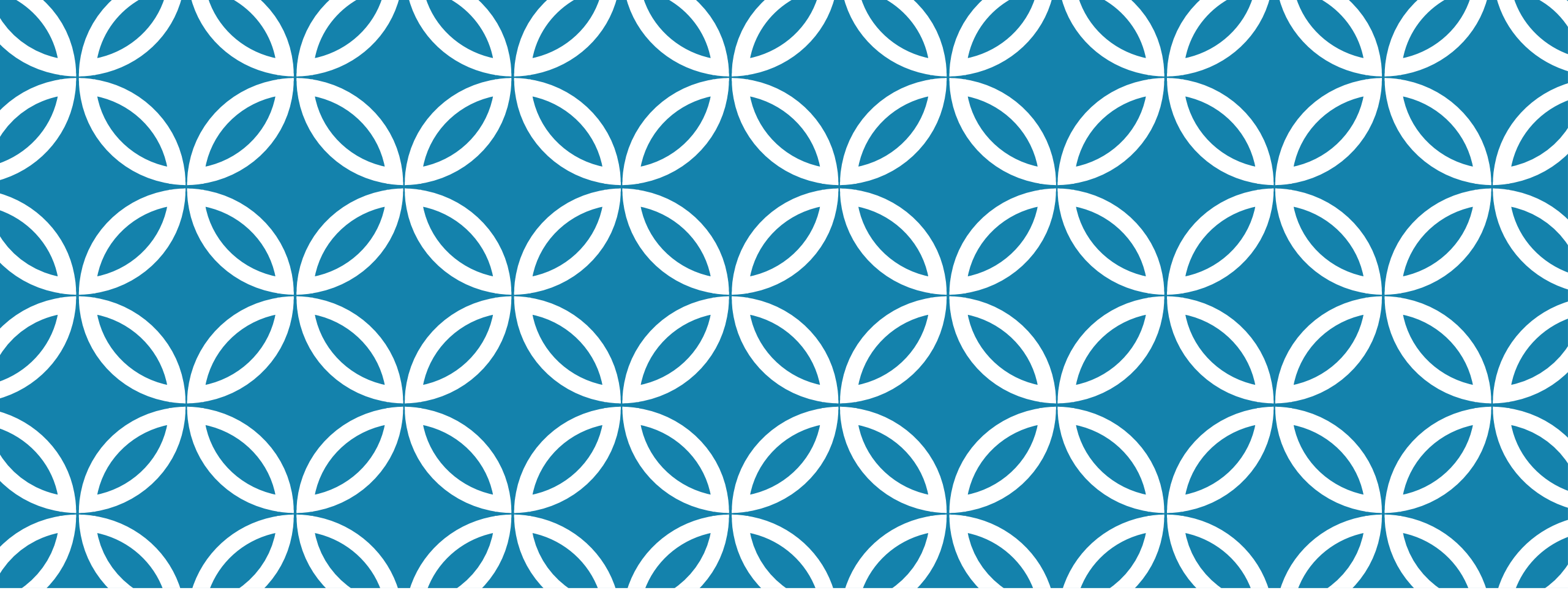

THEORIES ON ADMINISTRATIVE LAW

- There are two major theories on administrative Law
  - A. Red-Light Administrative Law
  - B. Green Light Administrative Law

RED LIGHT THEORY

the emphasis is on citizens' rights and on law as a brake on state action.

- **According to this theory of state, the best government is the one that governs least.**
- it has a negative view on state power to administer and it is the one in which the **emphasis is on the control or limitation and supervision of the state and its**

The state should be **restricted to a very limited range of social functions such as law and order and defense but not including social welfare or economic regulation**

- The red-light approach advocates strong role for the courts to review administrative decisions.
- The proponents of this theory believes that courts are the main mechanism of ***controlling of excess and arbitrary power.***

- ***It considers that the function of law is to control the excesses of state power.***
- **It deep rooted itself on the 19th century economic philosophy of resize faire which advocate a minimum government intervention and maximum contractual freedom.**
- Advocators of this theory has a deep-rooted suspicion of governmental power and a desire to **minimize the encroachment of the state on the rights (especially property rights) of**

- **According to this theory of state, the best government is the one that governs least.**
- Wider power means ***danger to the rights and liberty*** of citizens.
- Its descriptive feature is that, on the one hand, it gives much attention on control of governmental power, and
- on the other hand, it is confident that the

GREEN LIGHT THEORY

- **Obviously, it is the opposite/reverse of the red light theory**
- Hence, It sees political institutions as adequate to control state power.
- No need for court intervention
- As opposed to red light theory, It starts from the standpoint of a more positive, largely social and democratic view of the state.

- **Green-light theorists argue that the function of administrative law is to facilitate the operation of the state**.
- It is based on the rationale that bureaucrats will function most efficiently in the absence of intervention.
- ***Consequently, it considers the court‘s intervention as an obstacle to efficiency***

- Administrative law should aim to help simplifying the procedures and enhance efficiency.
- Unlike red light theory, it perceived law as a useful weapon and an enabling tool.
- It regards law not as a controlling mechanism, rather as facilitative tool.

AMBER LIGHT.

Even if it is not yet fully developed, there is a third approach known as the Amber-light theory.

- An optimal balance is sought among internal administrative controls and external political and judicial controls over administrative process.
- The third theory tries to strike the balance between the two extreme theories.