

CLASSIFICATION OF ADMINISTRATIVE ACTION

- Administrative authorities can take effective steps for enforcement of the aforesaid preventive measures; e.g. suspension, revocation and cancellation of licenses, destruction of contaminated articles, etc.
- which are not generally available through regular courts of law.
- Whether the act of executive authority is purely administrative, quasi-judicial or quasi-legislative in character is very difficult to determine. Because there is no precise test to distinguish these functions from one another. Again, some times a single proceedings may contain various aspects of the three functions. Courts also have not been able to formulate any definite test for the purpose of making such classification. But as many rights are concerned with it and many consequences flow from it. The classification is essential and inevitable. As for example- if the executive authority exercise judicial or quasi-judicial function it must follow the principle of natural justice and is amendable/accountable to the writ of certiorari or prohibition, but if it is an administrative, legislative or quasi-legislative function, this is not so. On the other hand if the action of the executive authority is legislative in character, the requirement publication, consultation, laying on the table etc. should be complied with, but it is not necessary in the case of pure administrative functions. It is therefore, necessary to determine what type of function the administrative authority performs.

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TYPES OF ADMINISTRATIVE ACTION

- Administrative action can be of four types:

Administrative Legislative Action

- Admin performing legislative action & admin officer acting as a legislator
- Where in the administration puts on the hat of the legislature.
- Administrative legislative action includes rule-making action as well as delegated legislation. Many decisions can be taken only by the grass root authorities and there are practical limitations on every legislative organ, making it impossible to legislate on all kinds of possibilities.

Quasi-judicial action or administrative adjudicatory action

- Admin performing judicial action In these cases, the administration performs functions which can be put under the judicial domain as there is some effect on legal rights of the individuals involved in the matter.

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Simply Administrative Action

- All the actions undertaken by administrative authorities, other than the two types of actions mentioned before, the rest are called 'Administrative Actions' which essentially deal with execution of crucial administrative decisions
- In administrative action, there is discretion to the administrative authority (that is, official has the right to exercise his/her own understanding in dealing with the matter)

Ministerial Action

- those actions which are copybook action and no discretion is vested with the authority (that is there is only one way of performing that action), such action will be called purely administrative action or ministerial action.

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- Individual is at option to bring writ petition when public functionary commits wrong or violates his rights. But individual leaves not option when government held him accused. He has to protect himself to prove innocence. A single individual cannot protect his skin solely and here a lawyer helps him out and law profession comes into action to aid him.

Note

Hence, as it is clear from the aforesaid classification, *it would be wrong to say that Administrative law deals only with the execution of policies or that it is only procedural in nature.* In contemporary times, it can be called a full-fledged discipline which is very substantive in nature.