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ADMINISTRATIVE LAW- THE GUARDIAN ANGEL OF IDEAL GOVERNANCE

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Abstract:

When one thinks of administrative law, the fundamental idea is to ensure that the administration by the government in all aspects, by all means, is fair and un-arbitrary. It is simply a body of laws, i.e. the compilation of all rules, regulations, ordinances and promulgations that govern and control all the administrative actions undertaken by any government. It is profoundly significant in erecting an efficient bridge between the government and the citizens of the country, thereby ensuring rule of law. In addition, one distinct aspect of administrative law is that it is not one single codified legislation unlike constitutional law or criminal law. Administrative law as it includes various sectors and departments of governmental functions cannot be codified under a single piece of enactment. For instance, the Indian Administrative Law cannot be found in one single legislation but the guidelines and regulations for administration can be found under the Right to Information Act, 2005, Commission of Inquiry Act, 1952, The Administrative Tribunals Act, 1985 and a few other legislation. Here, each of the three laws mentioned contributing to effective administration in some department of the government. If we consider the Right To Information Act as an instance, it acts as machinery for common citizens to check the proper functioning of the government and scrutinize the entire administration. Similar way acts the other two legislation in aiding the administrative actions under the government. This article analyses why the use of comparison has been so vastly diverse between the two areas of public law. It then surveys some recent developments in administrative law and points to several aspects of the field that would benefit from the wider use of comparative methods across the world. This research has specifically thrown light upon the administrative law in India and what legislation contribute to the proper functioning of the government agencies. Furthermore, this comparative analysis will equally extend to the comparison of administrative laws in other countries as well to appreciate a holistic understanding for the readers of this research.

Introduction

"Law is a reason free from passion- Aristotle"

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In legal studies, one of the popular concepts under the system of nation-state and government is that the governance provided by the government must be just, fair and unarbitrary. In other words, the principles of natural justice proclaim all the administrative authorities of the government body to be unbiased and honest in their executive actions and this can be ensured only by administrative law. As the famous British Jurist Albert Venn Dicey rightly said, "Administrative Law is that portion of a nation's legal system which determines the legal status and liabilities of all state officials and defines the rights and liabilities of private individuals in their dealing with public officials",[1] it is simply a body of laws, that is a compilation of all rules, regulations, ordinances and promulgations that govern and control all the administrative actions undertaken by any government. This administrative law plays a very significant role in creating an efficient bridge between the government and the citizens of the country, thereby ensuring rule of law. In addition, one distinct aspect of administrative law is that it is not one single codified legislation unlike constitutional law or criminal law. Especially in the 20th century, after many of the world countries escaped colonialism(imperialism) and became democratic and independent nations forming their constitution, administrative law took a new shape and vibrant image. With each government forming their constitution and other administrative rules for effective governance, the aspect of administrative law grew in a multi-dimensional manner.

Administrative law as it covers various sectors and departments of governmental functions cannot be codified under a single piece of enactment. For instance, the Indian Administrative law cannot be found in one single legislation but the guidelines and regulations for administration can be found under the Right to Information Act, 2005, Commission of Inquiry Act, 1952, The Administrative Tribunals Act, 1985 and a plethora of other legislation. Here, each of the three law mentioned contributing to the effective administration of some department of the government. If we consider the Right To Information Act as an instance, it acts as machinery for common citizens to check the proper functioning of the government and scrutinize the entire process of administration. Similar way acts the other two legislation in aiding the administrative actions of the government. This paper analyses why the use of comparison has been so vastly influencing the government actions and how it impacts people creating and maintaining a good relationship between the state and its subjects. It then surveys some recent developments in administrative law and points to several aspects of the field that would benefit from the wider use of comparative methods across the world. This research has specifically thrown light upon the administrative law in India concerning several laws contributing to the effective functioning of the government agencies. Besides, this comparative analysis will also extend to the

[1] The Meaning, Scope, Definition and Significance of Administrative Law - Law Times Journal, Law Times Journal (2019), https://lawtimesjournal.in/the-meaning-scope-definition-and-significance-of-administrative-law/ (last visited May 13, 2021).

