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Rule of Law in Relation with Administrative Law

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The rule of law is a principle of governance in which all persons, institutions, and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It calls for steps to guarantee compliance with the legal precepts of supremacy, equality before the law, accountability to the law, equity in its application, separation of powers, natural justice, involvement in the decision-making process, legal certainty, avoidance of arbitrariness, and procedural and legal transparency. We already know that Article 14 guarantees equal protection of the law and equality before the law. It declares that the state shall deny no one either equality before the law or equal protection under it¹. These words, which are included in Article 14, directly imply that everyone is subject to the rule of law, which means that the law is supreme and that there is no room for flexibility. Additionally, the Supreme Court recognized the Rule of Law as an essential element of the Constitution in Kesavananda Bharati v State of Kerala². It is believed that administrative law guides the operations of government organizations. It includes decision-making, enforcing the law, and developing executive branch regulations. The article explores the concept of administrative law along with its principles. The aim of administrative law is not to take away the discretionary powers of the executive but to bring them in consonance with the 'Rule of law'. The article also acknowledges the notion of the rule of law and concludes by stating that administrative law and the rule of law share a symbiotic relationship, each strengthens and enriches the other to establish an

¹ Constitution of India 1950, art 14

² Kesavananda Bharati v State of Kerala (1973) 4 SCC 225

equitable legal framework that is responsive to societal needs. The crucial component of my research is how the Rule of Law is related to Administrative Law.

Keywords: *rule of law, administrative law, natural justice.*

THE CONCEPT OF ADMINISTRATIVE LAW

Administrative law is the method by which government administrative bodies make decisions in areas such as manufacturing, immigration, international trade, taxation, broadcasting, environmental concerns, and transportation. The requirement to establish a legal framework for public administration gives rise to administrative law. It holds significant constitutional, political, and legal implications, as it pertains to the executive branch of government's authority exercise in administration. It is a crucial tool for balancing the interests of justice and power. Administrative law is the law that pertains to administration, according to Ivor Jennings³. It establishes the composition, authority, and responsibilities of administrative bodies. According to K. C. Davis⁴, administrative law is the body of legislation about the authority and processes of administrative agencies, particularly the laws controlling the judicial review of administrative actions. The goal of administrative law is to restrain the authority of the government, as well as its agencies and instrumentalities. Administrative law offers sufficient protection and an efficient tool to accomplish that goal. According to Jain and Jain⁵ Administrative law deals with the organization, authority, and functions of the administrative organs, as well as the boundaries of their authority, the processes and methods they used to carry out their duties, how their authority is restrained, and the legal recourse that an individual has when their actions violate his rights. The primary objective of administrative law is to manage and regulate administrative authority, as stated by Griffith and Street⁶. It must address the following three aspects: What are their powers' boundaries? What kind of authority does the administration possess? What measures do they take to ensure that the administration is kept within those parameters?

³ Ivor Jennings, *The Law and the Constitution* (5th edn, University of London Press 1959)

⁴ K. C. Davis, *Administrative Law Treatise* (K.C. Davis Publishing Company 1978)

⁵ M P Jain and S N Jain, *Principles of Administrative Law* (7th edn, LexisNexis 2017)

⁶ Griffith and Street, *Principles of Administrative Law* (3rd edn, Pitman 1963)

Administrative law is a subset of public law that deals with the policies, guidelines, and directives of various government organizations. Administrative law focuses on the decision-making powers of these administrative agencies that enforce laws passed by state and federal legislatures. The rules and procedures of the Social Security Administration, as well as the distribution of payments to the public, fall under administrative law.

The branch of legislation known as administrative law governs proceedings before quasi-judicial organizations such as boards, commissions, or administrative tribunals. It adds specific procedural rules to the natural justice principles.

PRINCIPLES OF ADMINISTRATIVE LAW

Judicial Review: Administrative law is a general term that relates to all facets of legal regulations of governmental powers; judicial review of administrative actions is the jurisdiction of the courts to make sure that decision-makers in the government act lawfully. The use of legal power frequently involves the exercise of discretion to decide between different avenues of action or whether to act at all; the essence of discretion is, however, that it resides within legal limits; otherwise, it would be arbitrary; the principles of judicial review help establish legal limits to utilize discretionary powers. They focus on the legal standing of the decision made, not the merits of the specific decision.⁷

Principle of Legitimate Expectation: In reality, ‘legitimate expectation’ was incorporated into the statute to limit the right to be heard. It initially surfaced in an English case where the Home Secretary, had declared that no discretionary advantages would be given and refused to extend the entry permits of foreign students studying ‘Scientology’ as a matter of policy. Although it would have been against their legitimate expectations if their permits had been revoked before the allotted period, they had no access to a hearing and no genuine hope of an extension beyond that time. Official policy declarations may create or cancel legitimate expectations.⁸

⁷ Devansh Aeron, ‘Judicial Review and Control of Administrative Law’ (*TaxGuru*, 13 May 2023) <<https://taxguru.in/corporate-law/judicial-review-control-administrative-law.html>> accessed 13 May 2024

⁸ A. K. Srivastava, ‘Doctrine of “Legitimate Expectation”’ (*Judicial Training & Research Institute Lucknow*, 07 November 2012) <<https://ijtr.nic.in/articles/art13.pdf>> accessed 13 May 2024

Principle of Reasonableness: One of the primary concerns of administrative law is the idea of discretionary decision-making. Since the government involves all individuals to accomplish its aims, discretion has been used to refer to its decision to do so without exercising arbitrariness. With this ability, it can select from a variety of options, however, it is constrained by the reasonableness principle. This concept articulates the rational connection that needs to exist between the assessment of all relevant public and private interests in the case and discretionary actions.⁹

Principle of Good Governance: Decision-making and implementation procedures are fundamental to good governance. It is more important to choose the optimal procedure for decision-making than it is to make 'right' decisions. Good governance has primarily eight attributes: participatory, transparency, the rule of law, accountability, centred on consensus, responsiveness, equity, and efficiency.¹⁰

Principle of Natural Justice: There are several principles of natural justice. The first principle is that no person should judge their case. This principle states that a judge cannot decide any case where they have a personal interest in the outcome or where they may reasonably be suspected of having one. 'Justice should not only be done but should manifestly and unquestionably be seen to be done' is the guiding philosophy. The clearest argument against neutrality is that one cannot sit in judgment over a cause in which one has a monetary or other concern. If the judge is biased in favour of or against any party involved in the dispute, or if he is in a position where bias can be assumed, he becomes ineligible to serve as a judge and the proceedings will be affected. The right to a fair hearing is another essential principle. It guarantees the right to be heard by all parties in a case. It includes several components, one of which is the notice of hearing, which specifies that the parties be made aware of the hearing's time, date, and location. It also allows one to present one's case, guaranteeing that each side can argue their case and provide evidence to support it. This principle permits parties to seek representation in court if

⁹ Michal Bobek, 'Reasonableness in Administrative law: A comparative reflection on functional equivalence' (2008) Czech Society for European and Comparative Law <<https://cesep.cz/wp-content/uploads/2015/05/eswp-2008-02-bobek.pdf>> accessed 14 May 2024

¹⁰ Madhusudan Reddy Nandigama, 'Good Governance - Principles and Initiatives - Challenges and Impact on Society' (2024) 2(1) Samriddhi

they so desire. It also addresses the right to legal counsel. Another is the Reasoned Decision principle which requires that decisions should be backed by logical argument. The decision-maker must justify their choices, indicating that they have carefully weighed every relevant fact and opinion. Sustaining confidence in the legal system depends on this transparency.¹¹

