India are often criticized for their lack of transparency. This means that they do not provide clear and detailed information about their decision-making processes, which can make it difficult for citizens to understand the basis for their decisions. Lack of transparency can also lead to corruption, as officials may be able to make decisions without being held accountable.

2. **Inefficient service delivery:**

Administrative agencies in India are often criticized for their slow and inefficient service delivery. This can lead to long delays and backlogs, which can be frustrating for citizens. Inefficient service delivery can also make it difficult for citizens to access the services and benefits that they are entitled to, which can have a negative impact on their lives.

3. **Weak accountability mechanisms:**

There are often weak mechanisms in place to hold administrative agencies accountable for their actions. This means that citizens may have limited options for challenging decisions that they believe are unlawful or unfair. Weak accountability mechanisms can also make it difficult for citizens to trust that administrative agencies are acting in their best interests.

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CASES

There are many Indian cases that have dealt with administrative law. Some of the most notable cases which shows how administrative law works and effectiveness of the law:

1. **A.K. Kraipak v. Union of India**⁴⁰ This case established the principle of natural justice, which requires that government agencies act fairly and impartially in their decision-making processes.

2. **Maneka Gandhi v. Union of India**⁴¹: This case established that the right to life and personal liberty under Article 21 of the Indian Constitution includes the right to a fair and reasonable procedure.

3. **State of U.P. v. Singhara Singh**⁴²: This case established the principle of audi alteram partem, which requires that parties be given an opportunity to be heard before a decision is made.

4. **Ram and Shyam Company v. State of Haryana**⁴³: This case established that the

⁴⁰ AIR 1970 SC 150

⁴¹ AIR 1978 SC 597

⁴² AIR 1964 SC 358

⁴³ AIR 1985 SC 1145

government cannot act arbitrarily or unreasonably in its decision-making processes.

5. **S.P. Gupta v. Union of India⁴⁴**: This case established that the judiciary has the power to review administrative decisions and to strike down laws that are unconstitutional.

These cases, among others, have helped to shape the development of administrative law in India and have provided important guidance on how government agencies should function and interact with citizens.

CONCLUSION

In conclusion, administrative law is a branch of law that deals with the legal principles governing the administration of government agencies and their interactions with citizens. It is a crucial area of law that ensures transparency, accountability, and fairness in the functioning of government agencies.

However, there are several contemporary issues in administrative law that need to be addressed. These include the need for greater transparency and accountability in government agencies, the protection of individual rights and freedoms, the promotion of sustainable development, and the prevention of corruption and malpractices.

To address these issues, there needs to be a concerted effort on the part of lawmakers, policymakers, and legal practitioners. One way to correct these issues is by introducing new laws and regulations that promote transparency, accountability, and fairness in government agencies. Another way is by strengthening existing laws and regulations to ensure their effective implementation. Additionally, there needs to be greater public awareness and participation in the functioning of government agencies to ensure that they serve the interests of the people and promote the common good.

In conclusion, administrative law plays a critical role in ensuring that government agencies

function in a transparent, accountable, and fair manner. However, there are several contemporary issues that need to be addressed to ensure that administrative law continues to serve the interests of the people and promote the common good. Through a concerted effort, these issues can be corrected, and administrative law can continue to evolve to meet the challenges of the present times.

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⁴⁴ AIR 1982 SC 149