



Navigating the Complexity of Administrative Actions: A Taxonomy and Legal Analysis

Hafiz Muhammad Azeem ¹, Mubashar Tariq², Muhammad Zahid Rafique³

¹ LL.M. LL.B. (Hons) D.B.L. M.A. Political Science, Advocate High Court, Assistant District Public Prosecutor, Pakistan. Email: hafizazeemkhokhar@gmail.com

² Assistant Professor, College of Law, University of Sargodha, Pakistan. Email: mubashartariq@gmail.com

³ Assistant Professor, College of Law, University of Sargodha, Pakistan. Email: zahid.rafique@uos.edu.pk

ARTICLE INFO

Article History:

Received: July 10, 2023
Revised: September 27, 2023
Accepted: September 28, 2023
Available Online: September 29, 2023

Keywords:

Judicial Function
Quasi-Judicial Functions
Quasi-Legislative
Administrative Discretionary
Functions
Ministerial Functions

Funding:

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

ABSTRACT

In recent years, public functionaries have been heavily burdened by the growth of administrative responsibilities. Due to their responsibilities, they have taken on a variety of actions that the legislature and judiciary were unable to handle. These actions are of various types, such as administrative, quasi-judicial, discretionary, and quasi-legislative, etc. Despite being under the executive branch, these actions differ usually in their scope, methodology, and usage. It is a significant challenge in administrative law to precisely differentiate between these actions, as they may sometimes overlap. Judge C.K. Thakker even pointed out that there is no precise scientific test to differentiate between them. Due to the increase in the duties of government and the pursuit of the welfare state, a strict separation of the basic functions of government into three classes—legislative, executive, and judicial—is not possible, and the lines between the branches have blurred. Yet, from a legal and citizenry perspective, it is imperative to understand these diverse administrative actions. For this purpose, administrative law scholars have developed a taxonomy of administrative actions to classify different types of administrative actions and to identify the legal principles that apply to each type. In spite of the difficulties in distinguishing between various administrative actions, this research paper provides a comprehensive review of the taxonomy of administrative actions that will help in understanding each type of administrative action. This understanding is crucial for the accountability and transparency of the administrative process and for its judicial review.

© 2023 The Authors, Published by iRASD. This is an Open Access article distributed under the terms of the Creative Commons Attribution Non-Commercial License

Corresponding Author's Email: hafizazeemkhokhar@gmail.com

1. Introduction

There are three branches of government: legislature, executive, and judiciary; each perform a different set of functions (legislative, executive, and judicial). Law making is the work of the legislature, enforceability is the job of the executive, and interpretation and application is task of the judiciary. However, the separation of powers amongst these three divisions are not absolute. For example, the executive branch can issue delegated legislation, which is a type of lawmaking power. Additionally, the judiciary can issue case law, which interprets the law and can be used to create new legal precedents (Takwani, 2005). The courts have also recognized that absolute separation of powers in these functions is not possible, and that the three branches can sometimes overlap in their functions. This is because the three branches are interdependent and must work together for effective administration (Jayaiuilal Amratlal v. F. N. Rana, 1964). Moreover, the rapid expansion of state functions in the past century has imposed immense responsibilities on the executive branch of government. These responsibilities are known as 'residuary functions' because they cannot be performed by the legislature or the judiciary (Halsbury, 1815). Government functions are characteristically divided into three: legislative function, administrative or executive function, and judicial function. Executive functions are hard

to define precisely. They cover what is left after legislative and judicial acts are identified (P. Wade, 1960). However, the executive actions have become increasingly complex and diverse due to the wide range of responsibilities that it undertakes. Administrative law scholars have classified these actions into various categories including delegated legislation, quasi-judicial functions, administrative discretionary functions, and ministerial functions, etc. These classifications are necessary to understand the nature and scope of these functions, as well as the manner in which they are performed and in order to ensure the accountability and transparency of the administrative process, as well as to provide a foundation for judicial review (Ghosh, 2015). The various kinds of administrative actions vary according to the sources whereby authority was obtained; as a result, there are variations in the rules and guidelines that apply when carrying out these actions as well as in the available remedies in the event that any of the aforementioned rules are breached. And determining the nature and extent of these various administrative actions has proven to be one of the most difficult tasks in the field of administrative law (Khan, 2012). Justice Thakker observed that it is difficult to classify administrative functions precisely because there is no clear-cut test for distinguishing between them (Thakker, 2003). This is especially true when a single action combines multiple functions. These functions cannot be strictly defined; they can blend legislative, judicial, and administrative elements. The duty of the court is to assess whether primary role of the public functionary is legislative or judicial and classify its nature based on that assessment (Newspapers). Despite these challenges, it is important to understand the different types of administrative actions from both a citizen's and a legal perspective. This is because different procedural requirements and remedies apply to different types of administrative actions (Ghosh, 2015).

1.1. Need for Taxonomy of Administrative Action

The matter that arises for our examination is whether the duties carried out by public functionaries fall under the categories of purely administrative, quasi-judicial, or quasi-legislative. Arriving at a conclusion is complex due to the absence of a clear, flawless, and disciplined measure to distinguish these actions. Intricacies arise when one action sometimes encompasses features of the others. The judiciary has struggled to devise a definitive criterion for precise categorization, and they have not settled down a single straightforward formula. However, there are some principles which can give us an idea about the understanding of differences between these administrative actions. Despite these challenges, this differentiation is crucial because of the various implications that hinge on it. For instance, when a public functionary assumes a role which is judicial or quasi-judicial, it is bound to follow natural justice principles and can be subject to writs like certiorari or prohibition. On the other hand, for roles that are administrative or quasi-legislative, this principle does not apply. And if the action under question is of a legislative in nature, it must meet various requirements like publishing and tabling, unlike purely administrative actions. Moreover, while administrative functions can be delegated but the judicial functions cannot. When questioning a legislative act, the principle of reasonableness might not invalidate it, yet an administrative decision can be challenged on such grounds. Therefore, highlighting the differences between these kinds of functions and actions of public functionaries is vital (Takwani, 2005).

The courts have observed, in this regard, that quasi legislative powers have blurred the line between making laws and administrative functions. Administrative decisions can look like they are making laws, and vice versa. Some say distinguishing between the two is hard in theory and impossible in reality. Yet, it is vital to differentiate them because of application of different rules and different outcomes. Characteristically, legislative acts create general rules for everyone, while administrative actions apply these rules to specific situations. Legislation sets general rules without focusing on specific cases; administration acts on specific cases based on these general rules. Rules usually apply to broad groups, but decisions usually target specific people or situations. However, this is not always the case. Administrative acts sometimes can have a general impact, and some laws only target specific scenarios. Adjudication, or decision-making, looks at past and current events to settle rights and duties. Legislation, however, guides future actions. To differentiate between these functions or actions, the purpose is required to be looked into {, Union of India & Anr v Cynamide India Ltd. & Anr` , ui 1987 #57}.

1.2. Classification of Administrative Action

It has been noted in Halsbury's Laws of England that after the word 'Executive' or 'Administration' is employed, it does not indicate they only do administrative acts. Today, the

public functionaries, which are executive, does many things. They look into matters, take legal actions, plan and implement schemes, give and take away licenses: these are administrative acts. They create rules, set prices: these are legislative acts. They also settle disputes and give penalties: these are judicial acts Halsbury (1815) Nowadays, making rules (like a legislature) and settling disputes (like a judge) are now major parts of what the public functionaries do (Friedmann, 1955). Today, one cannot think that only the legislature does legislative acts, the executive only does executive, and the judiciary only handles judicial work. The law and even the constitution does not strictly divide these roles among the three state agencies. The executive often gets tasks that are legislative or judicial. For example, they can make rules and regulations, which are usually legislative. The executive can also be given judicial powers through laws (Jayaiuilal Amratlal v. F. N. Rana, 1964).

