

NATIONAL OPEN UNIVERSITY OF NIGERIA

# MPA 844



## Public Administrative Law Course Guide

# **MPA 844 Public Administrative Law Course Guide**

**Course Developer/Writer**

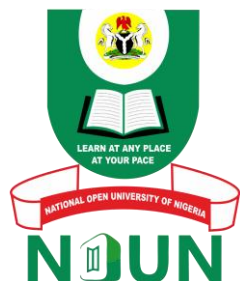
Daniel Abosebemhe Omoh, National Open University of Nigeria

**Course Editor**

Prof. Justus A. Sokefun, National Open University of Nigeria

Credits of cover-photo: Mr. Gbenga Aiyejumo, National Open University of Nigeria.

**National Open University of Nigeria** - 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi, Abuja, Nigeria



[www.nou.edu.ng](http://www.nou.edu.ng) [centralinfo@nou.edu.ng](mailto:centralinfo@nou.edu.ng)

[oer.nou.edu.ng](http://oer.nou.edu.ng) [oerunit@nou.edu.ng](mailto:oerunit@nou.edu.ng) OER repository

Published in 2021 by the National Open University of Nigeria

© National Open University of Nigeria 2021



This publication is made available in Open Access under the [Attribution-ShareAlike4.0 \(CC-BY-SA 4.0\) license](https://creativecommons.org/licenses/by-sa/4.0/). By using the content of this publication, the users accept to be bound by the terms of use of the Open Educational Resources repository [oer.nou.edu.ng](http://oer.nou.edu.ng) of the National Open University of Nigeria.

The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of National Open University of Nigeria concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of National Open University of Nigeria and do not commit the organization.

### **How to re-use and attribute this content**

Under this license, any user of this textbook or the textbook contents herein must provide proper attribution as follows: “First produced by the National Open University of Nigeria” and include the NOUN Logo and the cover of the publication. The repository has a version of the course available in ODT-format for re-use.

If you use this course material as a bibliographic reference, then you should cite it as follows: “NSC 106: Medical Microbiology and Parasitology, Module 6, National Open University of Nigeria, 2021 at [oer.nou.edu.ng](http://oer.nou.edu.ng)

If you redistribute this textbook in a print format, in whole or part, then you must include the information in this section and give on every physical page the following attribution: Downloaded for free as an Open Educational Resource at [oer.nou.edu.ng](http://oer.nou.edu.ng) If you electronically redistribute part of this textbook, in whole or part, then you must retain in every digital file (including but not limited to EPUB, PDF, ODT and HTML) the following attribution:

Downloaded for free from the National Open University of Nigeria (NOUN) Open Educational Resources repository at [oer.nou.edu.ng](http://oer.nou.edu.ng)

## Introduction

MPA 844: Public Administration Law is a semester course of 2 credit hours. The course is presented in 15 study units and is available to students enrolled in the MPA Programme.

Public administration is the law of society that is managed by executive functionaries. It comprises all operations executed by elected or appointed executives who manage human and material resources of a nation in order to achieve pre-determined objectives. The functionaries in public administration are citizens who assist government in implementing policies and programmes for the good of the society. Public administration is therefore the law that governs the conduct of public officers either appointed in the case of civil servants, career officers or elected through the electoral process e.g. president, governors, members of legislative houses, etc.

This course enables you to understand the definition of administrative law, its origin, purpose and functions. During the course, you will be exposed to the general function of law in the society and how it influences the principles of natural justice in decision-making for public officers. Public officers manage public policy in the interest of the nation. They are therefore charged with governance, protection of law and order and the duty of maintaining peace throughout the territory called Nigeria. As agents of government, the law protects public officers from being sued in their personal capacity. They may be sued in their official capacities when they commit tort or make decisions that affect citizens adversely in their opinions. In that case, government, as principal to public servants, bears vicarious liability for actions of public officers, provided that these actions emanated in the course of ordinary public officers responsibilities. In other words, government is vicariously liable for actions of public officers that have good records and also those without corrupt and fraudulent intentions. Public officers are administrators whose jobs are supervised by the executive branch of government. Their activities are open to public examination at all times.

## What You Will Learn In This Course

The course is made up of 4 modules of fifteen units, covering areas such as the background on public administrative law, starting with the introductory matters i.e. the administrative authorities and functions of the president, governors, ministers, the Civil Service Commission and special advisers. You will also be looking at the constitutional remedies to redress administrative wrongs that talk about sovereign immunity, right of action against the state, rule of law and necessary conditions for the rule of law.

Lastly, you will learn about the administrative adjudication that talks on tribunals, inquiries, membership, independence, protection and the right under tribunals.

This course guide is meant to provide you with the necessary information about the course, the nature of the materials you will be using and how to make the best use of the materials towards ensuring adequate success in your programme as well as the practice of public administrative law in the firm. Also included in this course guide are information on how to make use of your time and information on how to tackle the Tutor-Marked Assignment (TMA). There will be tutorial sessions

during which your instructional facilitator will take you through your difficult areas and at the same time have meaningful interaction with your fellow learners.

## Course Aims

The aims of Public Administration Law as a body of knowledge are as follows.

- To familiarise students with the relevant statutes and principles of law which govern public officers in their management of government business.
- To expose students to the functions of law in society and to acquaint them with the power of the Nigerian constitution and their fundamental human rights that are enshrined in the constitution.

You will be thrilled to know what due process of law contains and the powers enjoyed by the three tiers of government namely the Executive, the Legislative and the Judiciary.