The Principle of Rule of Law: ‘There is no constitution where laws do not rule.’ The concept of the rule of law can be traced back to Aristotle’s time. He noted a preference for a monarch who ruled by law rather than by judgment. The supremacy of law over both the governing body and the people is fundamental to the rule of law. According to the rule of law, everyone must obey the law, regardless of their position or status in society. In the modern era, the concept of the rule of law emphasizes clearly defining the government’s exercise of discretionary powers instead of opposing the practice entirely. Additionally, it guarantees that all men, whether they be private citizens or public servants, are subject to the regular laws of the state and that those laws protect private rights. It protects against the arbitrary actions of the governing bodies and the people.¹²

The Principle of Accountability: According to the accountability principle, decision-makers must set up platforms where they can be held accountable and asked to defend their choices. Political or legal accountability are two outcomes. At the political level, a minister should answer to Parliament to defend, for instance, that choices are made in the best interests of the country. The courts can hold decision-makers accountable for the legality of their decisions thanks to the judicial review principles. The accountability concept facilitates the differentiation between directiveness and capriciousness. An arbitrary authority is unrestricted, devoid of clear boundaries, and not subject to judicial oversight.¹³

¹¹ ‘Principles of Natural Justice’ (*Taxmann*, 07 November 2012)

<<https://www.taxmann.com/bookstore/bookshop/bookfiles/Law%20Relating%20to%20Search%20%20Seizure--GC%20Das--Page%20Number%20256%20to%20268-sample%20chapter.pdf>> accessed 14 May 2024

¹² Dr. Sunita Zalpuri, ‘Training Package of Administrative Law’ (*Institute of Management, Public Administration & Rural Development*)

<https://dopttrg.nic.in/otrainingStatic/UNDPProject/undp_modules/Administrative%20Law%20N%20DLM.pdf> accessed 14 May 2024

¹³ Donald F. Kettl, ‘Administrative Accountability and the Rule of Law’ (2009) 42(1) *Political Science and Politics* <<https://www.jstor.org/stable/20452367>> accessed 14 May 2024

Classification of Power: The concept of the separation of powers helps assess any excessive transfer of authority to the executive branch. Understanding the breadth and depth of a government's judicial and executive authority is crucial. Given that it specifies the proper distribution of powers among various institutions and the boundaries of those powers, this doctrine is essential to both the structure of a state and the idea of constitutionalism. The idea has been crucial to the creation of constitutions. One of the major considerations in drafting the American and French revolutionary constitutions, for instance, was the degree to which powers may and ought to be independent and distinct.¹⁴

RULE OF LAW

The term 'Rule of Law' refers to a government based on principles of law and not of men. In a democracy, the concept has assumed a different dimension. It means that the holders of public powers must be able to justify publicly that the exercise of power is legally valid and socially just. Dicey said 'Rule of Law' means, "the absolute supremacy of predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, or prerogative, or even wide discretionary authority by the government." According to him, there is room for arbitrariness wherever there is discretion. The term Rule of Law contradicts the concepts of 'rule of man' and 'rule according to law'. It is a modern name for natural law. We can use the term Rule of Law in two senses: (i) formalistic sense and (ii) ideological sense. If used in the formalistic sense, it refers to organized power as opposed to a rule by one man and if used in an ideological sense, it refers to the regulation of the relationship of the citizen and the government, and in this sense, it becomes a concept of varied interest contents.

In its ideological sense, the concept of the Rule of law represents an ethical code for the exercise of public power in any country. Strategies of this code may differ from society to society depending on societal needs, but its basic postulates are universal, covering all space and time. These postulates include equality, freedom, and accountability.

