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# Difference Between Public and Private Law

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## Main Difference – Public vs Private Law

Public law and private law are two wide areas of law that sometimes tend to overlap when exercised. Public law is the body of law which governs the exercise of powers of the government and public authorities. It controls public agencies or bodies acting in a public capacity and covers three main subdivisions: constitutional, administrative and criminal law. The body of law which govern the relationship between private individuals is known as the private law. It covers

various key areas of law; contracts, property, equity and trusts, torts, succession and family law are the most imperative. Thus, the **main difference** between public and private law is that the **private law governs relationships among citizens, and the public law governs the relationship between individuals and the state.**

This article looks at,

1. Public vs Private Law Quick Summary
2. What is Public Law
3. What is Private Law
4. Difference Between Public and Private Law

## PUBLIC LAW VERSUS PRIVATE LAW

Public Law aims to protect the public interest	Private Law seeks to protect private interests
Individuals and the state are the main parties involved	Private entities or organizations acting in the private capacity are the main parties involved
Ensure the public interest of the general population	Secure private interests/freedom of the individuals in the community
Responsible for regulating a harmonious relation between the citizens and the state	Responsible for regulating the activities between two or more private entities in a just and fair manner
Penal sanctions are more severe	Sanction usually include the payment of damages
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### What is Public Law

Public law administers the relationship between the government and individuals. It comprises of standards governing the relationship between various branches of the government and rules administering the relationship between the government and people or private bodies. It comprises of constitutional law, administrative law, and criminal law.

- **Constitutional law** is related to the constitution of the country; it is especially concerned with the three main branches of the government i.e. the legislature, the judiciary, and the executive.

- **Administrative law** is the law governing the functions of the government, and the role it plays for its citizens; this area of law regulates areas such as trade, economy, public service, environmental protection, and taxation.
- **Criminal law** is the law that is concerned with the punishment of offenders. Certain wrongdoings pose a serious threat to the order of the society, and they would be considered as violations/crimes against the society, and the state brings such wrongdoers to justice by imposing sanctions to maintain the social order.

The public law sets up the powers and obligations of governments and, characterizes the rights and obligations of the people to governments. It is believed that public law is an area intended to encourage and promote the common good for the benefit of the community. Generally, Public law tries to ensure the public interest of the general population, since the abusing the public law would affect the community. The sanctions imposed for violations are considered to be *severe* in nature. For instance, the sanctions under the criminal law could vary from fines, imprisonment to death penalty. [Read More...](#)



## What is Private Law

The private law is the body of law which govern the relationship between private individuals. Private law characterizes the rights and obligations of people and private bodies, in their relationship among the either. It covers various key areas of law such as contracts, property, equity and trusts, torts, succession and family law. The private law ensures the freedom of the people to pursue their aims/goals. Here, the legal relations enable the parties to act freely in their private capacities of private individuals. The private law tries to secure just private interests/freedom of the individuals in the community. Most of the remedies in private

law are of a pecuniary / monetary nature; the party who has infringed the law needs to pay some amount of cash to the injured party and not to the state as determined by the courts. These private law classifications of remedies/sanctions include,

**Restitution:** The party alleged to have breached the law will have to will have to restore any matter to the /state condition as of the breach of law had never happened.

**Damages/ Compensation:** An amount for the actual damage or loss incurred have to be paid, as determined by the court.

**Returning enrichment:** The party who has benefited unjustly (unjust enrichment) has to pay back

**Specific Performance:** The party has to do or give up something, i.e. specific performance of the breach.

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## Difference Between Public and Private Law

It is believed that the areas of Public and Private Law often overlap in their attempt to achieve the purpose of regulating the conduct of the individuals if the society. For example, a road accident can be filed under the private law area of tort for negligence or reckless driving by the affected private individual, whereas a criminal case under the public law too can be filed by the state for the violation of motor traffic rules. Thus, the practical application of the law doesn't allow a clear demarcation between the Public and Private Law. Certain salient features enable us to discern a few distinctions between them.

## Aims

**Public Law:** Public Law aims to protect the public interest.

**Private Law:** Private Law seeks to protect only private interests.

## Sanctions

**Public Law:** Penal sanctions are more severe; for example, sanctions exacted for criminal activity include fines, imprisonment or death.

**Private Law:** Sanction usually include the payment of damages by the defendant to the plaintiff; sometimes injunctions or specific performance are granted.

## Affected Parties

**Public Law:** The main parties involved here are the individuals and the state.

**Private Law:** The main parties involved are the private entities or organizations acting in the private capacity.

## Responsibilities

**Public Law:** This branch of law is responsible for regulating a harmonious relation between the citizens and the state.

**Private Law:** This branch of law is responsible for regulating the activities between two or more private entities in a just and fair manner.

## Governing Area

**Public law:** This branch of tries to ensure the public interest of the general population.

**Private law:** This branch of law tries to secure private interests/freedom of the individuals in the community.

## Overall Content

**Public law:** Public law defines the powers and obligations of the state and establishes the rights and duties of the relationship among the individuals and the governments.

**Private law:** Private law characterizes the rights and obligations of people and private bodies, in their relationship among the either.

Reference:

“Private Law.” UNSW Law. Accessed August 24, 2016. [here](#)

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