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comparison of administrative laws in other countries as well to give a holistic understanding for the readers of this research.

Administrative Law- State and its citizens

Before entering into the structure of administrative law or what(laws) all it is made up of, one must realize its relevance in the modern government how it plays a very crucial role in connecting people and government. If there is a government, it is very evident that all its functions will mostly impact the daily lives of people. So now that we have understood a government action will adversely affect people, those actions need to be regulated and channelized to ensure that it does not go beyond limits and are fair to all people. So to ensure this noble idea that government actions should impact positively and these actions need to be fair and just, there are several laws created and applied and these laws together are administrative law and this is its primary significance. In this respect, the constitution is highly linked with administrative law.[2] To prove this narrative, the idea of independence of India and the Indian Constitution can be used as an analogy. Many of our forefathers fought for independence struggle and we legitimized our independence and freedom through our constitution. From then on, our countries' citizens were governed by the Indian government according to the constitution of India. Now, the constitution here enables the rights of an individual under part 3. Articles 14, 19 and 21 of the Indian Constitution which is also known as the golden triangle of the Constitution is very crucial in ensuring very basic rights to the citizens by the government.[3] These ensure the rights against government reassuring the citizens that the government by any of its functions cannot interfere with these rights of people. Article 14, 19 and 21 are rights enforceable against the state if it is violated. According to American Legal Scholar Kenneth Culp Davis, "Administrative law as the law concerns the powers and procedures of administrative agencies, including especially the law governing judicial review of administrative action".[4] In this regard, the Indian constitution is a clear representation of administrative law as KC Davis said because, if your fundamental rights under part 3 are violated, the citizens of the state can enforce it against the state using article 226 and article 32 of the Constitution. The reason this narrative is used

[2] Richa Goel, Relationship Between Administrative Law And Constitutional Law - iPleaders iPleaders (2021), https://blog.ipleaders.in/relationship-administrative-law-constitutional-law/ (last visited May 13, 2021).

[3] Kanchan, The Golden Triangle of the Indian Constitution - Indian Law Portal, Indian Law Portal (2021), https://indianlawportal.co.in/the-golden-triangle-of-the-indian-constitution/ (last visited May 13, 2021).

[4] Ishwor Thapa, *Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources*, Public Administration Campus, Tribhuvan University, Nepal (2020), http://file:///C:/Users/Edgar/Downloads/AdministrativeLaw_ConceptDefinitionNatureScopeandPrincipleanditsSources_IshworThapa.pdf (last visited May 13, 2021).

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in this discourse is to establish that the high relationship between citizens and the state is ensured by administrative law. This is ensured by several means like judicial review, institutional scrutiny and transparency. In addition, another important aspect to be dwelled upon is the difference between citizens and subjects. When the administrative law is established in a democratic method, it gives people a lot of rights including the golden triangle. Such people with granted rights in a democracy are known as citizens whereas people under arbitrary and authoritarian rule are referred to as subjects.[5] In India, when the constitution came and guaranteed us a lot of freedom and rights like free speech, freedom to religion, right to equality, life and personal liberty, the subjects of the monarch turned to citizens and this was only enured by the bedrock of Indian administrative law i.e the constitution.

Besides, another narrative that can help readers understand the bridge of administrative law between people and government is something that involves and directly impacts our daily lives i.e guidelines passed by executive authorities promptly. By this, the researcher refers to timely regulations and guidelines passed by administrative authorities as a part of governance and these are exclusive of laws passed by the competent legislatures. People would have witnessed rules relating to the plastic ban in their respective districts introduced by the district collectors. These are also part of administrative law which very closely connects citizens and government. In a very relevant and contemporary context, the lockdown guidelines announced by the State and Central government are very much a part of administrative law. These lockdown guidelines are referred to as delegated legislation or by-laws. Delegated Legislation are rules that are formed or created for temporary or permanent usage under a parent act by an executive authority i.e usually a minister of the corresponding portfolio. In the Indian context, the parliament which is the supreme legislative body delegates the legislation to an executive and give him the powers under the act to make detailed laws within the limit specified in the same act of parliament.[6] The parliament does not have the power to delegate its essential legislative powers to the executive, however, it shall provide in the legislation itself the basic guidelines for the executive to follow for it to frame rules under the parent act. Similarly, the executive cannot frame rules which go beyond the mandate of the Act[7]. This delegated legislation forms a very important part of administrative law because it something made by the executive (members of government who are part of the

[5] Luc Borot, *Subject and Citizen: The Ambiguities of the Political Self in Early Modern England*, 21 Revue française de civilisation britannique (2016), https://journals.openedition.org/rfcb/735 (last visited May 13, 2021).