¹⁴ Tej Bahadur Singh, 'Rinciple Of Separation Of Powers And Concentration Of Authority' (*Judicial Training & Research Institute Lucknow*, 07 November 2011) <<https://ijtr.nic.in/articles/art35.pdf>> accessed 14 May 2024

The idea of the rule of law has a long history. This idea is credited to Edward Coke, who asserted that the King must be subject to both God and the law, hence upholding the rule of law's superiority over the executive branch's pretences. This idea was later expanded upon by Professor A.V. Dicey in his Oxford University lectures. Dicey, an individualist, wrote about the idea of the Rule of law toward the close of England's prosperous Victorian era of laissez-faire. For this reason, Dicey's conception of the rule of law considered that government officials should not have broad authority.¹⁵ In addition, he defined the term 'Rule of Law' in three ways.

(i) 'No man is penalized or can legitimately be made to suffer in body or goods except for a specific infringement of law defined by the standard legal method before the ordinary courts of the realm,' states the first interpretation of the Rule of Law.

(ii) No man is above the law, according to the second definition of the rule of law. All men, regardless of status or background, are bound to the common law of the realm and can be brought before ordinary tribunals.¹⁶

(iii) The third interpretation of the rule of law holds that the broad principles of the constitution are the outcome of court rulings that specifically address the legal entitlements of private parties in court.

RULE OF LAW AND INDIAN CONSTITUTION

The Indian Constitution is the ultimate law. The preamble of the Constitution distinctly states the idea of the rule of law. It is frequently claimed that because management and welfare programs have a variety of negative effects on people's freedoms and autonomy, they effectively attack the rule of law. However, the rule of law is effective because it emphasizes justice and increased administrative accountability. It places more importance on the natural justice principles and the speaking order rule in administrative procedure to do away with administrative arbitrariness.

¹⁵ Sunita Zalpuri, *Training Package of Administrative* (Legal Brief 2005)

¹⁶ J. F. Garner and B. L. Jones, *Garner's Administrative Law* (8th edn, Butterworths 1996)

Article 14 (Equality before the law):¹⁷ According to the Constitution, no Indian citizen shall be denied equality before the law or equal protection under the law. It implies that everyone is subject to the laws in the same way, irrespective of their standing. We refer to this as the rule of law. The rule of law forms the foundation of all democracies. It implies that everyone is subject to the law. A political figurehead, a government employee, and an average person cannot be distinguished from one another.¹⁸

This article consists of two parts: (i) Equality before the law: This portion of the text makes it clear that everyone should be viewed equally by the law. It is a negative concept because it suggests that there are no privileges accorded to any individual. (ii) Equal protection of the law: The phrase states that every member of society will be subject to the same laws. It is a positive concept because it anticipates a good response from the state. However, one dominant idea common to both expressions is that of equal justice.¹⁹

In the *State of U.P. v Deoman Upadhyaya*²⁰ case, Justice Subba Rao declared that Article 14 included both 'positive content' and 'negative content'. While equal protection under the law demonstrates a positive content of Article 14, equality before the law has a negative content.

In *Basawaraj v The Spl. Land Acquisition Officer*²¹ was a case delay of 5 1/2 years in filing the appeals before the Karnataka High Court which dismissed the appeals under Section 54 of the Land Acquisition Act. The appellant quoted numerous cases of the High Court wherein the delay had been condoned without considering the most relevant factor *i.e.* sufficient cause. SC dismissed the appeal and held: that wrong decisions made in other cases do not mean Article 14 perpetuates illegality or fraud, even. The said provision does not envisage negative equality but has only a positive aspect.

The doctrine of Anti-Arbitrariness: By incorporating executive discretion within the purview of Article 14, the Supreme Court significantly expanded the scope of the article. The court held

¹⁷ Constitution of India 1950, art 14

¹⁸ Constitution of India 1949, Part III

¹⁹ *Sheoshankar v State Govt. of Madhya Pradesh* (1951) CRILJ 1140

²⁰ *State of U.P. v Deoman Upadhyaya* (1960) 1 SCR 14

²¹ *Basawaraj v The Spl. Land Acquisition Officer* (2013) 14 SCC 81

in the case of *E.P. Royappa v State of Tamil Nadu*²² that Article 14 provides a safeguard against the State's capricious conduct. It is against the Right to Equality to act arbitrarily. They are rivals to one another. Therefore, it is crucial to defend the laws against the Executive's arbitrary actions.

