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SCHEDA 1

- 1) L'autonomia universitaria (principi generali)
- 2) I principi costituzionali in materia di Pubblica Amministrazione
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
- 4) Il candidato utilizzi il programma Word e scriva sotto dettatura la seguente frase:

"Le teorie costituzionali, però, non soltanto ci aiutano a comprendere meglio l'oggetto studiato e a spiegare le ragioni di un determinato assetto della forma di governo".

Scelga il carattere Times new roman, font 14, in corsivo e giustifichi il testo.

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|--|------------------------------------|
| UNIVERSITA' DEGLI STUDI DI CATANIA<br>AREA RISORSE UMANE |                                    |
| Anno <u>2022</u>   | Titolo <u>V.I.</u> Classe <u>1</u> |
| N° <u>361289</u>   | <u>14</u> SET 2022                 |

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# Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources

Technical Report · December 2020

DOI: 10.13140/RC.2.2.28027.95525

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# Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources

Ishwor Thapa

MPA Student, Public Administration Campus, Tribhuvan University, Balkhu, Kathmandu

## X Summary:

This article tries to analyze the concept, nature, scope and principles of administrative law. Administrative law is the law governing the Executive, to regulate its functioning and protect the common citizenry from any abuse of power exercised by the Executive or any of its instrumentalities. Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rule making, adjudication, or the enforcement of a specific regulatory agenda. Administrative Law as a law is limited to concerning powers and procedures of administrative agencies. It is limited to the powers of adjudication or rule-making power of the authorities. It is a new branch of law which has evolved with time and shall continue to evolve as per the changing needs of the society. The aim of administrative law is not to take away the discretionary powers of the Executive but to bring them in consonance with the 'Rule of law'.

## 1. Introduction of Administrative Law

Administrative law is part of the branch of law commonly referred to as public law, the law which regulates the relationship between the citizen and the state and which involves the exercise of state power. So, it is a part of the legal framework for public administration. Public administration is the day-to-day implementation of public policy and public programs in areas as diverse as immigration, social welfare, defence, and economic regulation—indeed in all areas of social and economic life in which public programs operate.

Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rule making, adjudication, or the enforcement of a specific regulatory agenda.

*An Article "Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources*



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## SCHEDA 2

- 1) Ruolo e funzioni del Rettore
- 2) Il diritto di accesso agli atti amministrativi
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
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Inserisca il numero di pagina in basso a destra e l'intestazione Università degli studi di Catania.

Salvi, quindi, il documento con nome sul desktop.

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### SCHEDA 3

- 1) I Dipartimenti
- 2) Obbligo di motivazione del provvedimento amministrativo
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
- 4) Il candidato utilizzi il programma Excel; popoli quattro celle con qualsiasi numero e inserisca la formula per sommarli tramite la funzione SOMMA.

Salvi il documento con nome sul desktop.

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Administrative law is considered a branch of public law. Administrative law deals with the decision making of such administrative units of government as tribunals, boards or commissions that are part of a national regulatory scheme in such areas as police law international trade manufacturing the environment, taxation, broadcasting immigration and transport. Administrative law expanded greatly during the twentieth century, as legislative bodies worldwide created more government agencies to regulate the social, economic and political spheres of human interaction.

### ✕ Concept of Administrative Law:

Administrative law is a branch of public law that is concerned with the procedures, rules, and regulations of a number of governmental agencies. Administrative law specifically deals with such administrative agencies' decision-making capabilities, as they carry out laws passed by state and federal legislatures. An example of administrative law is the regulation and operation of the Social Security Administration, and the administration of benefits to the people.

Administrative law is that body of law which applies for hearings before quasi-judicial bodies, boards, commissions or administrative tribunals supplement the rules of natural justice with their own detailed rules of procedure.

Through jurisprudence, common law or case law, these principles have each been expanded and refined beyond their original simplistic design to form distinct bodies of law forming together what the legal system refers to as administrative law.

### 3. Definition of Administrative Law:

Administrative law deals with the legal control of government and related administrative powers. In other words, we can define administrative law as the body of rules and regulations and orders and decisions created by administrative agencies of government.

Administrative law consists of complaints respecting government action that adversely affects an individual. Thus, administrative law involves determining the legality of government actions. There is a two-fold analysis: the legality of the specific law itself and the legality of particular acts purportedly authorized by the specific law.

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#### SCHEDA 4

- 1) Il Codice etico e di comportamento dell'Università di Catania: funzioni e contenuti generali
- 2) Il Responsabile del procedimento: ruolo e funzioni
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
- 4) Il candidato utilizzi il programma Excel; popoli quattro celle con qualsiasi numero e inserisca la formula per calcolare la media.