[6] Amanat Raza, Delegated legislation in India iPleaders (2020), https://blog.ipleaders.in/delegated-legislation-in-india/ (last visited May 13, 2021).

[7] Arvind Kurian Abraham, Delegated Legislation: The Blindspot of the Parliament The Wire (2019), https://thewire.in/government/delegated-legislation-parliament-executive (last visited May 13, 2021).

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administration) and not just the legislature. In this regard, the coronavirus lockdown guidelines released by the collectors, state government, central government and other administrative authorities all come under delegated legislation. Section 10 of the Disaster Management Act gives the power to the central government to "lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster."[8] The Modi government invoked this section last year to lay lockdown rules for the entire country. Concerning the rules relating to lockdown by the state government, the power is given under section 2 of the Epidemic diseases Act which says that the government can "prescribe such temporary regulations to be observed by the public or by any person or class of persons as it shall deem necessary to prevent the outbreak of such disease".[9] This is very tangible and highly relatable evidence for delegated legislation. The significance of this legislation is that the lockdown rules highly impacted people's daily lives, it is to protect the lives of people by containing the virus and ultimately, these rules build a strong relationship between the citizens and the government reiterating the bridging tendency of administrative law.

This delegated legislation has three types of control namely judicial review, procedural control and legislative oversight.[10] When a law by parliament infringes a person's fundamental right, the citizen can approach the judiciary using article 226 and 32 and the court can strike them using article 13. Similarly delegated legislation is also subject to judicial review. They are also subject to oversight by the legislature and the parliamentary committees and the third form of control is the procedure in the parent act itself.

In the case of *Indian Express Newspapers (Bom) (P) Ltd. v. Union of India*, the Supreme court held that even Delegated Legislation can be challenged before the court on certain grounds. They may be challenged on the grounds that it is unreasonable and ultra vires.[11] Also, Justice Engalaguppe Seetharamiah Venkataramiah(Former Chief Justice of India) quoted Professor Alan Wharam's work about England law, "It is possible that the courts might invalidate statutory instrument on the grounds of unreasonableness or uncertainty, vagueness or arbitrariness".[12] By this, the judiciary gave a very loud message that administrative law is subject to high judicial review if it is not fair towards people and thus it ensures the citizens' connection with the government.

[8] Disaster Management Act, 2005, Section 6 (2005).
[9] Epidemic Diseases Act, 1897, Section 2 (1897)
[10] Devansh Kaushik, The Indian Administrative Response to COVID-19 Administrative Law in the Common Law World (2020), https://adminlawblog.org/2020/05/05/devansh-kaushik-the-indian-administrative-response-to-covid-19/ (last visited May 13, 2021).
[11] *Indian Express Newspapers (Bom) (P) Ltd. v. Union of India ,1985 SCR (2) 287*
[12] Alan Wharam, *Judicial Control Of Delegated Legislation: The Test Of Reasonableness*, 36 The Modern Law Review 622-623 (1973), https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-2230.1973.tb01390.x (last visited May 13, 2021).

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In the case of *State of M.P. v. Bhola*, the Supreme Court held that if the delegated legislation is violative of the constitution or it goes outside the ambit of the limit established by the parent act, it shall be struck by the court. It also said that "where the enabling Act itself permits ancillary and subsidiary functions of the legislature to be performed by the executive, the delegated legislation cannot be held to be in violation of the enabling Act." This opinion by the court makes one thing clear to us that the administrative authorities cannot misuse this quasi-legislative authority given to them and if they do so with this discretion, then it would be subject to judicial review and the court can interfere and strike down the law to protect people's interest. In such a manner, this paper establishes that administrative law is crucial in ensuring the relationship between citizens and the state(including delegated legislation). Also, it is evident now that the administrative law is subject to high scrutiny and it can be enforced in the court if it is found to be violative.

