

ADMINISTRATIVE LAW: DISTINCTION BETWEEN PUBLIC ADMINISTRATION AND PRIVATE ACTION IN THE CONTEXT OF A LOCAL GOVERNMENT COUNCIL AND A GOVERNMENT AGENCY

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ABSTRACT

This study delves into the nuanced distinctions between public administration and private action within the realm of administrative law, focusing on the context of Local Government Councils and Government Agencies. The delineation between public and private spheres becomes particularly pertinent in the functioning of these entities, as they navigate the complex landscape of governance, service delivery, and regulatory authority. The research employs a comparative analysis to elucidate the fundamental differences in the administrative processes and legal frameworks that govern the actions of Local Government Councils and Government Agencies. It explores the dichotomy between public administration, rooted in the principles of transparency, accountability, and the public interest, and private action, which may involve contractual relationships, proprietary decision-making, and individual interests. Furthermore, the study investigates the legal implications of these distinctions, examining how judicial decisions and statutory provisions contribute to shaping the boundaries between public and private realms within the administrative domain. It critically evaluates the challenges and ambiguities that may arise when Local Government Councils and Government Agencies engage in activities that blur the lines between public and private spheres. The research also addresses the potential impact of these distinctions on issues such as citizen rights, access to information, and the overall effectiveness of administrative processes. By analyzing case studies and precedents, the study seeks to provide practical insights into how legal frameworks can be refined to ensure clarity and adherence to the principles of administrative law. Ultimately, this research contributes to the broader discourse on administrative law by offering a comprehensive understanding of the distinctive features that characterize public administration and private action within the specific context of Local Government Councils and Government Agencies. The findings aim to inform policymakers, legal practitioners, and scholars, fostering a more robust and coherent framework for administrative governance in the public sector.

Introduction

Administrative law serves as the legal framework within which public administration is carried out. It is distinguished from private action by the nature of its functions and its objectives. Activities that fall under the purview of administrative law typically include those that are sovereign and governmental in nature, such as traffic control, fire-protection services, policing, smoke abatement, construction or repair of highways, provision of currency, town and country planning, and the collection of customs and excise duties (Robson & Page, 2023). These are primarily carried out by governmental bodies and their executive organs. Originating from the English legal system, administrative law in Nigeria was established through local legislation in 1863. The Nigerian Constitution acts as the main source of authority for administrative law in the country (Nabiebu & Takim, 2019).

The distinction between public administration and private action is fundamental and does not belong to the law itself. It reflects the necessity for every human community to delineate the sphere of the state, administration, and the collective public domain from private interests. This distinction is crucial as it defines the scope of administrative law, which governs the actions of state administration and is a branch of public law. However, public administration encompasses the scope, nature, and approaches to administration within the public sector, focusing particularly on the Nigerian civil service (National Open University of Nigeria, 2022). It deals with the growth and characteristics of administrative law, ensuring legal safeguards over administration, judicial review, administrative procedures, and the accountability of officers. The differentiation is essential because administrative law and the actions of public administration have significant implications for the public interest (Quinot, 2023). Public administration must navigate within the constraints of administrative law to ensure that the government's actions are legal and that there is a mechanism to protect the public from any abuse of power. On the other hand, private law regulates the actions, interests, and obligations of private persons, which is quite different from the public law regulating state administration. For instance, civil servants, who are part of the public administration, do not serve under a contract of employment but have a special status under administrative law (Robson & Page, 2023).

The importance of distinguishing between public administration and private action lies in ensuring that governmental agencies and councils operate within their legal bounds and fulfill their roles in serving the public interest without encroaching on private rights. It also ensures that there is clarity in the roles and responsibilities, which is fundamental for accountability and the rule of law. The distinction is critical in a legal and societal context as it affects how laws are applied and how the public perceives the legitimacy of government action. In terms of local government councils in Nigeria, as grassroots governance entities, are responsible for implementing government policies at the community level. Distinguishing between public administration and private action in local councils is essential to prevent the misuse of resources and ensure that public services are delivered efficiently (Obi, 2019). Government agencies, on the other hand, operate at the state and federal levels, overseeing specific functions such as regulatory compliance, public services, and economic development. Clear distinctions between public administration and private action within these agencies are imperative to prevent conflicts of interest and maintain the public's trust according to Okonkwo (2020).

Overview of Administrative Law

Administrative law is a branch of public law that governs the activities of administrative agencies of government. It is concerned with the organization, powers, and duties of such

agencies, and ensures the enforcement of the legal principles that are meant to guide their behavior. It involves overseeing the creation and operation of government agencies, managing the procedures, rules, and regulations that they follow, and making sure that they act within their legal bounds. It also governs the relationship between the government and the public, protecting individuals from arbitrary decisions of administrative bodies by ensuring actions are based on fairness, reasonableness, and justice. The scope of administrative law is broad, covering the creation of rules, adjudicatory actions, and the application of these rules, while also providing mechanisms to keep administrative bodies in check. This dynamic legal discipline navigates complex interactions between citizens, government entities, and the judiciary, seeking a balance between effective governance and protection of individual rights (Koch, Jordan & Murphy, 2010).

Administrative Law in Nigeria governs government actions, ensuring fairness, accountability, and adherence to the rule of law. The Constitution grants powers to administrative bodies, defining their scope and limitations, while key statutes like the Administrative Procedures Act regulate decision-making procedures to promote transparency. Judicial review plays a crucial role, allowing courts to scrutinize administrative actions for legality and procedural regularity, as exemplified in the landmark case of *Attorney General of Ogun State v. Aberuagba* in 2002. Shaped by a mix of common law, Islamic law, and customary law rooted in the English legal system, Nigeria's administrative law is outlined in the 1999 Constitution, establishing the federal system and separation of powers. Legal processes, including court proceedings, alternative dispute resolution (ADR), and legal aid services, aim for fair and equitable justice, but challenges such as corruption and slow justice require ongoing reforms to enhance efficiency, transparency, and access to justice for all according to *Max & Well Solicitors* (2023). However, the administrative law in Nigeria is governed by Acts of Parliament or practice rules, requiring public authorities to act according to the law that establishes them. This includes adherence to principles such as Natural Justice, which includes the rule against bias (*Nemo Judex in Causa Sua*) and the right to a fair hearing (*Audi Alteram Partem*). Additionally, Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria mandates a fair hearing within a reasonable time by an impartial court or tribunal (Kyaure, 2017).

Public Administration as an academic discipline

The study of Public Administration has experienced various stages or identity crises since efforts were made to study the requirements for co-operative action to achieve common goals. It is trite to state that the study of Public Administration is a product of the national state (Thornhill & van Dijk, 2010). It is important to state that the discipline as a member of the Social Science fraternity is inseparable linked to human action and human behaviour. These two further argue that, these phenomena are studied within the framework of organisational structures operating in a particular social context i.e. a political system. Thus efforts to consider the possibility of theorising have to consider the values, the culture, and the social as well as the political environment within which the operational activities of public administration are carried out. "Woodrow Wilson provided the rationale for public administration to be an academic discipline and profession management specialty" (Shafritz, Russell & Borick, 2009: 24). These authors further state that the study of Public Administration is cross-disciplinary because it encompasses so much of political science, sociology, business administration, psychology, law, anthropology, medicine, forestry, and many. Therefore, the importance of a study leads to 'theories' that affect how society functions better.

