



The Realm of Administrative Law: Concept, Evolution, and Contemporary Significance

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ABSTRACT

Administrative law represents a dynamic and essential branch of modern legal systems, evolving in response to the limitations and rigidity of parliamentary legislation. Unlike conventional statutory laws, which are often slow to adapt to the rapidly changing social and economic environment, administrative law provides a flexible mechanism for the state to implement policies efficiently and deliver timely remedies to the public. Historically, its emergence can be traced to the inadequacies of laissez-faire principles, which allowed exploitation of vulnerable groups, prompting the rise of welfare state doctrines and the need for state intervention. Administrative law bridges the gap between constitutional provisions, which outline governmental powers, and their practical implementation through executive, quasi-judicial, and delegated legislative actions. Its scope encompasses the regulation of public plans, procedural transparency, limitation of administrative discretion, and judicial oversight to ensure accountability and protect citizens' rights. Over time, the development of administrative law has been influenced by socio-economic factors and the necessity for quick remedies, as seen in the evolution of delegated legislation and quasi-judicial and quasi-legislative acts. Despite challenges posed by discretionary powers and potential for bureaucratic overreach, administrative law has become indispensable in modern governance, supporting the principles of rule of law and separation of powers while ensuring public welfare. Instruments such as notifications, orders, instructions, schemes, and byelaws illustrate the practical tools through which administrative law functions. Its significance lies not only in enabling efficient governance but also in maintaining a balance between state authority and individual freedoms, thereby reinforcing democratic ideals and providing mechanisms for redress. Administrative law, thus, stands as a responsive, adaptable, and pragmatic system of law that complements legislative and judicial frameworks to address contemporary societal needs.

Introduction

Law is a living document, which requires fresh air of amendments for its existence and relevance in society otherwise it, becomes irrelevant and dead like living body without fresh air and light of the sun. Irrelevancy decreases the importance of every livings and non-living things and under such situations; other things take the place of them. Under such situations where law has remained undeveloped, the ray of hope emerged from the administrative orders of government officers and judiciary who issued notifications and judicial orders to fill the gaps of law according to the existing situations and requirements of the time.

Statement of problem

Parliamentary laws are inheritably slow and rigid in its form and nature and hardly cope up with constantly changing social needs of society. Yet separation of power and rule of law concepts in western nations, administrative law created its prominent and inevitable value in the realm of laws. Instead of useful edge of administrative law, it also keeps drawbacks of undemocratic norms in form of discretionary powers and unaccountability of administration before formal courts, which have brought fundamental tensions between practical importance of administrative law and statutory norms of democratic nations.

Research Gap

Administrative law is a double edge instrument, which requires great need in making solid and comprehensive policy by parliaments and courts in order to suppress its unaccountable and discretionary portions and make it more servable and accountable to institutions.

Nature of administrative law

Administrative law has complexity in its form and purpose, which make it distinguish from other form of laws. Constitutional law framework to government to run the machinery. The main difference between both of them is that the constitutional law outlines of government functions and obligations while administrative law deals with practical functionality of government policies to implement in letter and spirit Strauss (2016). Furthermore, administrative law works at local and district level government and under independent statutory bodies Wade and Forsyth (2014).

Administrative law is not a true law

All laws derive their sources and strength from exclusively from parliamentary law, and attestation of validity from judicial decisions and precedents. As concern to administrative law, these are not true law in strict sense because administrative law are issued in forms of circulars, notifications and memoranda by local administrative authority or public organizations which are not recognized as laws by courts Port's (2019).

What is concept of administration?

Administration means government of the present times, which headed by a person or a group of the persons as cabinet to run the affairs of the government. Herman Finer says that administration means machinery that implements the policy of government in letter and spirit Finer (1960). This definition raises another question that what is difference between administration and policy. Policy means general outlines and ideas that designed and perceived by leaders or groups of people for guidance and directions of general people while administration is a method to implement that policy into practical form of general principles that adopted in form of policy (Khan, 2012, p. 4).

What is the scope of administrative law?