2. Legislative, Executive and Judicial Functions

In the case of Fida Ali, the Gujrat high court used Willis's "treatise on constitutional law" to clarify the divergence amongst legislative, executive, and judicial functions and observed that legislative power creates new rights and statuses. Judicial power is about creating a duty or right based on a previous one. Executive power is difficult to define. It mostly deals with managing and executing public affairs. The court noted that one can only judge an act based on broad considerations. It is hard to set strict rules for categorizing an act as legislative, executive, or judicial (Fida Ali v State, 1961). Basically, after taking out legislative and judicial functions, what is left are executive functions. But in today's welfare state, these functions cannot be entirely separated. The executive often does tasks that look like legislative or judicial actions. For example, the legislature can give someone of its powers to execute. These are called quasi-legislative functions. Similarly, the judiciary can give someone of its powers to the execute. These are called quasi-judicial functions (Takwani, 2005). Moreover, there is always a noteworthy difference in perspectives concerning the nature of tasks performed by public functionaries. But the debate also exists over whether these actions are administrative, judicial, quasi-judicial, or legislative. This debate is crucial for two main reasons: (i) to determine if decisions of public functionaries can be reviewed by courts and (ii) to decide if the "audi alteram partem" principle, which means no one should be adjudicated deprived of a fair hearing, is relevant to their proceedings. If their role was legislative, their decisions would not be open for court reviews. Besides, it is now widely accepted that only judicial or quasi-judicial actions are answerable to the writs of certiorari and prohibition. And the "audi alteram partem" principle is relevant especially for judicial or quasi-judicial actions (Newspapers).

2.1. Legislative Function

The legislative branch of government, also known as the legislature Legislature | Definition (2023), is primarily responsible for drafting all main lawmaking for the government. This includes laws made by parliament and the ordinances promulgated by the president, etc. Functions | Legislative Department | India. (n.d.) . When the role of lawmaking is delegated to government bodies excluding the legislature, the resulting law is known as delegated legislation, or subordinate legislation (Cheadle, 1918).

2.1.1. Quasi-Legislative Function

Law making is mainly the job of the legislature. The members are voted by the public to represent them. They make the Acts based on some basic principles like the rule of law. However, in today's complex states situations, the legislature might not have the time to make detailed laws. So, they sometimes give some of their law-making responsibilities to the Executive. This is known as delegated legislation or the rule-making function of the government (Ghosh, 2015). The quasi-legislative function involve creating rules, regulations, and bye-laws. It is not simple to clearly separate legislative and administrative roles. This distinction can be challenging but it is needed, because different legal outcomes can depend on it (Thakker, 2003). Moreover, quasi-legislation is a comprehensive topic Shitio and Dixit (2021) that requires detailed discussion, which is beyond the scope of this paper.

2.1.2. Judicial and Legislative Function

Professor Schwartz has stated that tagging a specific function as "legislative" or "rulemaking" as opposed to "judicial" or "adjudication" can have significant consequences for the parties involved. When an action is classified as legislative, natural justice principles are not applicable, except a law explicitly mandates them. Even when a hearing is conducted as required

by statute, it usually does not have to follow formal procedures. Therefore, the classification of an action as lawmaking function, rather than judicial, carries considerable importance (Schwartz, 1977). Justice Holmes highlights the difference between lawmaking and judicial function. A court declares and enforces rights and liabilities on the basis of facts and within the laws that are assumed already available. This is its sole job. In lawmaking function, legislature aspects the future and alters present circumstances by creating novel rules. These rules apply entirely. They may be specific for some people (*Prentis v Atlantic Coast Line Co*, 1908). Cooley basically highlights the difference between legislative and judicial roles. To him, in essence, judicial functions involve inquiries, considerations, orders, and decrees unique to the judicial dominion. There cannot be both legislative and judicial function in a single public functionary due to their distinct natures. While legislative functionaries set rules that, in tandem with the constitution, form the basis for decisions, judicial functionaries evaluate the legality of claims and actions on these legislations. Judicial functionaries focus on determining the law's application to existing scenarios. So, one applies the law, and the other creates it. To apply the law means comparing parties' claims within the existing laws, which is inherently a judicial process. Making new laws means, laws for future issues, which is a legislative activity. Judicial power handles personal disputes, whereas legislative power focuses on public issues. It crafts laws for the state's betterment. Significantly, they do not meddle with past dealings or established rights (Cooley, 1927).