Justice Bhagwati declared in the *Maneka Gandhi v Union of India*²³ case that equality is opposed to the capriciousness of state action. Thus, equality of treatment is ensured by this tenet. The seven-judge panel determined that Articles 14²⁴, 19²⁵, and 21²⁶ form a trinity. You must read each of these articles in order. Any law that restricts someone's freedom must pass three requirements to be considered legal: (i) it must specify a process; (ii) it must be able to withstand scrutiny from the courts in the light of one or more fundamental rights granted by Article 19 that may be relevant in a particular circumstance; and (iii) it must also be subject to scrutiny under Article 14.

Natural justice is the legal word for the prohibition against bias and the right to a fair trial (*audi alteram partem*). It is clear from the case of *A.K. Kraipak v Union of India*²⁷ that natural justice is a fundamental component of Article 14. The court ruled that "the Natural Justice Principles check the arbitrary power of the State and help in avoiding the possibility of miscarriages of justice."

Classification Test: The Supreme Court outlines the jurisprudence of equality before the law in the case of *Ram Krishna Dalmia v Justice Tendolkar*²⁸. It merely allows the State to categorize subjects differently (which is otherwise forbidden by Article 14) as long as the categorization is based on apparent distinctions (i.e., objects within the class are easily distinguished from those outside) and has a logical relationship to the goal that the categorization is intended to accomplish.

*Indra Sawhney v UOI*²⁹, a landmark ruling regarding certain facets of reservation in India. The Court explained how Articles 14 and 16 relate to one another. It was decided that Article 14's

²² *E.P. Royappa v State of Tamil Nadu* (1974) AIR 555

²³ *Maneka Gandhi v Union of India* (1978) AIR 597

²⁴ Constitution of India 1950, art 14

²⁵ Constitution of India 1950, art 19

²⁶ Constitution of India 1950, art 21

²⁷ *A.K. Kraipak v Union of India* (1969) AIR 1970 SC 150

²⁸ *Ram Krishna Dalmia v Justice Tendolkar* (1958) AIR 538

²⁹ *Indra Sawhney and Ors v Union of India and Ors* (1992) 3 SCC (SUPP) 217

aspect is covered by Article 16(1). Article 16(1) allows fair classification, just as Article 14 does. A classification may reserve seats or vacancies as part of it. The fundamental goals of Articles 14 and 16 are equality and equality of opportunity, while Article 16 Clause (4) provides a way to accomplish the same goal. The two clauses must be reconciled because they both reaffirm the equality principle found in Article 14.

The aforementioned landmark cases, together with numerous others, have expanded the reach and purview of Article 14 of the Indian Constitution, intending to promote greater equity and fairness in society. Additionally, we can also analyze from the above paragraphs that the Indian Constitution's Article 14 is essentially following the ideas of the rule of law and administrative law. It influences administrative law by requiring respect for the norms of reasonableness, procedural fairness, and lack of arbitrariness in all state activities. It also ensures that everyone is subject to the law, prohibits the arbitrary use of power, and gives the judiciary the authority to check administrative activities for legal conformity. These measures contribute to the enforcement of the rule of law. The inclusion of these concepts in Article 14 ensures that administrative procedures adhere to the principles of fairness, transparency, and accountability, thus embodying the essence of the rule of law.