Historical Evolution of administrative law

Historical development of administrative law based on few factors in which economic, social and legal factors stand prominent. Voices always stand against rigid system, which pave the way for the emergence of other system, and the same case proves true for administrative law. Necessity is the mother of invention as told by Aristotle (Aristotle, 1984/1995c, 1559, 1.2). The growth of administrative law is purely the result of social necessity, which stands against the rigid and callous system, which has created more hurdles than solving the issues of people (Borchard, 1933, p. 133). Historically legal and social system of England and Rome impressed the social and legal system of the world with their solid and comprehensive system of state. Both systems had provided justice system to people without the involvement of administrative system within their legal and social system. The courts of both states provided quick remedies to their people through judicial process and procedures (Freund, 1928, p. 578).

Time is true test for validity and requirement of anything and it proved in the case of administrative law. Despite comprehensive and well-organized private justice system in Rome and England, the need and requirement of rapid development of economic and material growth have made it compulsory to give significant space to administrative law in Rome and England (Freund, 1917, p. 443). The traces of administrative law existed in every civilization to provide quick remedy to aggrieved party (Parker, 1958, p. 449).

Causes of Growth of administrative Law

Historically, two concepts tradition and reality have played crucial role in developing standard and nature of the society since the time immemorial. Tradition is a condensed form of experiences and observations that exhibited through conscious and unconscious behaviors of people while reality is an ability of man to live and excel in society in order to meet his ends by planning and hope. Society deletes any standard that is unattainable for its members. Owing to this reason, society prefers such standard or norms that maintain balance between tradition and reality (Tawney, 1929, p. 188). The emergence of administrative law was due to welfare state and welfare state emerged due to side effects of laissez faire philosophy that provided the opportunity to powerful people to exploit the poor people in society. The writ of government exists in making law and establishing administrative system because it controls the unbridled part of laissez faire philosophy (Adams, 1954, pp. 116-117). Laissez faire concept could not have genuine feelings to reduce poverty because it attributes poverty with weak moral characters of people and if whole amount of state divides among poor people, it will not change their economic conditions because poverty relates to moral crisis not economic crisis. (Mill, 1845/1859, pp. 181, 199). Laissez faire doctrine believes in three points first poverty is an unavoidable fact, second people are poor due to their moral weakness and lastly charity is the only way to help poor people (Walker, 1838/1835, p. 306). While Welfare state doctrine was the result of laissez faire exploitation that ultimately gave ways for administrative laws and government institutions to help the helpless people. Welfare state doctrine says that poverty is an economic issue not moral issues as perceived by laissez faire admirers. It could resolve by proper involvement and engagement of state institutions by involving state writ against the exploitations and injustice committed by powerful people of society (Rostow, 1959; Bailey, 1950). Laissez faire strengthen the hands of industrialists to act as arbiters between or among private parties for resolving their issues (Wilensky, 1975, p. 47). Historically, the concept of welfare in India in form of village communities. The strength of village unit lied in its suitability to tradition and reality of the society of Indian culture and environment (Desai, 1959, p. 7). Welfare state was the reaction against laissez faire movement of 19th century (Fazal, 2000, p. 4).

What is Administrative Law?

Many jurists define administrative law different ways in which wordings are different but soul of definitions is nearly same to express and explain the nature of administrative law. Different jurist defines administrative law in these ways,

Ivor Jennings in his works defined administrative law in these words law that deals with administrative authority called administrative law (Jennings, 1959, pp. 217-218).

K. C Davis defined it as law, which is associated with the powers, and procedures of administrative institutions particularly law, which deals with judicial and administrative matters, is called administrative law (Davis, 1978, s 1:2).

According to Wade, law which links with administrative authorities except legislative and judicial branch of state called administrative law. Wade in his definition could not include judicial and legislative bodies despite the fact its legislative branch that makes law (Wade, 1967, p. 4).

Jain and Jain says that administrative law links with composition, authority and role of parts of administration, restrictions upon authority, modus operandi and quasi-judicial actions which are observed in exercising powers and functions and check and balances through judicial review by judiciary upon administrative actions to redress people grievances (Jain & Jain, 2018, p. 1).

