

ADMINISTRATIVE LAW

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INTRODUCTION:

- ◉ Administrative law is a part of Public Law, the other part of which is constitutional law.
- ◉ Administrative law is a body of rules relating to public administration.
- ◉ Constitutional law, on the other hand, deals with the organization or machinery of the government.
- ◉ Administrative law is concerned with the parts of the governmental machinery and their inter relationships and also the way in which each one of them functions.
- ◉ Administrative law is understood in two ways, broad sense and narrow sense.

MEANING

- In the broad sense, administrative law includes all those charters, resolutions, judicial decisions and orders relating to the entire structure of administrative authority.
- In the narrow sense, it refers only to that part of public law which determines the amount of discretion permitted to administrative agencies and officials.
- In countries like France, there is administrative law, which provides a separate code of conduct for public servants.

MEANING

- Under the administrative law system, there are two sets of rules -
- One set of rules applicable to public servants and another for private citizens.
- Public servants have certain specific privileges and these can be misused.
- In case of misuse of these privileges, the affected individual can approach administrative courts for compensation of the damages incurred.

DEFINITIONS:

- According to Ivor Jennings, “Administrative law is the law relating to the administration. It determines the organization, powers and duties of administrative authorities and indicates to the individuals the remedies for the violation of his rights.”

FEATURES OF ADMINISTRATIVE LAW:

- ◉ Some of its features are given below -
 1. It relieves the public officials of the **jurisdiction of ordinary courts** for their official acts.
 2. **A special tribunal** is set up to try officials when the latter are sued by private individuals for their wrongful acts.
 3. It deals with the rules relating to the **validity of administrative decrees**.
 4. It **distinguishes official acts from personal acts**.

FEATURES OF ADMINISTRATIVE LAW:

5. It awards compensation to private individuals for injuries sustained by them at the hands of the arbitrary state authorities.
6. It regulates the relations of administrative authorities towards private citizens.
7. . It determines the competence of administrative authorities.
8. It lays down the methods of granting redress to sufferers under administrative acts.
9. It determines the position of the state, officials and rights as well as liabilities of private citizens.
10. It also prescribes the procedure for the enforcement of these rights and liabilities.

SOURCES OF ADMINISTRATIVE LAW:

- ◎ main sources of administrative law are the following -
 1. The constitution of the country.
 2. The statutes of the legislature,
 3. The Charters, acts of the local bodies enacted by the legislature,
 4. Orders, ordinances, directions and decisions of the administrative authorities,
 5. Customs and conventions,
 6. Judicial decisions of the courts, etc.

SCOPE OF ADMINISTRATIVE LAW:

- ◉ Administrative law covers the whole of public administration.
- ◉ Its scope covers the following -
 1. Problems of public personnel,
 2. Problems of financial administration,
 3. Legal conditions in administrative discretion,
 4. Administrative law and administrative courts,
 5. Administrative regulation,
 6. Administrative examination,
 7. Govt. contracts,
 8. Claims against government,
 9. Remedies against administrative action,
 10. Law relating to the status and recognition & recognition of professional association,
 11. Legal rule as applicable to the action of plural headed administrative bodies.

REASONS FOR THE GROWTH OF ADMINISTRATIVE LAW:

- Following are the important factors which contributed to the growth of administrative law. They are -
 1. Impact of urbanization & Industrialization,
 2. Flexibility of standards is the need of the hour,
 3. Discretion to public servants found helpful,
 4. Suitable standards to deal with technical matters necessitated,
 5. Experimental stage.

1. IMPACT OF URBANIZATION & INDUSTRIALIZATION:

- ◉ The laissez-faire policy suffered an eclipse.
- ◉ The state had to appear as the custodian of the welfare of the people.
- ◉ This resulted in the regulation of the rights and liberties of the individual.
- ◉ This resulted in the emergence of special types of laws known as administrative law which subordinated the common law.
- ◉ Individual rights and liberties replaced by common good.
- ◉ In other words, it emphasized social interest rather than the individual freedom.

2. FLEXIBILITY OF STANDARDS IS THE NEED OF THE HOUR:

- ⦿ Administrative law is more flexible than the traditional laws.
- ⦿ Such a flexibility is needed for achieving socio-economic development.

3. DISCRETION TO PUBLIC SERVANTS FOUND HELPFUL:

- Discretion to public servants found helpful for the efficient management of public service.

4. SUITABLE STANDARDS TO DEAL
WITH THE TECHNICAL MATTERS
NECESSITATED.

5. EXPERIMENTAL STAGE: