Discretionary Powers of Administration: A Constitutional Approach on Judicial and Legislative Control

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Abstract

Discretionary power is not merely a medium of governance but also a well of despotism. A country like India, which is a welfare state, grants vast discretionary powers in the hands of the administration for effective governance. These administrative actions should be consistent with constitutional values in order to solve people's issues. The concept of administrative law plays a pivotal role here in maintaining a just, fair and reasonable constitutional framework to thwart abuse of power. It outlines the legislative and judicial instruments that will step in to restrict the excessive exercising of powers by administrative authorities. The judiciary uses its review weapon to limit the actions of the administration. On the other hand, the legislature also intervenes by preventing itself from delegating essential legislative powers to the executive. The main objective of this flexible separation of powers is to uphold the Rule of Law. This paper delves into the realm of discretionary decisions that require an alignment with reasonable constitutional mechanisms. This paper critically analyses the administrative framework, where administrative authorities have accountability in the execution of discretionary powers under judicial and legislative oversight. It will highlight the relationship between power and control under the umbrella of administrative law.

Keywords: *Administration, Control, Discretionary Powers, Legislature, Rule Of Law, Judiciary.*

1. INTRODUCTION

'Power tends to corrupt, and absolute power corrupts absolutely.'

- **Lord Action**[1]

The word 'Power' refers to the discretionary actions of a person or group of persons. Where the life and liberty of crores of people in question, such power pertains to the welfare state, is required to be qualified and restricted to avert authoritarianism. Hence, the concept of administrative law aligns with constitutionalism because one of the foundations is the Constitution of India. It needs to adhere to and be faithful to constitutional values while preserving the Rule of Law. One of the three limbs of government is administrative authority under the executive which has vested discretionary powers ostensibly in order to pursue a flexible approach. A failure to stipulate specifically and explicitly what variables will be subject to account when determining a decision renders this an indispensable measure. The actions of checks and balances among the three limbs are an essential factor in a constitutional framework.

Whenever administrative authorities are vested with discretionary powers, it is apparent that it is the legislature that relies upon the administrative actions under the purview of the true character of the legislation. If the legislature does not provide the provision of appeals, then it does not mean to guard the executive from judicial review in the court of law. The courts have to demonstrate self-control owing to their regard for the legislature, as the legislature has given the decision-making power to the administrator's discretion. However, since discretionary powers can be misused excessively and inflict injustice on people, an impulse to act in the spirit of justice drives the judicial bodies to promote an active approach.

A multitude of novel functions have been added to administration as an outcome of the state's emphasis on transitioning from the status of a police state to the welfare state's functions of offering people basic social and economic services.

[1] Acton Institute, Lord Acton Quote Archive, ACTON INSTITUTE, https://www.acton.org/research/lord-acton-quote-archive (last visited March 13, 2025).

The legislative and administrative measures have flourished in the last decades, which has led to granting the administrations broader discretionary powers. The administration has extensive authority to use administrative regulation and adjudication to impact people's lives, liberties, and property. The enormous growth of administrative authority has made it clear that oversight is required to prevent administrative caprice. Therefore, this paper will discuss the regulatory framework for such oversights in the form of legislative and judicial control over the actions of administrative authorities.

2. DISCRETIONARY POWERS: AN OUTLINE

What is Discretion? Discretion is the power to make a choice. It is a liberty to take any action or omission in any specific instance. Whereas discretionary powers in light of the legal arena refer to administrative authorities' decisions taken under the exercise of discretion within the legal boundaries.

"Wherever there is discretion, there is room for arbitrariness."

- **A.V. Dicey**[2]

According to Dicey, the rule of law entails the lack of discretionary or even arbitrary powers since there is room for arbitrariness wherever there is discretion. The administration now has a substantial degree of discretionary power to significantly impact each person's life, liberty, and property in the modern welfare environment. The major scope of administrative law is the control of these discretionary powers so as to avoid their abuse or misuse.

It is a well-established notion that each action taken by the state must adhere to a standard or norm that is neither irrelevant nor arbitrary. It is presumed that if a nation has a democratic system that adheres to the rule of law, then the state or the legislature does not intend for its functionaries to act unfairly or unjustly in the exercise of their statutory powers.