Griffith and Street works raised three questions regarding administrative law, what is the purpose of this law and how it functions and what are limitations upon the use of administrative authority for addressing the grievances of public by judiciary against the actions of administrative officers (Griffith & Street, 1967, p. 3).

According to Garner administrative law is a law which is accepted by court as law and which are used by government machinery to protect the rights of people and to enforce law impartially and to provide justice in limited time (Garner, 2019, p. 62).

F.W Maitland in 1887-8 defines constitutional and administrative law in these words constitutional law means power which a sovereign or group of authoritative people have and administrative laws means methods and ways through which powers of sovereign authority is implemented (Maitland, 1908, p. 42).

From these definitions, it reveals that difference between constitutional and administrative law made by all writers for their own convenience and differences between constitutional law and administrative law found arbitrary in nature (Griffith & Street, 1967, p. 3).

Significance of Administrative Law

The significance of administrative law links with its quality to adapt itself with the fast changing realities of time that has made it a compulsory part of justice system of any society. US Supreme Court regarded administrative law a significant reality that has adapted itself rapidly with the wave of changing times (National Broadcasting Co. v. United States, 1943, p. 219). Administrative law has become a fuel to run the affairs of complex modern life, which changes its face and requirements in rapid way. Complex environment creates complex relations between state and its citizens, which could not be resolved through conventional legislative system because legislative system requires time to follow its procedure to resolve the issues between state and citizens or between citizens to citizens. The relevancy and worth of administrative law only maintains if it follows legal procedures, which bases on logic and impartiality, and follows natural justice and democratic norms of the society (Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 1983). The need and existence of administrative law directly links with its performance and

efficiency in tackling emerging social issues and providing relief to people in short possible time. It is seen that power corrupts the minds of power holder and those who have absolute power can be corrupted absolutely with respect to their position. There is always a conflict of interest between state and its citizens. Law and constitution give freedom to citizens in their daily routine works and state authority tends to curb that liberty and freedom in maintaining law and order conditions (Khan, 2012, p. 19). It is an obligation upon administrative authority to exercise its power without hurdling the lives and rights of common people and administrative tasks should contain hurdles for people as minimum as possible for administrative authority. Administrative law should work for to keep positive relationships between public power and private freedom of people (Griffith & Street, 1963, p. 2). The respect and success of administrative law, which bases on maintaining better relations with the people and it, happens when state authority works impartially and efficiently in performing its duties and provides maximum relief to its subjects. In case of any transgression from the side of state machinery, the people have right to seek remedy from courts and submit petitions to courts for relief (Wade & Forsyth, 2014, pp. 1-3). In fact, to work rapidly for development has its own merit and demerit and same thing is true in case of administrative law policies, which demand rapid solutions of coming and unexpected situations of modern society. It has been also observed that abuse of power by administrative authority happen in such country where the base of democratic values and literacy rate of people are low and bureaucracy take the advantages of situations and commit abuses of administrative power.

Rule of Law and Administrative Law

Rule of law and administrative law are two main components of legal system of any state. Both have their own worth, nature and functionality in any modern state. Rule of law is a contested Idea as discussed by many scholars of law (Peerenboom, 2002, p. 471). There is a great difference of opinion among scholars regarding the essential contents of rule of law (Raz, 2009, pp. 210-211). There is a consensus among scholars there are following necessary elements that form basic components of rule of law to observe in letter and spirit by any society or state. These components refer as instrumental or formal conception of rule of law (Ngugi, 2005, pp. 533-535). These consensus and agreed components of rule of law are following:

- i. Rule of law consists of rules, which are equally implementable to judge, the conduct of people and public officers (Fuller p. 39).
- ii. Rules of law should be equally enforceable upon everyone that includes common people and government officers (Kairys, 2003, p. 312).
- iii. Rule of law condemns the use of discretion of public officers particularly in the matters of adjudication (Kairys, 2003, p. 313).
- iv. Conduct of people should judge after the enactment of law (Peerenboom, 2002, p. 478).
- v. The contents of law should be public for the general information of people without any concealment or hiding of provisions of law (Reitz, 2003, p. 440).
- vi. There should be stability and durability of law in order to provide chance to people to shape their conducts according to it (Radin, 1989, p. 785).
- vii. People should know what law demand from them (Scalia, 1989, p. 1179).