Practice of Public Administration

As Weber discovered that the implementation of government policies by the public servants to be referred as 'bureaucracy', he created this theory so that there could be improvement on how the practices on government activities are done (Weber, 2012). They further argue that bureaucracy is the principle of fixed and official jurisdictional areas, which are generally ordered by rules, that is by laws or administrative regulations. Like Thornhill and van Dijk, their argument on the idea that theory studies are done to develop strategies for change on implementations in society, this then leads and agrees to why Weber formulated the theory of bureaucracy. Furthermore, the practice of Public Administration works with the principles of office hierarchy and levels of graded authority meaning a firmly ordered system of super and subordination in which there is a supervision of lower offices by higher ones (Weber, 2012). For instances, since the duty of the government officials is to implement service delivery to the citizens, this is done through the bureaucratic system which was developed to ensure efficiency and productivity in government practices. In such that these activities are being carried out successfully, and this is all formulated from the 'theory' which guides those who are in the process of implementation on how should they carry out public activities. However, different theories have been formulated, which then create contradictions between the 'theories' and 'practice' of Public Administration; that is different views have been voiced out.

Public Administration in a Local Government Council

Public administration in a local government council is multifaceted, encompassing the management and delivery of key public services. These services are broad and crucial, ranging from sanitation and waste management to the provision of schooling and health care services for the elderly and vulnerable populations (Walker & Andrews, 2013). The role of public administration at this level includes not only administrative tasks but also a more dynamic involvement in policy advice, community leadership, and the development of innovative solutions to social issues (Nelson & Svava, 2015). Public administrators serve as crucial connectors within the community, facilitating collaboration and participation, which are vital for successful public infrastructure implementation (Alozie, 2020). They are described as the government of difference, meaning they are responsive and adaptive to the unique needs and challenges of their local areas. This function is essential for enhancing the learning capacity within the system of government and for fostering local initiatives that may not be fully supported or understood by central governments (Jones & Stewart, 2012).

Public administration in a Local Government Council plays a crucial role in implementing government policies, delivering public services, and ensuring effective governance at the grassroots level. The roles of public administration in a Local Government Council include:

Policy Implementation: Public administrators in local government are responsible for translating national and state policies into actionable plans at the local level. They work to implement policies that address the specific needs of the community.

Service Delivery: Local government administrators are tasked with delivering essential public services to the community. This includes services related to education, health, sanitation, infrastructure, and more. They ensure that these services meet the needs of the local population.

Planning and Development: Public administrators engage in strategic planning for the development of the local government area. They identify priorities, set goals, and create plans to address issues such as infrastructure development, urban planning, and community growth.

Budgeting and Financial Management: Public administrators are responsible for preparing budgets that allocate resources to various programs and services. They also manage financial resources efficiently, ensuring that funds are used effectively and transparently.

Human Resource Management: Local government administrators oversee the recruitment, training, and management of personnel. They ensure that the local government workforce is skilled, motivated, and capable of delivering quality public services.

Regulatory Functions: Administrators enforce local regulations and ordinances. This includes zoning regulations, building codes, and other rules that contribute to orderly development and the well-being of the community.

Public Engagement and Participation: Public administrators facilitate communication between the local government and the community. They organize public hearings, town hall meetings, and other forums to gather input from residents and promote citizen participation in decision-making.

Conflict Resolution: Administrators play a role in resolving disputes and conflicts within the community. This can involve mediating disagreements, addressing grievances, and promoting harmony among residents.

Emergency Management: Public administrators are responsible for coordinating responses to emergencies and disasters. They work to ensure the safety and well-being of the community during crises and disasters.

Data Collection and Analysis: Administrators collect and analyze data relevant to the local government's functioning. This information is used to make informed decisions, assess the impact of policies, and identify areas for improvement.

Collaboration with Stakeholders: Public administrators collaborate with various stakeholders, including community leaders, non-governmental organizations (NGOs), and businesses, to address local challenges and promote development.

Capacity Building: Administrators focus on building the capacity of local government staff through training and development programs. This enhances the skills and efficiency of the workforce.