[2] An Analysis of A.V. Dicey's Rule of Law, LEGAL SERVICE INDIA, https://www.legalserviceindia.com/legal/article-10787-an-analysis-of-av-dicey-s-rule-of-law.html (last visited March 13, 2025).

A duty to act fairly should be in accordance with the fundamental philosophy of substantive justice, regardless of whether the authority granted to a statutory body or tribunal is administrative or quasi-judicial.

Administrative authorities restrict or eradicate arbitrariness by documenting the rationale behind their decision-making. In **A. Vedachalal Mudaliar v. State of Madras**[3], the Madras High Court ruled from the perspective of the tribunals' goodwill and the public interest that they must provide justification when overturning an inferior tribunal's decision. Further, if reasons for an order are given, there will be less scope for arbitrary or partial exercise of powers and the 'ex-facie' order will indicate whether extraneous circumstances were taken into consideration by the tribunal in passing the order. This case clearly illustrates the point that quasi-judicial bodies are under an obligation to pass speaking orders. In a welfare state, the rights of the citizens are affected by administrative decisions, in particular, by the exercise of discretionary power.

The party against whom the administrative order was made satisfied with the obligation to give reasons. This reflected the belief that justice should not only be carried out but also seem to be carried out. This rationale applies to all functions, whether they are classified as entirely administrative or quasi-judicial. An order without rationale is presumed to be arbitrary, and the party who was aggrieved may question the reasoning for the decision. Though they might be fair, irrational conclusions might not seem so to people. Conversely, well-reasoned outcomes will likewise sound a bit equitable.

The criterion under this title is that the administrative authority provides unambiguous proof that it has used the powers granted to it by the legislation. The authority will be on guard and the likelihood of unintentional personal prejudice or injustice in the decision will be decreased by the very process of looking for justifications. In furtherance of eliminating unnecessary or irrelevant factors, the authority will present arguments that reasonable men would find rational and valid. In the end, judicial review serves to "release the clutch of unconscious preference and irrelevant prejudice" allowing the public to have faith in both the decision-making process and court decisions.

[3] AIR 1952 MAD 276.

2.1 DISCRETIONARY POWERS OF THE PRESIDENT

The President is the first citizen of a country and all executive powers of the Union can be exercised by him or his subordinates. The Constitution of India grants the supreme command of the Defence Forces of the Union to the president, which is further regulated by legislation.[4] There is no strict separation of powers in the Indian constitutional framework which leads to the President acting as a titular head. The President acts in accordance with the aid and advice of the Prime Minister and the Council of Ministers, and such advice cannot even be inquired into in any court of law.[5] However, the true discretionary powers lie in Article 73, which states that matters over which Parliament has the authority to enact laws may fall under executive power of the Union.[6] The president and the administrative authorities not only execute the laws but also have the authority to adjudicate them through constitutional provisions and delegated legislation. The extension of powers brings more obligations toward the protection of the rights of citizens. The territory of India consists of states and union territories. The Union territories are administered by an administrator, whom the President appoints under Article 239. He may even appoint a governor of an adjoining state to regulate the same.

Article 53(3)(b) of the Constitution empowers the Parliament to confer the law functions on authorities subordinate to the President. The Parliament has even power to disapprove the ordinances made by the President if they are unsatisfied with such promulgation post such reassembly. In reality, the president acts on behalf of the Council of Ministers, which serves as an integral part of Parliament; thereby, the likelihood of it getting disapproved is quite minimal.

2.2 DISCRETIONARY POWERS OF THE GOVERNOR

The Governor is the head of state and all executive powers of the state can be exercised by him or his subordinates. The governor of the state also has to take advice from the chief minister and the council of ministers except if the Constitution grants the exercisable functions at his

[4] India Const. art. 53
[5] India Const. art. 74
[6] India Const. art. 73

discretion, and such a decision shall be considered final and not to be enquired about in any court of law.[7] However, the House of the Legislature also has the power to disapprove the promulgated ordinance by the governor of that state. The governor is also subject to certain restrictions while using his power of discretion to uphold constitutional values.