In 1885, the British scholar Dicey criticized the *droit administratif* system that implemented in France in which there were special courts or tribunals in which cases of government officers heard and decided by the judges of tribunals. He thought that it was a discriminatory and privileged system Dicey, (1939). Factually, Dicey was not fully aware of English legal system. Dicey work kept denying the existence of administrative law in British legal system while his contemporary Maitland claimed the existence of administrative law in the legal system of British (Maitland, 1908, p. 501). In famous *Rice* case in which board of education gave decision against teachers without properly, listening the other party Board of (Education v. Rice, 1911). In a famous case,

Arlidge the authority declared his house unfit to live. Despite the famous cases of *Rice* and *Arlidge* cases Dicey was still reluctant to accept the quasi-judicial value of administrative law in British legal system (Dicey, 1915, pp. 148-153). In 20th century, things changed so rapidly in favor of administrative law and it took significant place in legal system of UK. Lord Hewart criticized the expanding influence of administrative in legislative and adjudicative process and called them defacto rulers of the state (Lord Hewart, 1929). British government in order to understand the nature and implications of administrative law constituted a committee named Donoughmore Committee. The committee gave recommendations that growth of administrative law had positive results if the following changes made in it. Firstly, there should be proper mechanism of publication of administrative law for the knowledge of common people; secondly, there should be provisions in it to sue the crown in cases of torts and lastly the check and balance on administrative decisions shifted from courts to parliamentary special tribunals and committees (Singh, 2024).

True worth of administrative law

Dicey stance on rule of law was very clear and strict and he could not accept the importance and needs of administrative law in British legal system. Practically, administrative law is supporting the rule of law in solving many issues, which required quick and fast response for their solutions without going into lengthy legal procedures, which were time consuming in their legal composition. Administrative law keeps up rule of law in this fast modern world where issues created in novel way and demand out of the box solutions, which based on logic and reason and expertise on those issues (Jones, 1968). Dicey thesis on administrative law had not only misguided people of Britain but also created wrong impression about the French *droit administratif*. Factually, the system of administration was far better France than the administrative system in England (Brown & Garner, 1973). In New Zealand, there is separate administrative branch in Supreme Court, which hears cases and appeals against decisions of administrations (Northey, 1974). The administrative review tribunals established in Australia and purpose of tribunal was to provide the fact-finding report in order to ascertain the responsibility of public officers. It rectifies the lacunas, which left to resolve common law and provide remedy to people in adopting corrective measures to solve problems of people (Jain & Jain, 2019).

Separation of Power and Administrative Laws

Separation of power, rule of law and republic are mutual and interlinked philosophy of democratic state, which collectively work for the uplift, and welfare of the people of the state. In civilized and democratic states, the power of state are divided into judiciary, executive and parliament under the concept of separation of power and USA constitution stands prominent in this regard of separation of powers theory among state institutions (Buchanan, 1975, p. 441). Montesquieu, the founder of theory of separation of power believed that man should not be afraid of freedom of other man and in the same way, he said there should be separation of power among the state institutions (judiciary, parliament and executive) in which no institution interfere into the domain of other institution (Montesquieu, 1873/1748, p. 174). In England, the rule of law principle created hurdles for the growth and recognition of administrative law both in the minds of parliamentarians and common people and in the same way, the theory of separation of powers has done the same job to restrict the process of growing of administrative law in USA (Davis, 1958, p. 64). Modern developments have created new issues and facts, which required quick solutions and demand skill hands to resolve them. In USA, the courts accepted the delegated legislation to resolve administrative issues despite the presence of doctrine of separation of powers, which was a major development, and proof of importance of administrative law. Administrative law has picked up the growth under delegated legislation in USA (Jaffe & Nathanson, 1961, pp. 109-115). Administrative law increased its influence by making rules and notifications by means of

legislative committees, which proposed rules in keeping in views the emerging situations, which need immediate attentions for solutions (Schwartz, 1955, p. 1031). In USA, the debate started that such bodies or committees that constituted to make rules under delegated legislation were constitutional or not. Despite these debates among senators and legal expert these committees and bodies continued their works and made a bulk of rules to resolve issues of day-to-day lives of citizens Davis, 1958 (p. 65). In order to maintain check and balance upon administrative process, the US parliament introduced Administrative Procedure Act 1946 (APA) which put some restrictions on procedural and patterns of actions of administrative laws parker (P 587). This law considered as an act. it contains points of both laws one was to restrain administrative process under uniformity instead of whims and wishes of governmental officers and on the other hand the administrative actions came under the purview of judiciary to review administrative actions and to take steps if those administrative actions had taken freedom of citizens(Khan, 2012, p. 29).

Administrative Act

Administrative action or act is a term which is difficult to define but easy to explain its scope with respect to its practical importance and implementation in a modern state. Administrative act simply means a way to express the power and authority of state to resolves issues as quick as possible. Before the supremacy of rule of law, administrative act did not follow rules and provisions of any law and there were in mostly the product of whims and wishes of administrative authority. Administrative act defines the relationship between state and citizens. Every administrative act has purpose to fulfill within state (Chatzigagios & Mavridis, 2018, p. 323).

Classification of Administrative Act

In this modern era, administrative act is sum total expressions of powers and authority of government. Government maintains its writ and authority through administrative act. State uses every kind of powers and actions despite the fact it is of judicial, legislative or administrative in nature. It makes it difficult to defines and limit the scope of administrative act. In this regard, administrative act divided into following category (Massey, 1980, p. 31).

Quasi-Judicial Action

The process, which engages in defining rights and duties of parties, involved in a case or specific privilege or obligation of persons with respect to past or present scenario for resolving the dispute between the parties by administrative institutions other than legal courts called quasi-judicial action (Cherry Hills Resort v. City of Cherry Hills Village, 1988). In USA, quasi-judicial actions generally related to rezoning matters, which arise in relation to properties matters of people. Applications, appeal, review and revisions of such cases related to quasi-judicial actions in USA (Snyder v. City of Lakewood, 1975). Quasi-judicial decisions are not true legal decisions but administrative courts use some attributes of formal courts in deciding the cases between the parties (Khan, 2012, pp. 37-38). There are three main characteristics, which make proceedings within the meaning of quasi-judicial action. These three points given here

- 1 the determination of rights of parties in dispute should follow the already establishing legal rules
- 2 it discusses the rights and obligations of the parties in its proceedings.
- 3 the court proceedings should follow presentation of case by both parties, chance to hear both parties points of view, hear and records evidences which present by both parties in support of their arguments, to keep in view the question of fact and question of law in deciding the case(Manju Verma v. State of Uttar Pradesh, 2005).

Quasi-Legislative Act

Administrative law provides the role of legislator, judge and administrator to administration because it runs whole affairs of state. It can legislate laws regularly and easily annul and amended them. Administration has many reasons to legislate, amend or annul its own made laws without facing any major criticisms (cf. *Baxter v. Ford Motor Co.*, 1932). It is also not clear that parliament has made any safeguards or checks upon such administrative legislation (cf. *Baxter v. Ford Motor Co.*, 1932, as cited in Prosser et al., 2015). It is an established fact that administration has no inherent power to legislate the matters and if any law of subordinate legislation found contrary to parliamentary law declared invalid. The main reason of subordinate legislation is that parliament has no time to legislate every matter and it focuses on main matter to legislate therefore, it delegated powers to administration to make laws on technical matters or matters, which are of less important in nature. These subordinate legislations are under direct control of courts to review them (cf. *S v. Werner*, 1980; *Momoniat & Naidoo v. Minister of Law and Order*, 1986).