Comparative Analysis of Different Legislation in India

As already mentioned in this paper, the structure of administration is so wide and complex that it is made up of a myriad of laws made for effective governance and ensuring people's rights. This chapter will take the reader a short ride to a few of the very important legislation that adds up to administrative law and aid the administrative functioning of this country. As one would have known at least by now that administrative law is for guiding the actions for officials under the executive wing(the other two are the judiciary and the legislature) of the government, one of the most common and very familiar people under the executive wing is the police department who take care of the law and order. They are part of the executive (or) the administrative body who can be found with much proximity with people's daily lives.

These executives are governed by legislation under the administrative law known as the Indian Police Act, 1861 which is colonial legislation brought in by the British after the great mutiny of 1857. This is the law that lays down the rules for the police officers to perform their executive function, enforce the law and protect the law and order of the state. But the problem with this law is that, when it was brought by the British after the revolt, this law was created in a manner that makes police force unaccountable to anyone except his superior or executive, an unfriendly policing and it reflected political dominance and authority in even the normal tasks of arrest and detention. This gives iron hands to police and gave them the power to act arbitrarily and perform state-sponsored arrests and torture. The main issue is that even after independence, the parliament did not ponder on this much to reform the law or to bring in new legislation to mitigate police brutality. It was first in 1977 after the gory and bloodshed regime of Indira Gandhi's emergency that independent India's National

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Police Commission was set up and it reported 8 volumes of suggestions and recommendations.[13] However, the NPC failed to achieve what it was meant to when Indira Gandhi came back to power in 1980. Therefore, as there is a lacuna in the administrative law guiding police, the repercussions were felt all across the country in the form of multiple violence and clashes.

To address this serious issue, several attempts were made including the recommendations and suggestions reported by the Julio Ribeiro Committee of 1998, the Padmanabhiah Committee of 1999, the Malimath Committee of 2000 and the recommendations of the National Human Rights Commission.[14] Besides this, a retired police officer named Prakash Singh filed a Public Interest Litigation before the Supreme Court seeking reforms in the law guiding police actions.[15] The Supreme Court in 2006 provided the landmark judgement in this case seeking all the states to bring in police reforms.[16] By the judgement, the court issued seven guidelines to the states to bring in reform in the laws governing police actions.[17] The recommendations included Setting up of State Security Commissions (SSC), Fixing the tenure (minimum of two years) and merit-based transparent selection of the DGP, A minimum tenure for the Inspector General of Police, separation of investigation and law and order functions, setting up of Police Establishment Boards, creating a Police Complaints Authority, forming a National Security Commission.[18] In the case of Shri D.K. Basu, Ashok K. Johri vs State Of West Bengal, State Of U.P, the Hon'ble Supreme Court in 1996 made a landmark ruling and issued 10 guidelines for the police to follow while making arrest keeping in mind human rights concerns.[19] This ruling was found with very much relevance with the constitution in article 21, 22 etc. By and large, all these reforms in the police-related legislation added to the administrative law contributing to fair and equitable administration.

[13] K.S Subramanian, The Sordid Story of Colonial Policing in Independent India The Wire (2021), https://thewire.in/government/sordid-story-colonial-policing-independent-india (last visited May 13, 2021).

[14] .S Subramanian, *Are Indian Police a Law Unto Themselves?- A Right Based Assessment*, Social Watch India Perspective Series Vol.: 3 National Social Watch Coalition (2021), https://www.socialwatch.org/sites/default/files/swindia/Perspective-3_SWIndia_Indian-Police.pdf (last visited May 13, 2021).

[15] Mohamed Thaver, Explained: The 2006 Supreme Court ruling on police reforms; how states circumvent it to influence postings The Indian Express (2021), https://indianexpress.com/article/explained/explained-2006-sc-ruling-police-reforms-states-circumvent-influence-postings-7251526/ (last visited May 13, 2021).