3. JUDICIAL CONTROL

The judiciary is an essential bulwark of individual liberty against administrative arbitrariness, which has a major obligation to keep the administrative authorities within the limits of their authority in the absence of alternative emerging control mechanisms. The judicial body has recently inclined to expand and strengthen its authority over this area of administrative actions. The paramount principle of judicial control over discretionary powers of administration is to decide upon the legality in lieu of the merits of actions. The courts are vested with a functional weapon of judicial review with limited authority.

The key rationales for the judiciary's intervention in the execution of discretionary power have also been clearly defined, though they often overlap. These rationales are, in general, non-exercise of discretion and misuse of discretion.[8] Mala fide exercise of power, acting with an inappropriate motive, making decisions based on irrelevant factors or discarding pertinent factors and acting irrationally are all examples of misuse of discretion. When an authority delegates its powers to a subordinate sans statutory permission or when it operates under the direction of peers, they are not using its discretion. It may also be considered non-exercise of discretion to impose rigorous, independent norms of policy on discretion. If the courts apply these rationales to practical scenarios, they participate in an artistic endeavour where their attitude and perspective are crucial elements. The fine distinction distinguishing the decision's legality from its merits is becoming increasingly hazy and it may even disappear if the judge's activism escalates.

[7] India Const. art. 163
[8] N.K. Jayakumar, Limits of Judicial Activism vis-a-vis Administrative Discretion: A Preliminary Inquiry, 26 JILI (1984) 55.

3.1 APPLICATION OF NATURAL JUSTICE

'The aim of rules of natural justice is to secure justice or to put it negatively to prevent miscarriage of justice.'

- **Justice J.C. Shah**[9]

Natural Justice has its own rules that aim to secure a positive justice system in a state. The administrative authority cannot gain arbitrary power via absolute discretion, negating the constraints that are inherent to it. Insisting on "fair play in action" from administrative authorities, whether they are carrying out administrative or quasi-judicial duties, has been the judicial trend. The Supreme Court, in one of the landmark judgments, ruled that although a selection committee's decision regarding a candidate for a government position was administrative, the body had an obligation to behave without prejudice.[10] As a consequence, one of the natural justice elements was utilized. Thus, it must be presumed that legislation is now well established that the natural justice doctrine must be upheld even in administrative proceedings with civil implications.

The apex court ruled on the new ground of control over the exercise of administrative discretion, i.e., non-application of mind.[11] If the authorities do not apply their due mind while executing any order that leads to arbitrariness, such an actionable order will be held liable to be quashed. It belies the common belief that administrative authorities have unfettered discretionary powers.[12] The decisions taken on the basis of extraneous grounds are liable to be struck down in certain instances because the authority did not consider the relevant factors with all due process. The courts have to keep in mind the policy and object of the legislation while determining what relevant elements have been taken into account by the administration.
Natural justice is a component of public law and an effective instrument that can be used to ensure that citizens attain justice analogous to public policy and ultra vires. It causes an abundance of mischief in addition to a number of good actions.

[9] A.K. Kraipak v. Union of India, AIR 1970 SC 150.
[10] Ibid.
[11] Barium Chemicals Ltd. v. Rana, (1972) 1 SCC 240.
[12] S.N. Jain, Judicial Control of Discretionary Powers - Barium Chemicals Ltd. v. Ranal, 15 JILI (1973) 273.

It may be employed to safeguard civil and political rights alongside some fundamental liberties but it is also frequently utilized to safeguard special interests and impede the trajectory of positive development. The Constitution of India acknowledges the primacy of the public interest over the individual interest, as would be appropriate for a Socialist Secular Democratic Republic. Therefore, any rule of interpretation, whether public policy, natural justice, or ultra vires, must adapt, develop, and alter to meet the needs of modern society and the public interest. The courts have begun pursuing procedural safeguards to mitigate administrative decision-making's arbitrary nature, even in instances where administrative action is discretionary. There was no requirement for a hearing because the executive's subjective satisfaction was the rationale for the administrative exercise of power.[13]

The "narrow conceptualism" of past decades is being abandoned by Indian courts when it concerns extending natural justice notions to administrative operations. The arbitrary categorization of administrative functions into quasi-judicial and administrative subcategories has not been entirely discarded. However, they have been permissive when it comes to defining functions as quasi-judicial. Natural justice should apply to both administrative and quasi-judicial actions if the intent is to ensure justice or mitigate atrocities. The fundamental essence of justice is the "duty to act fairly" or "fair play in action," which is the focus of most judicial concerns. Everyone who supports the principles of democratic freedom and the rule of law should embrace this uprising. Fairness is in the public interest to the extent that it ensures justice and acts as a check on the abuse of powers by the executive branch.