These aims would be achieved by:

- explaining the concept of administrative law
- explaining the sources of Nigerian law and functions of law in the society
- examining the creation of the office of president of the federation and the governors
- examination of their functions vis-a-vis the constitution
- introducing you to civil service and the civil service commissions respectively
- characteristics of the civil service
- discovering the need for powers and powers of the public service commission.

## Course Objectives

At the end of this course, you should be able to:

- interpret contemporary issues about administrative law in Nigeria
- state the powers and duties of administrative authorities in Nigeria
- recognise the provisions of the 1999 constitution which guarantees fundamental human rights
- analyse the remedies provided by law for wrongful acts of administrative authorities
- list and define the functions of local government areas in Nigeria
- identify who a public officer is and the relevant areas of the constitution that enumerate public officers in Nigeria
- discuss the nature of the duties of public officers, their protection and liability.

## Working Through This Course

Public administration law deals with concepts that are administrative in nature, these include administrative authorities and functions, constitutional remedies to redress administrative wrongs, administrative adjudication, sources and kinds of administrative powers and

functions of local government authorities, and tribunals, local, civil service, public complaints commission, due process of law. Other concepts that will be discussed are as follows:

- Discussion of the duties of principal functionaries in government
- Discussion of independent bodies recognised by the Nigerian constitution
- Examining reasons for the establishment of local government areas and their main functions
- Examination of the concept of the rule of law
- Explaining conditions necessary for the rule of law to thrive in a society
- Discussing the right of actions against the state
- Examination of the concept of sovereign immunity
- Examination of judicial and non judicial means of seeking redress for administrative wrongs.
- Examining administrative tribunals and tribunals of enquiry
- Examining membership of tribunals
- Discovering the right of appeal under tribunals
- Discussing dispensation of justice under the Nigerian legal system
- Examining in detail the fundamental human rights as enshrined in the 1999 Constitution and the public officers protection and functions of the Code of Conduct Bureau.

## Course Materials

Course Guide

Study Units

Text Books

Assignment Guide

## Study Units

The fifteen units in this course, should be studied carefully. They are as follows.

Module 1

Unit 1 Administration and Law,

Unit 2 Sources and Kinds of Administrative Powers

Module 2

Unit 1 The President/Governors

Unit 2 Ministers/Commissioners/Special Advisers

Unit 3 The Civil Service

Unit 4 The Civil Service Commission

Unit 5 Nigerian Local Government Administration

### Module 3

Unit 1 Rule of Law, Origin of the Doctrine of the Rule of Law, Necessary Conditions for the Rule of Law to Thrive in any Society

Unit 2 Sovereign Immunity and the Right of Action against the State

Unit 3 Remedies for Administrative Acts

### Module 4

Unit 1 Administrative Tribunals and Tribunals of Inquiry

Unit 2 Membership of Tribunals and Independence of Tribunals

Unit 3 Right of Appeal under Tribunals

Unit 4 Fundamental Right Embedded in the 1999 Constitution

Unit 5 Public Officers Protection

The first module comprises 2 units. Unit 1 defines administrative law, origin of administrative law, sources of Nigeria administrative law and functions of law in the society. Unit 2 treats sources and kinds of administrative powers.

Module 2 comprises 5 units which examine administrative authorities and functions. Module 3 comprises 3 units that treat constitutional remedies to redress administrative wrongs. Module 4, which is the last module comprises 5 units which treat administrative adjudication, administrative tribunals and tribunals of enquiry, rights of appeal under tribunals, fundamental human rights embedded in the 1999 Constitution, public officers protection and Code of Conduct Bureau.

Each study unit will take at least two hours, and it includes the introduction, objectives, main content, conclusion, summary, tutor-marked assignment and references/further reading.

You are expected to study the units and read the recommended textbooks under references/further reading in order to grasp the essence of the course. To test your comprehension of the unit, tutor-marked assignments are provided and you are encouraged to attempt them all.

It needs to be stated that completion of the course requires success at the semester examination which carries 70% of total available marks while tutor-marked assignments (2 for each semester) will carry 15 marks each, making a total of 100 marks.

The units are presented in simple format with contemporary examples for ease of comprehension. As is traditional with open and distance learning, it is expected that you would apply yourself diligently to learn at your own pace and time, as circumstances will permit. If you adhered to all these, the stated learning objectives of the course will be achieved.

## The Assignment File

There is no self-assessment exercise in this course, except the tutor-marked assignment. Attempt all of them by following the schedule prescribed for them in terms of when to attempt them and submit same for grading by your tutor.

## **Self Assessment Exercise**

The tutor-marked assignments are presented in each unit of the course. They are meant to test your knowledge of the concepts discussed in the unit you have just covered. When tutor-marked assignments are fully completed, they aid comprehension of issues dealt with in the units. The assignments should be submitted to the tutor/ facilitator for grading.

## **Final Examination And Grading**

At the end of the course on Public Administration Law, there will be a semester examination. The marks you earned in the tutor-marked assignments will be transferred and added to your scores in the final semester examination. This will determine your final grade in the subject.

## **Summary**

MPA 844 Public Administration Law is a course offered at the graduate level for one semester in an MIA programme at NOUN. The units comprising the course are presented in a simple format with contemporary examples to ease your comprehension. As is traditional with open and distance learning, it is expected that the you will apply yourself diligently at your own pace and time as the circumstances permit. Success, as an end product, should drive your learning and studying culture. Best of luck.