Article 15 (Prohibition of Discrimination):³⁰ Article 15 shields citizens from discrimination based on gender and religion. India's Constitution protects the people of the country from discrimination based on race, religion, caste, or place of birth, among other grounds. The Indian Constitution forbids any form of impairment, limitation, or condition about the entry of public parks, shops, hotels, or dining establishments.³¹

According to Clause (1), the state can't discriminate among the citizens based on religion, caste, sex, race, place of birth, or any of them. Thus, in *Nainsukhdas v State of U.P.*³² a law which

³⁰ Constitution of India 1950, art 15

³¹ Khrish Shahani, 'Article 15 in The Constitution Of India (1949)' (*Lok Tantra*)

<<https://www.lokatantra.in/articles-details/Article-15-in-The-Constitution-Of-India-1949-#>> accessed 15 May 2024

³² *Nainsukhdas v The State of Uttar Pradesh* (1953) AIR 384

provided for elections based on separate electorates for members of different religious communities was held to be unconstitutional.

The fact that the restriction is directed at the state and not toward private individuals is one of the crucial things to keep in mind when reading this sentence. This clause allows for horizontal reservations, such as those for individuals with visual impairments. The place of birth and place of residency are two distinct things, and states are free to discriminate based on place of residence, according to the Supreme Court's ruling in *D.P. Joshi v State of Madhya Pradesh*³³. In this instance, the State's citizens were excluded from having to pay the capitation charge. However, to be admitted to the medical college, non-residents had to pay a capitation fee. The Supreme Court ruled that this was permissible.

Mysore government reserved 68% of the seats in engineering and medical colleges in the case of *Balaji v State of Mysore*³⁴. SEBCs, STs, and SCs were given preference when reserving these seats. According to the court, this legislation went above the 50% reservation threshold that should apply to all available seats. Additionally, the court ruled that the backwardness had to be social and economic. Economic or societal factors alone cannot account for it.

The Exceptional Provisions for the EWS category are outlined in Clause 6. This clause was introduced by the 103rd Constitutional Amendment Act of 2019³⁵. The central government announced the introduction of the EWS reservation in the medical postgraduate entrance test in 2021. Nonetheless, the Supreme Court heard a challenge to this ruling. The Supreme Court heard arguments from many parties who questioned the 103rd Amendment's validity. They contended that it violates the body of precedent regarding reservations, which forbids reservations made exclusively based on economic factors. In the case of *Janhit Abhiyan v Union of India*³⁶, the Supreme Court of India decided on November 7, 2022, that the 103rd Amendment did not conflict with the fundamental principles of the Constitution.

³³ *D.P. Joshi v State of Madhya Pradesh* (1955) AIR 334

³⁴ *Balaji v State of Mysore* (1963) AIR 649

³⁵ The Constitution (One Hundred and Third Amendment) Act 2019

³⁶ *Janhit Abhiyan v Union of India* (2022) SCC Online SC 1540

The concept of a Creamy Layer developed in the case of *Indra Sawhney v Union of India*³⁷. According to a Supreme Court decision, OBCs would have a 27% priority when applying for government jobs. Additionally, it was stated that in this case, the reserve would only be made available for the initial stages of appointments and not for later phases of the promotion procedure.

The Indian Constitution's Article 15³⁸, which forbids discrimination based on religion, race, caste, sex, or place of birth, is in line with the ideas of the rule of law and administrative law. The ideals of fairness, equality, and non-arbitrariness in administrative judgments are upheld by this article, which guarantees that all governmental activities are devoid of discrimination. It emphasizes how important it is for administrative actions to follow fair and reasonable procedures. Furthermore, by guaranteeing equality before the law, opposing arbitrary power, and enhancing judicial review, Article 15 upholds the rule of law. Article 15 ensures that administrative procedures are fair, open, and responsible by incorporating these concepts, which represent the fundamental ideals of a democratic legal framework.