[13] Province of Bombay v. Khushaldas Advani, 1950 SCR 621.

3.2 POST-DECISION HEARING

The concept of post-decision hearing plays a crucial role in judicial control over discretionary powers. It is an essential element of natural justice in administrative law, where a person has the remedial opportunity to approach the court if the administrative authority makes a contrary decision. The principles of natural justice would also be upheld by holding a hearing after the impounding order. In Maneka Gandhi's case[14], the Passports Act impliedly included a post-decisional hearing provision, which would make the statutory process for impounding "right, fair, and just". The order would be revoked if there was no post-decisional hearing of this kind. However, the vice had been removed from the impounding order because the government had promised the court that it would offer a fair hearing opportunity when the decision was made within a reasonable amount of time. A post-decisional hearing could satisfy the courts when quick and efficient action needs to be taken.

The notion of a post-decisional hearing is not an unfamiliar concept in Indian practice. There are statutes that actually provide provisions for the same and the need for immediate measures did not always completely exclude the requirement of a fair hearing from being implemented initially. A post-decisional hearing was expressly allowed by the applicable statutes like in the Swadeshi Cotton Mills case; nevertheless, this should have been deemed adequate for the objectives of a fair hearing. In light of the government's submission, the Supreme Court's final verdict essentially acknowledged the post-decisional hearing's admissibility. The purpose of fair hearing norms is to guarantee justice for those who have suffered and to prevent administrative arbitrariness. However, the Act satisfies the requirements of a fair hearing if it provides for immediate and urgent action without a hearing and then provides for a hearing following that action, as in this specific instance. However, the statutory silence on post-decisional hearings must unavoidably be interpreted as mandating pre-decisional hearings.

[14] Maneka Gandhi v. Union of India, 1978 SCR (2) 621.

When the exclusion of natural justice is not stated explicitly, it must be inferred from the subject, the statute and the statutory circumstance. The statute's other provisions must be interpreted in the light of any express provisions allowing for a post-decisional hearing. If the statute's other provisions seem to exclude pre-decisional natural justice, the post-decisional hearing provision may resolve the matter. As an outcome, it became ostensible that post-decisional hearings could adequately supplant pre-decisional hearings.

When a party exercises a statutory right to approach the government for dispute resolution, they possess the right to know the reason why a decision was rendered against them. In furtherance of the decision, adequate disclosure of materials supporting an inference that the dispute has been judicially considered by an authority with the necessary authority in light of the aggrieved party's claim is required in order in front of the High Court or this Court to exercise its constitutional powers.[15] If the courts adhere to the notion that an administrator exercising discretionary power ought to state the grounds for a particular decision if requested to do so, the scope of this ground for review will likely be significantly increased. It is rather apparent that failing to take into account relevant considerations will amount to an error of law.

4. LEGISLATIVE CONTROL

Parliament and state legislatures are the law-making bodies that act as part of the legislative authority in India. It comprises of President, a Council of States and a House of People with respect to the Parliament[16], whereas every respective State Legislature entails a Governor, a Legislative Assembly and a Legislative Council[17] (States having more than 120 MLAs can only situate a Legislative Council[18]). The legislative body confers powers through statutes on the executive that adhere to the directives and objects and must be construed as a whole in the court’s interpretation. If any executive authority exercises its discretionary powers that stray off course from policy and objects, then such a person will not be entitled to the roof of protection by the court.