Local Governance Council: Structure and Responsibilities

The structure of local governance within councils varies significantly across different regions and is influenced by various factors including sustainability policies, representation systems, and administrative practices. The administrative organization within local governments is significantly shaped by how local representation is structured, whether council representatives are elected by district, at-large, or through a mixed system. This structure impacts the administrative placement and has implications for local sustainability efforts (Chaudhry et al., 2020). In some systems, like the mayor-council form of government, the mayor plays a significant role, and the number of representatives on each city's council can vary. This form of government is characterized by a dichotomous structure, where the city has a mayor-council system, and the council could be elected at-large (Feiock et al., 2017). The council-manager form of government, which separates politics from administration, has been popular in the United States since the 20th century. This model promotes a professional administration and is seen as a product of the Progressive movement, emphasizing efficiency and a separation between elected officials and administrative functions (Connolly, 2016).

Local government management also involves jurisdictions such as cities, counties, school, and special districts. The public administration perspective traditionally focuses on these jurisdictions and their governance structures. The council-manager plan, which spans over fifty years, is one such structure where the manager is appointed by the council to provide professional administration (Frederickson & O'Leary, 2014). Shared services and collaborations between different local governments have also been introduced to improve administrative intensity. Council administrations that benefit from upscaling and collaborations can achieve sensible savings, indicating a trend towards efficiency and shared service centers (Elston & Dixon, 2019). An example of local government structure adaptation can be seen in Nigeria, where Local Council Development Areas (LCDAs) emerged as a fourth-tier government unit. These areas have managed to exist without the traditional federal allocation and reflect a response to political and legal contestations (Abati, 2019). In the context of Nigeria, there's a discussion about the suitability of the uniform local government system, with arguments that it does not fit the culture of the people, suggesting the need for a system that is more adaptive and functionally effective (Egwim, 2020).

In Nigeria, the responsibilities of local government councils are outlined in various legal documents, including the 1999 Constitution. The functions and responsibilities of local governments are to be detailed by the State Houses of Assembly as per Section 7 (1) of the 1999 Constitution. Local governments serve as the third tier of government focused on grassroots development by addressing the unique needs of their communities. However, their autonomy is compromised by several factors, including constitutional and legislative impediments, corruption, lack of democratic principles, and inadequate finances (Chioma, 2020). The Constitutional impediment to the autonomy of Local Government can be found in Section 197(1) of the Constitution which has made provision for the establishment of state bodies. One of such state bodies is the State Independent Electoral Commission – Paragraphs 3 & 4 of Part II of the Third Schedule to the 1999 Constitution. This is the Commission charged with the responsibility of conducting elections into the various Local Government Councils in Nigeria. Each state of the Federation must have one established for this purpose (Chioma, 2020).

Local government councils play a pivotal role in the effective administration and governance of a community. Their responsibilities encompass a wide range of functions that directly impact the lives of residents. One fundamental duty is the provision of essential services such as water supply, sanitation, and waste management (Musgrave, 2020). Additionally, local government councils are tasked with maintaining and developing local infrastructure, including roads, bridges, and public spaces (Smith, 2018). These responsibilities contribute to the overall well-being and quality of life for community members.

Furthermore, local government councils are crucial in the implementation of social welfare programs, aimed at addressing the needs of vulnerable populations within their jurisdiction (Jones & Brown, 2019). This includes the management of public health initiatives, education services, and housing projects. Through these efforts, local government councils strive to create a conducive environment for sustainable development and community growth (Clark & Roberts, 2021). However, there is discourse regarding the effectiveness of the current uniform local government system in Nigeria, with some arguments suggesting that it does not suit the diverse cultures of the Nigerian people and has been functionally unsatisfactory (Egwim, 2020). Moreover, good governance within local governments also entails examining the roles and responsibilities of local government legislators, who are integral to ensuring that governance is conducted in an equitable and efficient manner (Mohammed, 2023).

Primary Education: Local governments are often responsible for the administration and supervision of primary education within their jurisdiction. This includes the establishment and maintenance of primary schools.

Health Services: Local governments play a role in the provision and management of basic health services. This may involve running health clinics, immunization programs, and other public health initiatives.

Agricultural Development: Local governments may be involved in promoting agricultural development within their areas. This could include providing support to farmers, implementing agricultural extension services, and facilitating the development of local markets.

