

Difference Between Administrative law and Constitutional Law

In his seminal work, Ill-Assorted Musings about Regulatory Takings and Constitutional Law, Maurice J Holland emphasizes that the main difference between administrative law and constitutional law is that Constitutional law governs the legislative and executive branches, but Administrative law governs their operations.

Administrative Law vs Constitutional Law

Difference Between Administrative Law and Constitutional Law	
Constitutional Law	Administrative law
The ultimate law of any nation-state is Constitutional law.	Administrative law is ancillary to the ultimate law.
Deals with the organs of the State and its structure	Deals with the actual functioning of the organs of the State.
It has a wide scope and deals with the powers of the State, general principles of governance, and the relationship between the citizens and the State.	It has a narrow scope and only deals with the powers and functioning of the Administrative bodies.
It is codified into a single text in countries with a written constitution.	It is not codified. There might be hundreds of thousands of Administrative laws.
Constitutional law establishes an Administrative body	Administrative law defines its legal roles and limitations. Therefore, it can be seen as the action arm of Constitutional law.

Administrative Law and Constitutional Law

In his magnum opus, The British Constitution, Ivor Jennings believes that Administrative law is concerned with Administrative authorities' organization, functions, powers, and responsibilities. On the other hand, he opines that Constitutional law is concerned with the broad principles guiding the structure and powers of the various state organs and their relationship with the citizens.

The difference between administrative law and constitutional law is that in countries with a written constitution, Constitutional law is derived from the constitution. However, Administrative law is derived from legislation, Administrative regulations, executive decrees, circulars, letters of instruction, conventions, etc.

What is Administrative law?

Administrative law governs the establishment of government entities, and the administration of these entities is also concerned with this law. It defines the authorities concerning the Administrative agencies, their created substantive regulations, and the legal relationships binding them to the general public and other government organizations.

In a developed society, administrative law has become essential because the connection between the public and administrative authorities has grown increasingly complicated. A law that could bring about regularity, and clarity, and could also control the abuse of administrative authority was required to manage these intricate relationships; this legislation is known as administrative law.

What is Constitutional law?

The liberties, rights, and powers established by a charter or a legally passed constitution are dealt by Constitutional law. It comprises the rights of the people and powers of the several. Constitutional law is the highest law in India and is considered supreme.

Prof. S P Sathe stated that Administrative law is a subset of Constitutional law, and all the concerns related to Administrative law are considered to be Constitutional law issues. This points out that Constitutional law has a broad scope, with many Administrative laws accounting for a sizable component of the Constitutional law. This is the difference between Administrative law and Constitutional law.

Key Difference Between Administrative Law and Constitutional Law

The key difference between administrative law and constitutional law is given below.

- The reach of constitutional law is greater. For instance, it has to do with people, governments, and human rights. However, administrative law is more specialized.

- Administrative law deals with moving organizational structures, whereas constitutional law deals with permanent ones.
- While the provisions of administrative law are not as well recognised as those of constitutional law since they are not incorporated in a single text like the constitution, they are generally understood and are explicitly stated in the constitution.
- Constitutional law deals with creating the administrative body. Administrative law deals with limiting administrative bodies to their lawful functions and authority.