[15] Travancore Rayons Ltd. v. Union of India, 1970 SCR (3) 40
[16] India Const. art. 79
[17] India Const. art. 168
[18] India Const. art. 171

All three limbs of government must adhere to the sovereign principle which states that the power should be exercised in good faith and have a reasonable approach. The legislature has absolute authority over the subject matter of discretionary decisions as well as the process by which they are made. The executive branch should be able to exercise its discretionary powers in tandem with the presumed intentions of the legislature that granted it. The legislature created the statute but the executive branch expressly or impliedly calls for the delegatory power. Every committee system depends on the authority granted by the statute through delegation. The legislature can outlaw a notable aspect that undermines the reasonableness and fairness of admissible actions. It is inconceivable for the delegator to put right an unapproved act. Sub-delegation shall not be governed by the power to delegate, which is going to be construed as equivalent to other powers unless there is a transparent and implied clause to that effect. The delegate must also operate within the precise power that has been delegated, which can be less than what the delegator possesses under the statute.

The legislative body exercises numerous functions with respect to the statutory power conferred to the judicial and executive branches of government. The delegation authority granted by statute usually incorporates the capacity to revoke the delegation at any point in time, however, not retrospectively. The delegation is indeed more akin to the idea of agency. The Legislature looks forward to its agents, or the executives, to see how they perform the responsibilities assigned to them as principals. However, the notions are extremely different. In light of ministerial activities, ministers overseeing massive departments are granted power and it is obvious that they do not act in person. Nonetheless, those powers are thus exercised by the ministerial department officials acting on his moniker in a conventional manner.

The starting point of this welfare race begins with the actions of the Legislature on how to control the functions of administrative authorities. The primary outcome of the discretion granted by the parliament has been that a decision is deemed to be void and ultra vires when an erroneous entity exercises it. The parliament is competent to grant legislative powers to any individual it desires. However, they must ensure that there is no abuse of power if they agree to grant the executive that authority. The legislature's role is to enact legislation in a parliamentary democracy.

Monitoring the rule-making authorities and giving them a chance to be critiqued are the fundamental objectives of parliamentary control. The judiciary occasionally does not possess the authority to regulate delegated law and maintain its boundaries; however, in order to achieve effective control, the parliament must always be concerned with the regulatory framework.

4.1 LAYING ON TABLE AND SCRUTINY COMMITTEES

It is feasible to effectively exercise legislative control through numerous methods such as the Laying on Table and Scrutiny Committees. Firstly, the Laying on Table renders a chance to inquire about the rules that have been implemented by the appropriate executive bodies. The Legislature can question or challenge the actions of the administrative authorities to exercise their functions of checks and balances over executive rule-making power. The laying technique brings the Legislature into close and constant contact with the administration.[19]

The foundation of the Act and the legislative intent determine whether this approach is mandatory or merely recommended. This procedural method does not have a uniform procedure, but the scrutiny committee maintains that all rules should be presented to the House as soon as possible. However, they are subject to any alterations that the house adopts. The time frame should be consistent and should be a total of 30 to 40 days from the date of their final publication.[20] The court held in **Jan Mohammad Noor Mohammad Baghban v. State of Gujarat**[21] that the laws enacted under the parent statute were valid. Furthermore, note that even though the laws were not presented to the Legislature, they were deemed enforceable on the day of their inception since the act did not stipulate that their failure to be presented to the Legislature may render them void. The Supreme Court remarked through the obiter dictum in **Express Newspaper Limited v. Union of India**[22] that the laying clause was obligatory. The fact that delegated legislation had been placed on the table of legislature does not lead to an

[19] M.K. Papiah and Sons v. Excise Commissioner (1975) 1 SCC 492.
[20] C.K. Takwani, Lectures on Administrative Law 174 (7th ed. 2021, EBC Explorer).
[21] AIR 1966 SC 385
[22] AIR 1958 SC 578

inference that the Legislature had authorized the framing of subordinate legislation with retrospective effect.[23]

The Apex court in the **Re Delhi Laws Act**[24] case held that the essential legislative functions should not be delegated, and the power to amend or repeal any law should be kept under the purview of the Legislature. As formerly stated, the laying on the table method is optional in nature. It is essential to critically study and examine these rules in order to determine whether the decisions' comprehensive framework is reasonable. In India, there are two distinct types of scrutiny committees, which serve as a second means of legislative control:

1. The Lok Sabha Committee on Subordinate Legislation
2. The Rajya Sabha Committee on Subordinate Legislation

These committees' primary objective is to closely examine and report to the respective houses on whether the executive branch is effectively exercising its constitutionally granted power to enact rules and regulations. The committee's work has demonstrated that it is a reasonably effective body in precisely assessing and improving delegated legislation in India.