[16] Aishwarya Padmanabhana, Prakash Singh v. Union of India An analysis of Police Reforms SCC Online (2011), https://www.supremecourtcases.com/index2.php?option=com_content&itemid=135&do_pdf=1&id=21218 (last visited May 13, 2021).

[17] *Prakash Singh & Ors vs Union Of India, (2011) PL May S-12*

[18] Law Commission of India, Code of Criminal Procedure, 1973, Report No.154, (1996).

[19] *Shri D.K. Basu,Ashok K. Johri vs State Of West Bengal,State Of U.P, AIR 1997SC 610*

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In a similar fashion, the Right To Information Act, 2005 is another important milestone in Administrative Law. Even this law has much to do with the Emergency period of Indira Gandhi 1975-1977, a time during which people's voices were suppressed, suppression of the press, media and censorship happened to culminate the abuse of power.[20] It was during this time(1977 elections) that the Janata party in its election manifesto promised for a more open government and transparent governance and after they won, the then Prime Minister Morarji Desai created a group to modify the Official Secrets Act, 1923 to make the information flow to the public but the work of the group was of no benefit.[21] However, this was a major factor igniting the idea of transparent governance the result of which is RTI which we are benefitting now. In the case of Mr Kulwal v. Jaipur Municipal Corporation, the Supreme Court held that the right to information is a right under Article 19(1) because one cannot exercise free speech without full access to information.[22] Then after a lot of recommendations by various organizations, the Tamil Nadu government was the first state to enact the RTI Act in 1996. Later on, the Freedom of Information Bill was introduced in the parliament in 2000 and after being a pending bill for 2 years, it got passed in 2002 following which the final legislation of RTI Act came in 2005. This paper took much effort to elaborate about RTI Act because it is a very crucial part of administrative law and ensuring democracy in the government. This specific administrative law is used to have a check on the government's corruption and scrutinize executive actions. It brought to light a lot of corruptions and scam in the government and one such example is the RTI applications filed by activists Yogacharya Anandji and Simpreet Singh in 2008 exposed the infamous Adarsh Housing society scam, which eventually led to the resignation of the then Maharashtra chief minister Ashok Chavan.[23] The Adharsh House Society scam, 2G spectrum scam, Common Wealth Games scam and a lot of other scams by the administrative authorities were brought to light using this Right to Information Act of 2005. Commonwealth Human Rights Initiative (CHRI), an International NGO for Human Rights found that over 1.75 crore RTI

[20] Himanshu Jha, Long before RTI Act, the Janata Party was already pitching for 'openness' in govt ThePrint (2020), https://theprint.in/pageturner/excerpt/long-before-rti-act-janata-party-was-already-pitching-for-openness/528201/ (last visited May 13, 2021).

[21] Shreya Pandey, Administrative Reforms Commission in India : impact and relevance iPleaders (2021), https://blog.ipleaders.in/administrative-reforms-commission-india-impact-relevance/ Mr Kulwal v. Jaipur Municipal Corporation, 1987 (1) WLN 134 (last visited May 13, 2021).

[22] *Mr Kulwal v. Jaipur Municipal Corporation, 1987 (1) WLN 134*

[23] Right to information: What 11 years of the RTI Act of 2005 have done for India-India News , Firstpost, Firstpost (2016), https://www.firstpost.com/india/right-to-information-what-11-years-of-the-rti-act-of-2005-have-done-for-india-3047286.html (last visited May 13, 2021).

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applications have been filed from 2005 to July 2014.[24] Therefore, the role of the Right to Information Act has also been tremendous in ensuring equity and fairness in the administrative process.

The Lokpal and the Lokayukta legislation has also been a very major claim from the people for ensuring honesty in the administrative process. The Lokpal and Lokayukta Act, 2013 was "for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto."[25] This law seeks its origin from the concept of the Ombudsman who is a person to be in charge of checking the fairness of the administrative action. For the first time in India, the former law minister Ashok Kumar Sen proposed the concept of constitutional Ombudsman in Parliament in the early 1960s. Further, Dr L. M. Singhvi coined the term Lokpal and Lokayukta.[26] After a few years in 1966, the First Administrative Reforms Commission which was made to make public administration better in India recommended setting up two independent authorities at the central and at the state level to check into the complaints against officials.[27] However, this didn't come into action for a long time and finally got its life in 2013 almost after half a century. This Ombudsman system is very important in the administrative law because this would ensure people's trust in the government and reduce maladministration. Likewise, the Commission of Inquiry Act, 1952, Administrative Tribunals Act, 1985 and a lot of other legislation together make up the administrative law ultimately to make the executive process better and ensuring good governance in the country.