According to Prof. Dickinson, the primary difference between legislation and adjudication lies in their scope and application. Legislation deals with rights in a broad sense. It requires further processes to specifically impact any individual's rights. Adjudication, however, directly affects individuals' rights based on their unique circumstances, and according to the case. The legislature makes decisions with general applicability for unidentified and indeterminate individuals and circumstances. Courts issue specific decisions that apply directly to particular individuals or situations (Dickinson, 1927). Justice Holmes also noted the difference between the judicial and the legislative function. He pointed out that a judicial function focuses on understanding, stating, and imposing responsibilities based on current and past facts under existing laws. Legislative function is future-oriented, it aims to alter present situations by introducing new regulations for future application (*Louisville & Nashville R. Co. V Mottley*, 1908).

2.1.3. Administrative and Legislative Function

To differentiate between lawmaking and administrative acts is not easy. Nevertheless, various criteria have been developed for this purpose. Griffith and Street have proposed two specific tests. The first test, known as the institutional test; it posits that anything enacted by the legislature qualifies as legislation. However, the term 'enacts' covers a wide range of actions carried out by Parliament, making this test less appropriate for precise differentiation. The second test focuses on evaluating the scope of the action and its applicability. When a power is vested to create laws with general application, it falls within the dominion of legislative function; when a power is granted to issue orders applicable to specific cases, it falls under executive function (Griffith & Street, 1952). According to De Smith, a lawmaking act involves the formulation and declaration of broad rules for regulation of conduct; it does not cater to specific instances. In contrast, an administrative act pertains to applying this broad rule to a distinct case (De Smith, Woolf, Jowell, & Le Sueur, 1995). However, this criterion is not exhaustive.

The court of India, in a price fixation proceeding, wisely observed that the proliferation of delegated legislation has distorted the once distinct line between legislation and administration. Administrative and quasi-judicial determinations have a tendency to merge with lawmaking activity, and vice versa. Attempts to draw a clear distinction between the two have been deemed "difficult in theory and impossible in practice." Despite the inherent difficulty, the Court of law recognized the necessity of distinguishing between legislative and administrative functions, as different legal consequences flow from such a distinction. The traditional distinction has been articulated as one amongst the general and the specific. A lawmaking act is the making and declaration of a general rules of behavior and acts including omissions without reference to specific cases. Whereas, administrative act is the production and issuance of a detailed direction or the use of a typical rule to a specific case. In other words, lawmaking is the procedure of formulating wide-ranging rules of behavior and acts including omissions without reference to specific cases, while administration is the procedure of execution of specific acts such as issuance of specific orders (*Union of India & Anr v Cynamide India Ltd. & Anr*, 1987). According to de Smith, the difference amongst legislative and administrative functions has the

undermentioned legal consequences: (1) legislative actions must be published in a certain manner, while administrative actions do not; (2) legislative actions cannot be quashed by a writ of certiorari, while administrative can be; (3) delegated lawmaking cannot be declared illegal for unreasonableness, except on the ground of mala fide or abuse of power, while unreasonable administrative actions can be challenged; (4) lawmaking authorities can only be further-delegated in extraordinary circumstances, while administrative authorities can at all times be further-delegated; and (5) the obligation to give reasons is applicable to administrative actions but not to lawmaking ones (De Smith et al., 1995).

In the English case of *Blackpool Corporation v. Locker*, under the provisions of the Defence Regulations 1939, the Minister of Health delegated requisitioning powers by a circular. Amongst many one condition was that furniture will not be requisitioned. When A's house was requisitioned, this condition was violated. The query was if the instructions through the circular were legislative or merely administrative directions. The court declared that the conditions were legislative in character. As this was not complied with, therefore, the requisition was invalid {*Black Pool Corporation v Locker*, (1948) 1 KB 349. #5}.

3. Administrative Function

It may not be possible to define administrative function exhaustively (Story, 1953). As a general rule, administrative function denotes to the remnant of governmental roles that stay after legislative and judicial ones have been removed {*Ram Jawaya v State of Punjab* 1955 #44}. Administrative functions are distinct from legislative and judicial functions. They can be characterized in the following: they are often grounded in government policies or motivated by expediency; unlike judicial decisions, administrative functions are not required to be approached in a judicial manner; they are not bound by evidence and procedural rules, unless explicitly required by statute; administrative authorities may make decisions based on statutory authority or even without it, as long as their decisions do not violate any legal provisions; administrative functions may be delegated or further distributed unless explicitly prohibited by law. It is not always required to follow the principles of natural justice, in these functions, unless mandated by statute or where a fair approach is necessary. However, administrative functions may be set aside on the grounds of unreasonableness. Lastly, these functions are not always subject to the prerogative writs of certiorari and prohibition (Takwani, 2005).

