PREFACE

Much water has flowed from under the bridge during the last decades of the Nineteenth Century since the legal writers began to explore the field of administrative law. Both the desirability of the growth of administrative power and the proper scope of judicial review over the administrative authorities are subjects of controversy. The courts have demonstrated unique judicial activism in this field.¹

There is no denying the fact that our system of administrative law has its roots in the English public law. Any study of Indian administrative law would be incomplete without a reference to English law and the laws of other countries of the common law world. It being a comparative study, an attempt has, therefore, been made to draw analogies from these systems of law. But at the same time it has been observed that greater emphasis is placed upon the development of this particular branch of public law in our own country. Our greatest concern to-day, particularly when we have set out before us a goal to usher in a welfare state with egalitarian overtones, is to safeguard the interest of the citizen and their rights against arbitrary interference of executive authorities. The system of courts that we have established and the powers vested in them are adequate to protect not only the interest of welfare State but also the rights of the citizen.
To enable them to exercise their solemn function as protector of the citizen's rights, the courts must have clear-cut ideas as to when they would interfere, particularly in matters pertaining to jurisdiction of public authorities. It is a established principle that any order or decision made by an authority in the absence of jurisdiction or in excess of jurisdiction is a nullity in law. This being the most important basis of the supervisory jurisdiction exercised by the superior courts, it was thought to be a most appropriate topic for discussion in a thesis.

The present study, therefore, seeks to probe into specific issue in relation to the jurisdictional principle having relevance to the scope of this topic in the light of recent developments. The study attempts to explore the concept of jurisdiction as a sound basis in keeping the administrative power within the framework of adequate judicial review.

At present, there are only two grounds on which the courts are empowered to check statutory powers namely ultra vires, and error on the face of record. Therefore in order to provide greater protection to the citizen against the arbitrary exercise of powers, we have to explore new areas which will widen the scope of judicial review so that the courts may become our true protector in the real sense and keep administrative authorities under the law.