Definition of Delegated Legislation

According to Salmond, the process of legislation, which made by institution other than legislatures called delegated legislation and its existence depends upon the will and wishes of supreme legislative institution. If it founds contrary to parliamentary legislation, it declared invalid (Salmond, 1937, p. 210). It is also an admitted fact that process of shifting legislative powers into the hands of administration weakens democratic process and strength bureaucratic forces. However, it happens in every civilized democratic state as an inevitable reality (*Avinder Singh v. State of Punjab*, 1979). Statutory acts through its provisions or sections provide the government powers to make or enact laws under delegated legislation. Section 8 of Income Tax Ordinance 1979 and Indian Estate Duty Act 1953 section 85 provide powers to administration to make rules under these sections.

Need of delegated legislation

Parliaments generally make macro level legislation in which micro level details left for administration to fulfill by the process of rules making through delegated legislation. The concept of delegated legislation have gained importance because of physical growth in societies and the idea of welfare state which resolve issues of people without wasting the times of people (*Khalid Mehmood v. Government of N.W.F.P.*, 2011). Parliamentary legislations are difficult, detailed and time-consuming process and require difficult method to emend or to change law while administrative law is like a readymade law, which made, amend and cancel easily without adopting any hard and fast rule (*Avinder Singh v. State of Punjab*, 1979). The Supreme Court of Pakistan said that there are three reasons of delegated legislation. First, there is no time in parliaments to be available all the year to make legislation every issue that require its attention to resolve the issues of people. Secondly, the technicalities demand experts and skill people who understand the nature of issues and resolve them according to the nature of them. Lastly, there should be flexibility in law so that if time requires to change easily which not found in statutory laws and only administrative law provide this facility to change law at any time if it requires by administration (*Zarai Taraqati Bank Ltd. v. Said Rehman*, 2013).

History of delegated legislation in Indo-Pak

The initial of delegated legislation in Indo-Pak had seen during British regime. The East India Company (EIC) allowed making laws under the First Charter (1600) to legislate basic laws, which required by the EIC to rub its business in India (Muhammad, 1993, p. 154). Later on, the charter of 1726 and 1723 had enhanced the range and scope of power of EIC to make further rules and regulations to run the courts of mayor in India. The charter of 1773 further increased the powers

and authority of administration to grip the matters in India for the interests of British Raj. Cornwallis Code 1793 collected all code in compiled forms during 1793 to 1833 to grip the matters in Bengal, Bombay and Madras (Ibid).

Forms of Delegated Legislation

With respect to purpose and nature, the delegated legislation has different forms and classifications to achieve its targets. There are following forms of delegated legislation.

Rules

Professor Fuchs defines rules in these words, making of rules by competent authority to impose them commonly on all people or defined class of individuals without mentioning their names or locality called rules (Fuchs, 1938, p. 265). General Clause Act 1897 sec 3 sub clause 47 also defines rules in these words procedural instruments which are made under any enactment to fully implement the provisions of law are called rules (General Clauses Act, 1897, s 3(47)).

Rules are pattern of implementing the true spirit of law and can be implementable to an individual or general people. Rules are used both in procedural and substantial laws. Rules written expressions of any governmental or independent bodies for practically implementing them that link to present or future policy to describe its procedural and practical requirements while rule making is a process of making, annulling and improving rules with due care and attention (Davis, 1947, p. 925).

Regulations

The term regulations not fixed with administrative laws. The methods or instruments by means of which government makes its orders, decisions and laws known to people called regulations (Khan, 2012, p. 89). In administrative laws the use of regulations are of different nature and purpose. When government wants to fix a date to enforce law or to provide some exemptions in some matters, or to fix prices of some commodity etc. in such matters government issues regulations to implement or to make know its policies. General Clause Act 1897 sec 3 sub section 47 says that a regulation is also a kind of rules use with different purpose under delegated legislation (General Clauses Act, 1897, S 3(47)). Simply rules are genus and other terms under delegated legislations are its species.