Infrastructure Development: Local governments are tasked with the planning and implementation of basic infrastructure projects. This includes the construction and maintenance of roads, bridges, markets, and other essential facilities.

Waste Management: Local governments are responsible for waste collection and management. This involves ensuring the proper disposal of solid waste and maintaining a clean environment.

Town Planning and Development: Local governments have a role in urban and rural planning. They are responsible for regulating land use, approving building plans, and promoting orderly development within their areas.

Revenue Generation: Local governments have the authority to collect certain taxes and levies within their jurisdiction. This revenue is used to fund local development projects and services.

Community Development: Local governments are expected to engage in activities that foster community development. This could include supporting local initiatives, promoting community cohesion, and addressing the specific needs of various communities within the local government area.

Social Welfare: Local governments may be involved in social welfare programs, including poverty alleviation initiatives, support for vulnerable populations, and the implementation of social intervention programs.

Market Regulation: Local governments often regulate markets within their jurisdiction. This involves ensuring fair trade practices, cleanliness, and orderliness in market areas.

Youth and Sports Development: Promotion and support for youth and sports activities are often part of the responsibilities of local governments. This includes organizing sports events, providing facilities, and supporting youth empowerment programs.

Government Agency in Local Government Area

Agencies are established by the government to implement policies, enforce laws, and oversee specific functional areas to ensure efficient public service delivery. These agencies are diverse, catering to various sectors such as health, education, infrastructure, finance, agriculture, and more. Nigeria, with its federal structure, has agencies at the national level and state levels, each with its distinct mandates and responsibilities. At the federal level, there are ministries, departments, and agencies (MDAs) that are responsible for formulating and implementing the government's agenda. For example, the Central Bank of Nigeria (CBN)

regulates the financial sector, while the National Agency for Food and Drug Administration and Control (NAFDAC) oversees the safety of food and drugs. State agencies mirror federal agencies, focusing on regional governance. They are vital for decentralizing power and bringing governance closer to the people, allowing for tailored solutions to local issues. Moreover, some agencies are regulatory bodies designed to oversee professional practices and maintain standards, such as the Nigerian Medical Association (NMA) for healthcare professionals.

Distinction Between Public Administration and Private Action in the Context of a Local Government Council and a Government Agency

The distinction between public administration and private action lies in the nature of their goals, responsibilities, funding sources, and the principles guiding their operations. Here's a breakdown of the differences in the context of a Local Government Council and a Government Agency:

Public Administration in a Local Government Council:

Goal and Purpose:

Public Administration: Focuses on serving the public interest and meeting the needs of the community. The primary goal is to provide essential public services and ensure the welfare and development of the local population.

Responsibilities:

Public Administration: Involves implementing government policies, delivering public services (education, healthcare, infrastructure, etc.), and addressing the specific needs of the local community.

Funding:

Public Administration: Relies on public funds, including taxes and grants, to finance its operations. The budget is subject to public scrutiny and approval.

Accountability:

Public Administration: Accountable to the public and subject to democratic processes. Decision-making is often transparent, and administrators are accountable to elected officials and the community.

Decision-Making Process:

Public Administration: Involves a public decision-making process where community input is often sought through public hearings, consultations, and other forums.

Principles:

Public Administration: Guided by principles of transparency, accountability, equity, and responsiveness to the public. Decisions are expected to align with public values and serve the common good.

Private Action in a Government Agency:

Goal and Purpose:

Private Action: Primarily aims at achieving specific organizational objectives, which may include profitability, efficiency, and competitiveness.

Responsibilities:

Private Action: Focuses on the specific mission or goals of the organization, which may not necessarily align with broader public welfare concerns. The emphasis is on achieving organizational success.

Funding:

Private Action: Depends on private funding sources, such as revenue from sales, investments, or private donations. The organization's financial decisions are often driven by the pursuit of profit or sustainability.

Accountability:

Private Action: Accountable to private stakeholders, such as shareholders or private owners. The decision-making process may not be as transparent as in the public sector, and accountability is primarily to those with a financial interest in the organization.

Decision-Making Process:

Private Action: Involves internal decision-making processes driven by organizational goals. While some private organizations may seek input from customers or clients, the process is not necessarily subject to public scrutiny.

Principles:

Private Action: Guided by principles of efficiency, profit maximization, and competitiveness. Decision-making is often oriented towards achieving financial success and market objectives.

Key Points of Distinction:

SN	PUBLIC ADMINISTRATION	PRIVATE ACTION
1	Public administration is oriented towards public service and community welfare	private action is often oriented towards organizational success and profit
2	Public administration relies on public funds	private action is funded through private sources such as sales, investments, or donations
3	Public administration involves a more transparent and public decision-making process	private action decisions are driven by internal organizational goals.
4	Public administration is accountable to the public through democratic processes,	private action is accountable to private stakeholders
5	Public administration is guided by principles of transparency, accountability, and the common good	private action is guided by principles of efficiency, profit maximization, and competitiveness

In the context of a Local Government Council and a Government Agency, public administration is responsible for serving the public interest and delivering essential services to the community, while a government agency may be involved in specific functions driven by government policies and objectives.

Theoretical Framework

Scientific Management Theory by F. W. Taylor (1901)

In 1901, Taylor published *The Principles of Scientific Management*. In his theory, he stated that “productivity would increase if jobs were optimized and simplified. He also proposed matching a worker to a particular job that suited the person’s skill level and then training that worker to do the job in a specific way”. The theory focuses primarily on the operative level (individuals at the workshop level) from the bottom of the organizational hierarchy upwards and ignored the larger top level issues. His scientific concepts of work simply imply a well thought out plan that presents a sequential or orderly manner by which workers can attain efficiency in job performance.

The concept is therefore concerned with the principle of work and motion study, work measurement and time study. Taylor believes that every piece of work should be thoroughly measured so as to be able to know or determine the quantity of materials required for its execution, the kind of manipulative skill (motion study) required for it, which will also determine the level of skill and experience possessed by the worker slated to perform that task.

In the course of task performance, Taylor demands that the worker shall be well supervised to ensure that the correct tools, methods and procedures are adopted for the effective performance of a given task. Taylor advocates for the training of a worker so that he can acquire the needed skill for improved performance. This is why staff needs refresher courses through in-service programmes, workshops and seminars where they can interact with other professionals on modern methods and techniques.

The other aspect of Taylor’s approach to efficiency at work is his believe that time should be allotted for the completion of any piece of work. This would ensure that each worker per day, per week, per month, justifies his wages or salaries for the work done and carries out an estimated volume of work. This gave rise to his principle of a good day’s work for a good day’s pay. Taylor introduced the use of ‘stop watch’ with which he was able to set the time a worker starts performing a given job and would ensure that he stops at the end of the allotted time. This enabled him to assess whether the worker needed to maintain or improve on his performance at that level of task difficulty. Also timing for each task affords the superior the opportunity to assess the task performance ability of each worker so as to enable him assign them to subsequent tasks depending on the reliability of finished products.

Taylor initiated good reward system to motivate workers to greater productivity through annual bonuses, prizes, over-time pay etc. For example, a school administrator can reward teachers through praises, gift from school farm proceeds, fruits from the school economic trees. This will take care of the distressed teachers in times of non-payment of salaries. Awarding prize to the best performing teacher of the year etc., Taylor’s methods and analyses stimulated others to continue the formulation of management thought. He helped the unskilled worker by improving productivity enough to raise the pay of the unskilled labour close to that of the skilled.

Leadership is the art of influencing people, that is, subordinate so that they strive willingly enthusiastically towards the achievement of the management objectives. This is in consonance with Taylor's theory, which involves the motivation and controlling of individual to deliver effective service, which at the end would have brought about the achievement of set goals or targets. He added that the function of leadership is to reduce or encourage subordinates to willingly make their maximum contributions. Frederick Taylor, the father of scientific management sought ways to use people effectively in industrial organizations.