Salvi il documento con nome sul desktop.

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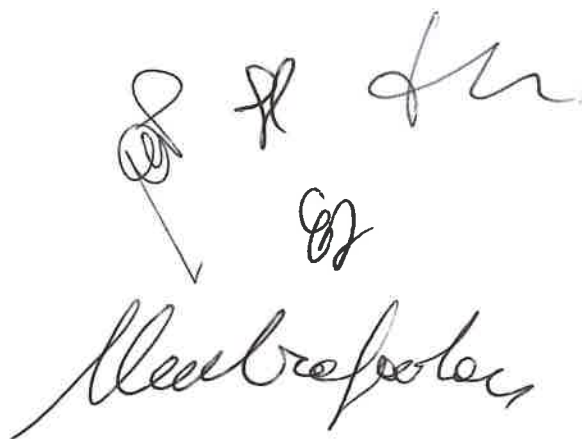
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## SCHEDA 5

- 1) I corsi a numero programmato
- 2) I vizi del provvedimento amministrativo
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
- 4) Il candidato utilizzi il programma Excel; popoli quattro celle con nomi di persona e li ponga in ordine alfabetico.

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Governments cannot perform any act by itself. Governments act through government officials who must act within certain limitations. A government's power to act comes from legislation. Thus, government officials must act within the parameters (or scope) of such legislation which give their actions lawful authority. These are lawful actions. If government officials act outside the scope of their lawful authority and individuals are affected by these acts, then the principles of administrative law provide individuals with the ability to seek judicial review of the administrative action and possible remedies for the wrongful acts.

It is indeed difficult to evolve a scientific precise and satisfactory definition of administrative law. Many jurists have attempted to define it. But none of the definitions has completely demarcated the nature, scope and contents of Administrative Law. Either the definitions are too broad and include much more than what is necessary or they are too narrow and do not include all the necessary contents.

### X3.1 Definition by Ivor Jennings

Ivor Jennings in his "The law and the constitution, 1959" provided the following definition of the term "administrative law".

According to him, "administrative law is the law relating to the administrative authorities".

This is the most widely accepted definition, but there are two difficulties in this definition.

(1) It is very wide definition, for the law which determines the power and functions of administrative authorities may also deal with the substantive aspects of such powers.

For example: - Legislation relating to public health services, houses, town and country planning etc. But these are not included within the scope and ambit of administrative law, and

(2) It does not distinguish administrative law from constitution law.

### 3.2 Definition by K. C. Davis

According to K. C. Davis, "Administrative law as the law concerns the powers and procedures of administrative agencies, including especially the law governing judicial review of administrative action".

*An Article "Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources*

*OR*

*Neelkrishna*

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## SCHEDA 6

- 1) I regolamenti didattici dei corsi di studio
- 2) L'annullamento in autotutela
- 3) Lettura e traduzione del testo allegato tratto da "Administrative law: concept, definition, nature, scope and principle and its sources".
- 4) Il candidato utilizzi il programma Word e realizzi una tabella con tre colonne e sei righe e applichi tre possibilità di layout differenti.

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### 3.3 Definition by Prof. Wade

According to Wade (Administrative Law, 1967) any attempt to define administrative law will create a number of difficulties. But if the powers and authorities of the state are classified as legislative, administrative and judicial, then administrative law might be said "the law which concerns administrative authorities as opposed to the others". Again, there are some difficulties with this definition also. It fails to distinguish administrative law from constitutional law Like Jennings definition mentioned above, this is also very wide definition. It includes the entire legal field except the legislature and the Judiciary. It also includes the law of local government. It is also said that it is not possible to divide completely and definitely the functions of legislative, executive and judiciary. It is very difficult to say precisely where legislation ends and administrative begins. Though enacting a law is function of the legislature the administrative authorities, legislate under the powers delegated to them by the legislature and this delegated legislation is certainly a part of administrative law.

### 3.4 Definition by Jain and Jain

According to Jain and Jain, "Administrative law deals with the structure, powers and function of the organs of administration, the limits of their powers, the methods and procedures followed by them in exercising their powers and functions, the method by which their powers are controlled including the legal remedies available to a person against them when his rights are infringed by their operation".

Administrative law, according to this definition, deals with four aspects: -

- It deals with composition and the powers of administrative authorities.
- It fixed the limits of the powers of such authorities.
- It prescribes the procedures to be followed by these authorities in exercising such powers and,
- It controls these administrative authorities through judicial and other means.

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