'It is evidently a vigorous and independent body.'

- **Sir Cecil Carr**[25]

At some point, though, it is a true fact that Parliament is losing control over the administrative actions as such Lloyd George once said, "Parliament has really no control over the executive. It is a pure fiction."[26] It would be erroneous to leave any matter up to the discretion of authorities in a society like India which is pledged to uphold the rule of law.

[23] Union of India v. G.S. Chatha Rice Mills (2021) 2 SCC 209.
[24] 1951 AIR 332
[25] Legislative Control on Delegated Legislation, GYAN SANCHAY – CSJMU, https://gyansanchay.csjmu.ac.in/wp-content/uploads/2023/03/LEGISLATIVE-CONTROL-ON-DELEGATED-LEGISLATION.pdf (last visited June 13, 2025).
[26] Wade & Forsyth, Administrative Law 757 (11th ed. 2014, Oxford University Press).

4.2 CONTROL UNDER APPLICABLE LAWS

The competent government should merely be granted these powers in a fair and reasonable manner due to the fact that these authorities are granted in an important constitutional functionality in the country.[27] Hence, the Legislature has empowered several authorities to keep checks and balances upon each other through prior approvals and consultations in order to curb the arbitrariness in the administrative framework.

- **Section 17 of Probation of Offenders Act, 1958[28]**

"(1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act."

- **Section 2 of Forest Conservation Act, 1980[29]**

"...no state government or other authority shall make, except with the prior approval of the Central Government, any order directing — (i) that any reserved forest or any portion thereof, shall cease to be reserved..."

- **Article 320 of the Constitution of India[30]**

"The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted - (a)…(e)"

There are several laws like those mentioned above that require prior approval from an appropriate government or consultation with other authorities in order to make a fair decision. Legislation is placed at the top of a pyramid where each and every piece of it governs the executive to enforce its powers to execute that legislation and the judiciary shall interpret the same in a court of law. This control is even necessary before the judiciary's role through its review powers so that reasonable decisions can be taken at the inception stage.

[27] SR Bommai v. Union of India, 1994 SCC 268.
[28] Probation of Offenders Act, 1958, § 17 (India).
[29] Forest (Conservation) Act, 1980, § 2 (India).
[30] India Const. art. 320

5. CHALLENGES TO CONTROL OVER DISCRETIONARY POWERS

The expansion of the administrative process has coincided with the attribution of more and more discretionary powers to administrative bodies. There are additional means of ensuring certainty besides promulgating rules and regulations with statutory power; per se, administrative directives without such force could also be accomplished. A handful of recent instances illustrate that the UK's courts have been more prepared to step in on the executive's discretionary actions than they had previously been. Judicial intervention can also be exercised in an excessive manner in the name of judicial activism. Lord Devlin even cautioned his fellows about the potential hazards of excessive judicial intervention. Such intervention with the executive cannot go beyond what the executive will embrace. The executive will definitely react against the actions of the courts once they initiate to decline the judicial decisions. There is a necessity for a balance of power between these two of the three limbs of government, i.e., executive and judiciary, to avert scuffles.[31]

The problems still exist in the legal environment regarding the infringement of citizens' rights. In fact, political sway, ambiguous legal standards and insufficient administrative officer training frequently lead to the abuse of discretion. Further, the efficiency of judicial control may be diminished by court review procedures that are cumbersome or inconsistent. The recent spikes in delegated legislation, often without sufficient review, also point to a concerning pattern of unbridled discretionary power. The procedural impediments and principles of natural justice hinder the efficiency and freedom of administration respectively. In this regard, fair procedures also aid the administrative process in running efficiently and preventing friction in the government machinery. The legitimacy and acceptability of an administrative decision made after hearing the perspectives of those affected by it and without bias will be better than that made otherwise. However, these rules are intended to ensure fairness in the administrative exercise of powers and thereby lessen the grievances of those affected.