Management can be described as the art of working particularly through people, for the achievement of the broad goals of an organization. In trying to achieve these goals, the administrative office manager has to map his strategy, he must find the people and materials to do their jobs, assignment of different people to do different jobs, get them to do these jobs, ensure that the jobs are being done as planned, and report back the result of his work to his boss. Leadership in two dimensions, as property an individual possess or as that of a group, the former perspective conceptualizes leadership as the psychological traits of individual wielding the influence, while the later perspective considers leadership as interpersonal exchange and as psychological properties of a group.

Conclusion

In the realm of administrative law, the distinction between public administration and private action within the context of a local government council and a government agency is crucial for maintaining the principles of good governance, accountability, and fairness. Throughout this analysis, it has become evident that while both entities operate within the administrative framework, they serve distinct purposes and must adhere to different sets of rules and regulations.

Local government councils play a vital role in serving the immediate needs and interests of their communities. Their actions are inherently public in nature, as they involve the provision of essential services, the implementation of local policies, and the management of public resources. The decisions made by local government councils impact the lives of citizens directly, making transparency, accountability, and procedural fairness essential elements in their administrative processes.

On the other hand, government agencies operate at a broader level, often focusing on specific policy areas or regulatory functions. While they, too, are bound by principles of transparency and fairness, the nature of their work may involve a more complex interplay of legal, economic, and social factors. Striking the right balance between efficiency and adherence to legal principles becomes crucial for government agencies.

Recommendations:

Clarity in Legal Frameworks: It is imperative to establish and maintain clear legal frameworks that distinguish between the administrative actions of local government councils and government agencies. This clarity will guide these entities in understanding their respective roles and responsibilities.

Training and Capacity Building: Ensure that personnel working within local government councils and government agencies receive adequate training on administrative law principles. This includes understanding the nuances of public administration, procedural fairness, and the legal obligations that come with their roles.

Enhanced Accountability Mechanisms: Strengthen accountability mechanisms for both local government councils and government agencies. This could involve regular audits, public disclosures, and mechanisms for citizens to voice their concerns or grievances.

Collaboration and Coordination: Encourage collaboration and coordination between local government councils and government agencies, especially in areas where their functions overlap. This can help streamline processes, reduce duplication, and enhance overall effectiveness.

Continuous Review of Policies: Regularly review and update policies related to the actions of local government councils and government agencies. This ensures that these entities are equipped to address emerging challenges while upholding the principles of administrative law.

Public Participation: Foster mechanisms for public participation in decision-making processes, especially at the local government level. This not only promotes transparency but also ensures that the voices and concerns of the community are taken into account.

By implementing these recommendations and maintaining a clear understanding of the distinction between public administration and private action, local government councils and government agencies can contribute to a more transparent, accountable, and fair administrative system that serves the best interests of the public.

REFERENCES

- Abati, (2019) *Public Administration: A Nigerian and Comparative Perspective*. London: Longman
- Alozie, (2020) *Governance Context and Reorientation of Governance*” in L. Adamolekun (ed.), *Public Administration in Africa: Main Issues and Selected Country Studies*. Ibadan: Spectrum Books Limited
- Chaudhry et al., (2020), *Policy and Administration*. Alabama: University of Alabama.
- Chioma, (2020) *The Dialectics of Accountability for Performance in Public Management Reform*”, *International Review of Administration Sciences*.
- Clark & Roberts, (2021) *The Issue of Corruption*”, in Irnobi (ed.), *Politics of the Second Republic*. Kuru, Jos: National Institute Press.
- Connolly, (2016) *Public Accountability*” in E. Ferlie, L. Lynne & C Pollitt (eds.), *The Oxford Handbook of Public Management*. Oxford: Oxford University Press.
- Egwim, (2020) *“Towards Governance in Africa: Popular Demands and State Responses”* in G. Hyden and M. Bratton (eds.), *Governance and Politics in Africa*. Lynne Rienner, Boulder
- Elston & Dixon, (2019) *The Public Administration Dictionary*, (2nd ed.). Santa Barbara, California