Article 16 (Equality of Opportunity in matters of Public Employment): The Indian Constitution's Article 16³⁹ guarantees equal opportunities in public employment. This essential provision ensures non-discrimination in public sector jobs and fosters an equitable environment to enable all residents to enjoy state-provided job prospects. Article 16 contains equality of opportunity, prohibition of discrimination, residence requirements, reservations for backward classes, EWS, and promotions. The equality of job opportunities for all citizens is covered in Article 16. This article is divided into six clauses. Equality of opportunity is the subject of clauses 1 and 2, with clauses 3 to 6 serving as their exceptions.⁴⁰

In the case of *Indra Sawhney and Ors v Union of India and Ors*⁴¹, the Supreme Court ruled on November 16, 1992, that the reservation of positions or appointments under Article 16(4) of the

³⁷ *Indra Sawhney and Others v Union of India and Others* (1992) 3 SCC (SUPP) 217

³⁸ Constitution of India 1950, art 15

³⁹ Constitution of India 1950, art 16

⁴⁰ Rayman Kaur, 'Article 16 of the Indian Constitution' (*iPleaders*, 16 January 2023)

<<https://blog.iPLEADERS.in/article-16-of-indian-constitution/>> accessed 15 May 2024

⁴¹ *Indra Sawhney and Others v Union of India and Others* (1992) 3 SCC (SUPP) 217

Constitution is limited to the original appointment. Furthermore, it does not apply to a reservation made about promotion. This Supreme Court ruling will be detrimental to the interests of the SC and STs. Because the Scheduled Castes and Scheduled Tribes' presence in the workforce in the states has not reached the necessary level, the current system of giving reservations in promotion for them must be maintained. Given its dedication to defending the rights of these communities, the government has decided to keep the current reservation policy in place for the promotion of Scheduled Castes and Scheduled Tribes. Article 16 of the Indian Constitution must be modified to do this. To achieve this, the government amended the previously mentioned article to include a new section (4A) that creates a reservation in promotion for Scheduled Castes (SCs) and Scheduled Tribes (STs).

The Indian Constitution's Article 16, which ensures equal opportunities in public employment, is essentially consistent with the ideas of the rule of law and administrative law. By guaranteeing that there is no discrimination in public employment, this provision supports the ideas of equity, equality, and non-arbitrariness in administrative decision-making. Article 16 upholds the administrative law precept that governmental activities must be reasonable and just by requiring equality of opportunity and forbidding discrimination based on religion, race, caste, sex, descent, place of birth, or domicile.

Article 17 (Abolition of Untouchability): Article 17 of the Indian constitution forbids 'untouchability' and prohibits its application in any context. Any impairment resulting from 'untouchability' will be enforced as a crime, subject to legal penalties. All Indian citizens should have equal access to everything available to the public. A crucial component of the Right to Equality is Article 17. It offers social justice besides equality.⁴²

The court defined the phrase 'untouchability' in two cases: *Jai Singh v Union of India Rajasthan High Court*⁴³ and *Devrajiah v B. Padmana of Madras High Court*⁴⁴. The court ruled that the 'practice as it had developed traditionally in the country' is the topic of Article 17, not the untouchable in

⁴² Shrishti Suman, 'Right to Equality: Article 16, 17, and 18 of the Indian Constitution' (*iPleaders*, 24 March 2024)

<https://blog.ipleaders.in/right-to-equality-article-16-17-18/#Abolition_of_untouchability_Article_17_of_the_Indian_Constitution> accessed 15 May 2024

⁴³ *Jai Singh v Union of India Rajasthan High Court* (1977) 1 SCC 1

⁴⁴ *Devrajiah v B. Padmana of Madras High Court* (1958) 36 MYSLJ

a literal or grammatical meaning. It denotes the societal limitations placed on particular groups of people because of their caste-specific birth. Therefore, it doesn't cover things like a few people being excluded from religious services or subjected to a social boycott.

In the *People's Union for Democratic Rights v Union of India*⁴⁵ case, the Supreme Court ruled that the state must act right away if any private entity violates an individual's rights under Article 17. The affected party's ability to defend or enforce their own infringed fundamental rights did not exempt the State from its constitutional duties.

Administrative law and the idea of the rule of law are strongly aligned with Article 17 of the Indian Constitution, which condemns untouchability in every facet of life. Article 17 guarantees equality before the law, which is the cornerstone of administrative law, by outright forbidding untouchability. This ensures that no one is subjected to caste-based discrimination or social exclusion. Furthermore, stating that all people, regardless of social class, are equal before the law and entitled to equal protection, is consistent with the rule of law. Article 17's enforcement tools, which include sanctions for exercising untouchability, emphasize the administrative framework's dedication to accountability and conformity to legal norms.

Article 18 (Abolition of Titles): The Indian Constitution's Article 18 addresses the abolition of titles. It forbids Indian nationals from receiving titles from any foreign state and forbids the state from bestowing any titles of honour or nobility. Academic and military honours, however, are exempt from this rule. This implies that, for example, universities may bestow titles or honours on people as per their qualifications.⁴⁶ The court decided in the landmark judgment in *Balaji Raghavan v Union of India*⁴⁷, that national awards do not qualify as titles under Article 18's first clause.

Administrative law, along with the concept of the rule of law, is in harmony with each other with Article 18 of the Indian Constitution, which condemns titles of nobility and forbids citizens from obtaining titles from other states without the approval of the President. A key component

⁴⁵ *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235

⁴⁶ 'Article 18: Abolition of titles' (*Aishwarya Sandeep*) <<https://aishwaryasandeep.in/article-18-abolition-of-titles/>> accessed 16 May 2024

⁴⁷ *Balaji Raghavan v Union of India* (1996) 1 SCC 361

of administrative law, Article 18 forbids the state from bestowing titles on people. This prevents people from receiving preferential treatment or other distinctions because of their title. Furthermore, it upholds the rule of law by stating that everyone is bound by the same laws and that title-based distinctions are inappropriate in a democracy that is based on equal opportunity and meritocracy.

CONCLUSION

To sum up, the complex relationship between administrative law and the rule of law is not only necessary but also fundamental to the efficient operation of a democratic society. Administrative law provides the required foundation for the exercise of administrative authority in a fair, responsible, and consistent manner with the law. It is the practical application of the larger ideas included within the rule of law. It ensures that administrative judgments are based on legality, reasonableness, and procedural fairness, acting as a safeguard against arbitrary state action. Administrative law makes it easier to examine government activities through processes like judicial review, which supports the idea that all people and authorities are bound by the law. In addition, accountability and openness within the administrative machinery are crucial, and administrative law ensures that public servants are held accountable for their decisions and actions. Administrative law promotes public confidence in the institutions of governance by laying out explicit guidelines and expectations for administrative behaviour. This reduces the possibility of power abuse. Moreover, administrative law protects individual liberties and rights by giving remedy to harmed parties in situations when the government overstepped its authority or violated the law. On the other hand, the fundamental ideas and standards that direct the creation and application of administrative law are provided by the rule of law. It places a strong emphasis on the rule of law, everyone's equality before the law, and the defence of fundamental liberties and rights. The rule of law guarantees that administrative operations are based on justice, equity, and respect for human dignity by enforcing these principles. It promotes the idea that no one is above the law, regardless of status or authority, and acts as a check on arbitrary political power. The Indian Constitution's Articles 14 through 18 together highlight the fundamental consistency between the values of democracy, administrative law, and the rule of law. These articles together create a strong framework that promotes justice,

responsibility, and openness in the administrative system. They ensure equality before the law, ban discrimination, abolish untouchability, and forbid titles of nobility. These provisions safeguard the rule of law by guaranteeing that governmental activities are grounded in legal principles, free from discrimination or arbitrariness, and susceptible to judicial review as required. Furthermore, by requiring procedural fairness, reasonableness, and equality in administrative judgments and measures, they strengthen the fundamental principles of administrative law. Administrative law and the rule of law essentially have a symbiotic connection, with each supporting and enhancing the other in the effort to create a legal framework that is fair, just, and sensitive to societal demands. Collectively, they serve as the cornerstone of a democratic legal system, which is defined by the responsibility of using governmental power, respect for individual rights, and conformity to legal standards.