

## Examrace

# Nature, Branch of Public Law, Scope and Importance of Administrative Law

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## Nature

- Branch of public law.
- It is not a codified law but is a judge made law.
- Administrative law is based on a well-known legal maxim called 'ubi jus ibi remedium', 'wherever there is a right there is a remedy.'
- It governs all the administrative functions, operations and creation of such government agencies.
- powers granted to the administrative agencies, substantive legal rules made by them, legal relationship between such agencies and government bodies.
- Ex- Environment management agency carrying out statute law.
- It is the law governing the administration and regulation of govt. agency including federal and state.
- Such agencies act as agents for executive.
- The execution and implementation of the programme are done by govt. leading to massive abuse of power.
- Lord Denning, "properly exercised, the new powers of the executive lead to welfare state; but abused they lead to totalitarian state."
- The main object of Administrative law is to keep in check the discriminations of the administrative powers to avoid the abuse.

Schwartz divides administrative law into three parts:

- The powers vested in administrative agencies.
- The requirements imposed by law upon the exercise of those powers.
- Remedies available against unlawful administrative actions.

## Scope

- The policy of *Laissez Faire* has changed, and the activities of government is not restricted till the defence and justice system .Hence this branch of study is important to govern the functioning of the administrative agency.
- Judicial system was not very efficiently handling the burning issue of lockouts and strikes also because it is overburdened with the current social problem. Hence labour courts and tribunals are created to share the burden.
- It was difficult for the legislature to make detailed rules and procedure for the administrative function; hence it was required to delegate some powers to the administrative authorities.
- Administrative tribunals are not bound by rules of evidence and procedure helping them take the practical approach and make speedy decisions.
- Administrative authorities can take preventive measures

## Importance

- It aims to keeps the governmental powers in control.
- It protects the private right of the individual.
- Today the state is protector, provider, entrepreneur, regulator.
- Tribalisation and delegated legislation are effective weapons in administrative law.
- It helps to strike a balance between individual right and public interest.

## Questions

1. What does the legal maxim '*ubi jus ibi remedium*' mean?

1. wherever there is a right there is a remedy.
2. Having performed his office
3. laws are instituted when they are promulgated
4. Unjust law is not the law.

Answer: A

2. What is the reason for the growth of the administrative law?

1. Checks and balance
2. Overburdened courts and legislature
3. Priority to this organ.
4. Division of power

**Answer: B**

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