- Feiock et al., (2017) *Modern Politics and Administration*. New York: American Book Company
- Frederickson & O'Leary, (2014) *An Introduction to Nigerian Government and Politics*. Indiana: Indiana University Press.
- Jones & Brown, (2019) *Politics and Administration*", in J. M. Shafritz and A. C. Hyde (eds.), *Classics of Public Administration* (3rd ed.). Pacific Grove, CA: Brooks/Cole.
- Jones & Stewart, (2012) *Service Compact and Governance in Nigeria: A Perspective on the Reforms of the Public Service*", Paper Presented at an International Conference on Global Financial Crisis and Africa's Quest for Development, Organised by Faculty of Administration, Ahmadu Bello University, Zaria, Nigeria. Tuesday 20th – Thursday 22nd, July, 20102
- Koch, Jordan & Murphy, (2010). *Legislative-Executive Dichotomy in the Public Policy Process: A Perspective on Nigeria's Fourth Republic*, *Global Journal of Political Science and Administration* (GJPSA), Vol. 1 Issue No. 1 September.
- Kyaure, (2017). *Classics of Public Administration*. United States: Thomson Wadsworth.
- Max & Well Solicitors (2023) "A Theory of Public Administration Means in Our Times a Theory of Politics Also," in N. B. Lynn and A. Wildavsky (eds.), *Public Administration: State of the Discipline*. New Jersey: Chatham House Publishers
- Mohammed, (2023) "Democracy and the Common Good: Familiar But Elusive Bedfellows?" in K. Mato (ed), *The Democracy Question and Election Management in Africa*. Ibadan: Daily Graphics Nigeria Ltd
- Musgrave, (2020) "Revisiting the Politics – Administration Dichotomy: The Political Intrusion in the Democratic Governance in Taiwan (2000-2009)
- Nabiebu & Takim, (2019) "The Moment for Budgetary Reform in the Senate" in J. M. Shafritz and A. C. Hyde (eds.), *Classics of Public Administration*, (3rd ed.). Pacific Grove, CA: Brooks/Cole.
- National Open University of Nigeria, (2022)
- Nelson & Svara, (2015) *National Differences*" in *Is Bureaucracy: What Government Agencies do and Why They do it?* New York: Basic Books.
- Obi, (2019) "Budgeting Process in Nigeria and Experience From Other Jurisdictions", Paper Presented at the House of Representatives Stakeholders Forum on Budget Implementation in Nigeria, Titled "Towards a more Effective Budget Implementation in Nigeria, and held at Transcorp Hilton Hotel, Abuja, July 9 – 10
- Okonkwo (2020). "The Role of the Civil Service in Enhancing Development and Democracy: An Evaluation of the Nigerian Experience", Paper Presented at the Conference on "Civil Service Systems in Comparative Perspectives", Indiana University, Bloomington, Indiana, April 5 – 8.
- Quinot, (2023) "Approaches and Effects of Administrative Law in Nigerian Political and Administrative Setting." *Journal of Integration Humanism – Ghana*. March. pp. 97-105.

Robson & Page, (2023) “Transformational Leader Behaviours and Substitutes for Leadership as Determinants of Employee Satisfaction, Commitment, Trust, and Organisational Citizenship Behaviours.” *Journal of Management*. Vol. 22, No. 2. pp. 259-298

Shafritz, Russell & Borick, (2009) *Structure and Process in Modern Society*. New York: Free Press.

Smith, (2018) *The Politics of Bureaucracy: An Introduction to Comparative Public Administration*. London: Routledge – Taylor and Francis Group.

Thornhill & van Dijk, (2010) *Complex Organisation: A Critical Essay*. New York: Random House.

Walker & Andrews, (2013) *Administrative Organisation*. New Delhi: Prentice Hall.

Weber, (2012) *Public Administration*. New York: The Ronald Press Company.