Comparison of the Indian Administrative law with other countries

One thing which has become very evident by comparing the Indian administrative laws with that of the laws globally, India is far behind and has a lot to improve and there are two important reasons for the same. The first reason is that we as a country have not even reached a century since our independence and our laws are still very dynamic and tremendously evolving daily. But is this 70 years not enough to raise a robust administrative framework? The answer is definitely not no. It would have been far better than this if our public authorities had given even more thought to it. This brings us to the second reason which is the

[24] Aneesha Johny, Amrita Paul & Seema Choudhary, *Information Commissions and the Use of RTI Laws in India*, 2 Human Rights Initiative (2014).
[25] Lokpal and Lokayukta act, 2013
[26] Devansh Sharma, Lokpal and Lokayuktas under the Lokpal and Lokayukta Act, 2013 iPleaders (2021), https://blog.ipleaders.in/lokpal-and-lokayuktas/ (last visited May 13, 2021).
[27] Administrative Reforms Commission, Interim Report: Problems of Redress of Citizens' Grievences, October 20 (1966), https://darpg.gov.in/sites/default/files/01_ARC_Interim_Report07162019124141.pdf, (last visited May 13, 2021).

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unwillingness of the Indian administrators to set up a framework to scrutinize their actions. It can be seen from the fact that RTI Act took almost 30 years (from 1977 to 2005) to be enacted from the first time it got bloomed(1977 elections). The Ombudsman Policy took 50 years to become law since the idea was spelt by Ashok Kumar Sen in 1960 and still it is not working properly. Thus, we must surely need to learn lessons from our foreign counterparts in building up our administrative law and to ensure good governance.

The main goal of these laws is to ensure two things, 1. Keeping the bureaucrats and public officials away from the influence of partisan politics in their decision making and 2. Honestly perform their duty refraining from corruption, maladministration and doing the business of the nation. Many countries across the globe have fulfilled this duty far before we began discussing this problem. Articles 97 and 98 of the Constitution of the Italian Republic has very clearly stated the nature of administrators' work.[28]

"Art. 97 Public offices are organised according to the provisions of law, to ensure the efficiency and impartiality of administration. The regulations of the offices lay down the areas of competence, the duties and the responsibilities of the officials. Employment in public administration is accessed through competitive examinations, except in the cases established by law. Art. 98 Civil servants are exclusively at the service of the Nation. If they are Members of Parliament, they may not be promoted in their services, except through seniority. The law may set limitations on the right to become members of political parties in the case of magistrates, career military staff in active service, law enforcement officers, and overseas diplomatic and consular representatives."

Needless to elaborate what these two provisions mandate the administrators of the country demand them to be, it requires them to act freely and fairly following the principles of natural justice and without political motivation. If we turn towards Germany, article 33 sub-clauses 2, 3, 4 and 5 of the Basic Law for the Federal Republic of Germany talks about the ethics and code of a public servant while performing his public functions.[29] Also, article 34 of the same law imposes liability on a public servant if he misuses his office. Besides, one of the most important country to be considered when learning about administrative law is indubitably the French Republic. It is an idea that originated from France, the concept of Droit Administratif or an embodiment of administrative rules. This Droitt administrative is specifically about citizens right against

[28] Constitution of Italian Republic, (1947).
[29] Basic Law for the Federal Republic of Germany, (1949).

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public officials for the unlawful acts committed by the public official in their official capacity.[30] Albert Venn Dicey, an English Jurist identified the distinguishing features of this French's administrative law. He explained that these cases of ordinary people against the public officials are not tried in ordinary courts but a separate administrative court called Conseil d'Etat. Their administrative law is considered to be one of the best in the world. In fact, a lot of French jurists and writers have unanimously agreed that "without the possibility of contradiction that there is no other country where the rights of private individuals are so well protected against the arbitrariness, the abuses and the illegal conduct of the administrative authorities and where they are so sure of receiving reparation for injuries sustained on account of such conduct."[31]

Any discourse about administrative law must never leave out mention about the Ombudsman system. India saw it only in 2013 legislatively and is still not in its full functioning ability due to a myriad of reasons. When we look at this at a global level, many countries established the Ombudsman system far before us. Finland set up Ombudsman in 1919, Britain in 1967, the Netherlands in 1984, New Zealand in 1962 and a lot of other world countries made their parliamentary Ombudsman system in the 20th century itself.[32] When we think about the RTI Act, 2005, it is astonishing that almost 70 countries of the world have far before enacted the legislation necessitating the Freedom of Information.[33] Besides, the UN Convention on Anti-corruption was approved by the General Assembly in October 2003 and adopted in December 2005 after it was ratified by 30 countries which India ratified in 2011.[34] In England, A V Dicey recognized the presence of administrative law in the English soil only after two major cases Board of Education v. Rice[35] and Local Government Board v. Arlidge[36] and it was only after these two cases that administrative law was started practising in England.[37] A very unique feature of the American style of administrative law is that they followed a policy of "notice-and-comment rulemaking". For example, if the government needs to enact laws on consumer protection or labour safety standards or any other public law, they send out a notice of the proposed rule to the public, allow the people to comment on the rule, and they will respond to any objections in a "concise general statement"

[30] Mohd Aqib Aslam, Administrative Law Droit Administratif Legalserviceindia.com (2021), http://www.legalserviceindia.com/legal/article-2060-administrative-law-droit-administratif.html (last visited May 13, 2021).
[31] James W. Garner, *French Administrative Law*, 33 The Yale Law Journal (1924), https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3026&context=ylj (last visited May 13, 2021).
[32] Francis Bignami, "Comparative Administrative Law," in The Cambridge Companion to Comparative Law 145-170. (Mauro Bussani and Ugo Mattei eds., 2012).
[33] David Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws*, SSRN Electronic Journal (2006), http://www.freedominfo.org/documents/global_survey2006.pdf (last visited May 13, 2021).
[34] United Nations Convention against Corruption, 2005
[35] *Board of Education v. Rice, 1911 AC 179*
[36] *Local Government Board v. Arlidge, [1915] AC 120*
[37] Vivek Ranjan, *Rule of Law and Modern Administrative Law*, SSRN Electronic Journal (2010).

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explaining the rationale for the rule.[38] Thus, different countries have structured their administrative law in a suitable manner each of which the Indian lawmakers can learn a lot to introduce reforms in our system.

Conclusion

In this paper, the researcher had made a genuine attempt to identify different laws in different dimensions also from different countries and compare them all together to prove how administrative law functions and aids the system robustly to govern the nation using a different piece of legislation and provisions corresponding to the subject matter of the administration. The researcher had found the very slow pace in which the Indian Administrative law made its growth and still has lacunae in many of its areas especially concerning the Ombudsman system. Also, this research has drawn a line of difference between how countries across the globe are different from India in their way of structuring their administrative legal framework and how forward several countries are concerning Right To Information and Anti-corruption bodies. By this, the researcher claims to the lawmakers of the nation to dwell more on raising the legal framework legitimizing executive action and assuring its un-arbitrariness and building people's trust over the government. For this, they have to look back at our forefathers struggle for a democratic government, a struggle which was in the great hope that our sons and grandsons will establish a government that will uphold people's rights and never deceive them. The lawmakers can look at the reports and recommendations of various commissions especially, the Administrative Reforms Commission. Also, the lawmakers can take a look at the legislation of their foreign counterparts and analyze how they can be customized and adapted to the Indian democracy. This Research also established the connection between citizen and the state and how administrative law plays an important role in strengthening that connection. By and large, the research has proved its purpose, that is to understand the administrative law in comparative jurisprudence.

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[38] U.S.Code, Title 5, Part 1, Chapter 5, Sub-chapter 2, § 558, (1926).

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