What are Contracts? The contracts present more challenging issues since, contrary to policies, they are legally binding promises. The general idea remains the same as such authorities cannot

[31] S. K. Agrawala, Public Rights and Private Interests by J. A. G. Griffith, 47 MOD. LAW REV. 500 (1984).

be obligated to fatten themselves in order to prevent exercising their discretion to the extent permitted by law. Its paramount duty is to preserve its own freedom to decide in every case as the public interest requires at the time.[32] Where there is no commercial element, the court is normally ready to condemn any restriction on the public authorities and freedom to act in the public interest.

The time and specific circumstances for issuing an administrative decision will have to be acknowledged by the public authority, including the public administration, which will serve as the basis for an organization. This will guarantee that the legal standards are modified in response to the ever-evolving demands of society. The legislative power of the modern state is limited to enabling and implementing all of the requirements of the law, including the procedures and processes that law enforcement or under authorities consider when carrying out their legitimate obligations. Moreover, considering the intricacy of the administration's particular issues and the rapid pace at which the public administration develops novel problems in order to address them, it would be impossible for any legislator to incorporate all of these mechanisms and processes.

It goes without emphasizing that the decisions rely on this fundamental notion, as the court cannot intervene if the action turns out to be intra vires. The identical outcome is attained in some cases by saying that where a decision is bad for unreasonableness, the authority has failed to exercise its discretion at all.[33] Natural justice is a pervasive facet of secular law where a spiritual touch enlivens legislation, administration and adjudication to make fairness a creed of life. It has many colours, shades, forms and shapes, save where valid law excludes, it applies when people are affected by acts of Authority. It is the recognized bone of healthy government from the earliest times and not a mystic testament of judge-made law.[34]

[32] Denman Ltd. v. Westminster Corporation (1906) 1 Ch 464 17.
[33] R v. Board of Education (1910) 2 KB 165 at 175.
[34] Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405

6. CONCLUSION AND SUGGESTIONS

The statutory mechanisms of the Legislature accord essential discretionary powers to administrative authorities for effective governance in a country. These powers mandate fettered controls through texts and schemes of the acts. The philosophy of the rule of law makes certain that discretionary powers are executed in a fair and reasonable manner. The courts also have an obligation to instantaneously overturn any arbitrary authority that the legislature confers on the executive. The administrative authority's justifications must be adequately backed and have transparency in order for the review process to proceed in a structured manner. It is very apparent that either failing to examine pertinent issues or considering irrelevant considerations will end up in an error of law. It is quite likely that the scope of this foundation for review will be widened if the courts follow the principle that an administrator with discretionary authority will be obliged to present the reasons behind the decision in question upon demand.

In the past decades, jurists have always considered the incompatibility between wide discretionary power and the rule of law. This dogma has changed with the passage of time, as instead of eliminating the concept of white discretionary powers, it should be utilized in a fair and rational approach. There should be neither arbitrariness nor non-application of mind while exercising discretionary authority. While public administration is governed by fundamental law and other normative steps, it should always adhere to its own capacity. However, there will always be authorities, in fact, that aspire to become as competent as another authority, and occasionally, the legal system even supports them. It is the executive that subtly expands its influence through its institutions and bodies specifically to the detriment of a legislative body.

The Rule of Law must be understood as a state that, in its relations with its citizens and to ensure its individual status, abides by the law itself. This is because the public administration is always subject to the law in this instance, and some rules limit the state's capacity to subordinate itself to the public order it has established, while others fix the methods and means by which it can accomplish those objectives. Legality is one of the fundamental principles that govern the manner in which public administration authorities conduct their work.

They do this by adhering to the Constitution, laws and other normative acts while taking into consideration their position. When a normative act's text is clear and precise, the public administration authority held accountable for setting up its execution or enforcing it will only be required to carry it out with no room for discretion. The reasonable reasons, public interest, proportionality and legal standards in administrative actions construct a formidable jurisprudential foundation. Hence, the synergy among the three limbs of the government is required to take each step in upholding the integrity of constitutional democracy.