Orders

Means instructions, or directives issued by government executive body with the purpose of compliance of specific or general command called administrative orders. Administrative order given to single person or body of persons to comply it with letter and spirit. Order may cover various forms of legislative process like executive, judicial and quasi-judicial in nature (Essential Supplies (Temporary Powers) Act, 1946, S 3). According to Indian supreme Court the quasi-judicial order is not wholly judicial order but an order passed by executive body after adopting judicial procedure while using its executive power for performing its duties (G. Nageswara Rao v. Andhra Pradesh State Road Transport Corporation, 1959). Quasi-judicial order wears the mask of judicial procedure but its decisions givers are not judicial officers. Factually, quasi-judicial decisions are executive order, which announces its decisions by using the judicial procedures that based on the contents of natural justice in which every party should give chance to hear fully under the maxim of Audi alteram partem means to listen the other side (Wade, 1988, pp. 46-47).

Instructions

Instructions are also forms of directions, which generally given to subordinate administrative officers to follow specific order of higher authority to perform some actions. In some cases, instructions are also issues in forms of legal rules which bounding upon government officers to observe in official tasks (Hamid Khan, 2012, p. 90). In civil service matters, these instructions are in form of statutory rules for the state officer's job descriptions (Sathe, 1974, p. 157). Supreme Court declared that the following principle treated as instructions;

Authority, which issues instructions, should be competent authority in this regard.

The contents of instructions should be clear and condense without any ambiguity.

Instructions should not in forms of conditional statements in terms of its validity, continuity and implementations of its contents (Pakistan v. S. H. Abdul Hamid, 1961).

Legal courts give weightage to these instructions during proceedings not less than statutory rules and these departmental instructions have their legal consequences in case of violations by public servants in their official capacity (Government of Pakistan v. Nasrullah Khan, 1965).

Byelaws

Rules, which made by semi-governmental Organizations in order to run their institutions, are called byelaws (Khan, 2012, p. 91). There are following contents of byelaws, which are essential for every institutions, which have made rules to run their business, which are following;

The registered and official name of the organizations

The purpose for which institutions was established.

Conditions which essentials for becoming the members of organizations like fees, dues and professional positions.

Titles, obligations, selection and conditions, which are binding on officers.

Schedule for regular, general and special meetings of designated members.

Making of rules, which discuss the power and compositions of board of members and executive directors.

Duties and nature of composition of members of committees.

Special rules, which discuss fiscal and budgetary matters of organizations.

Parliamentary authority, which given by parliament to organizations to run their business.

Rules and methods, which used to amend or change byelaws by boards of directors (Williams, 1989, p. 8).

Scheme

According to Collins dictionary, a blue print of program, which designed by government officers to be observed while following plan or policy in letter and spirit, is called scheme("Scheme," n.d.).

Conclusion

Law needs amendments with the flow and flux of times otherwise; its relevancy diminishes to the requirements of society. It is also noteworthy that procedure to change or amend law is a lengthy

and time taking process and modern times need fast process of making laws. Administrative law fulfills this requirement of law and provides instant remedy to aggrieved party. Administrative law is executive made law to cover the emerging crisis or situation for which no existing statutory law provisions provide guidance. Historically, the emergence of administrative law linked with callous and lengthy legal procedures, which failed to provide relief and justice to people. People exploited under laissez faire philosophy allowed elite and powerful people to use the disadvantageous position of weak people of society. In reaction to laissez faire ideology, the welfare state idea emerged which stressed the need of state machinery to interfere into capitalistic market to protect the poor people of society. The importance of administrative law judge from this point of view that it made its place despite very strong legal maxims of UK and USA. In UK legal system, the rule of law is supreme which treats everyone equal and condemns discretionary powers of executive. In USA, the separation of power is a constitutional concept in which law enacts only by parliamentarians not executive branch of government. Despite these two strong legal and constitutional concepts, the administrative law made its own place and worth because of its most relevancy and need to society. Administrative law is classified into three forms, quasi-legal, judicial and administrative action. Statutory act provides legal provision, which allows executive to make legislation under the concept of delegated legislation. Under delegated legislation, the executive issues notification, circulars, schemes, orders, instructions and byelaws.

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