3.1.1. Administrative and Quasi-Judicial Functions

Defining a precise boundary between administrative and judicial functions is a very difficult task (Gordon, 1933). Today, an administrative authority may take administrative, legislative, or judicial actions. But a purely administrative function stands on a totally diverse basis from a judicial or quasi-judicial function (H. Wade, 1949). Anyhow, with the growth of administrative power it has become increasingly important to develop rules and procedures to ensure that they exercise their power in a fair and just manner. To understand the difference amongst administrative and quasi-judicial functions, it is necessary to comprehend the terms 'lis' and 'quasi-lis'. If a law authorizes an authority to adjudicate disagreements arising from an entitlement made by one participant, which is opposed by other one: then there is a lis. However, not all administrative authorities are required to resolve a lis inter parties. There may be circumstances where these authorities resolve a lis not amongst two or beyond opposing parties but amongst itself and other one. However, in such cases, if the decision will prejudicially disturb any individual, then such will be called a quasi-judicial decision (H. Wade, 1949). Courts have now recognized the fact that the expression 'judicial' does not essentially refer to acts performed by a court or tribunal in a courtroom setting to determine matters of law. Rather, for the purposes of this query, a judicial performance appears to be an act performed by an authorized one after considering facts and situations that imposes obligation or affects the rights of others (*Frome United Breweries Co. V Bath Justices*, 1926). A series of court decisions have established a distinction between the two types of acts. The test is that on every occasion there is a decision making of a fact that touches the rights of participants, that decision is a quasi-judicial one, then if so, a writ of certiorari may be issued against that decision {, 1931 #53}. Scrutton LJ observed that a body does not need to be a court in the same sense as the court of law to be open to a writ of certiorari. It is sufficient if the body is exercising judicial functions after hearing evidence and deciding between a proposal and an opposition. In other words, if the body is a tribunal that has to decide rights after hearing evidence and opposition, it is subject to judicial review (*The King v London County Council*, 1931).

Furthermore, the term 'quasi-judicial' itself implies that the decision-making process includes some elements of a judicial proceeding. Executive decisions are generally factual in nature and they are not subject to judicial review by certiorari. However, if the law requires it to use judicial method, then the decision will be considered a quasi-judicial one (*Province of Bombay v Kusaldas S. Advani and others, AIR 1950 SC 222*). A quasi-judicial function is a hybrid of a judicial and administrative functions. It is nearer to an administrative because of its discretionary component, but it is nearer to a judicial because of its procedural and objective elements (Griffith & Street, 1952). The key test to determine the difference between a quasi-judicial and administrative functions is the 'duty to act judicially'. To determine whether a legal authority is quasi-judicial or administrative, it is essential to determine whether the authority is obliged to act judicially (Takwani, 2005). In essence, the obligation to act judicially necessitates to act justly and fairly, not arbitrarily or capriciously. The duty to act judicially is a separate topic that is beyond the scope of this paper. However, there is no single, definitive test to distinguish between quasi-judicial and administrative functions. The line amongst the two is often blurred and is gradually being eroded. To determine whether an action is administrative or quasi-judicial, one must consider the character of the action, the individuals on whom it is bestowed, the framework that confers the authority to act, the outcomes of exercising the power on acts, and the way in which the power is anticipated to be exercised (Kraipak & JAIN, 1971).

4. Judicial Functions

Pure judicial function is the resolution of a dispute between two or more parties by a competent authority after hearing their case and application of the law to the facts discovered. It involves the presentation of evidence, subject to procedural laws, lawful urgings by the parties, and a verdict that resolves the entire dispute by applying the law to the facts found (Takwani & Thakker, 2005). The judicial function consists of interpreting the law and applying it to the facts of specific cases. This includes ascertaining the facts in disagreement corresponding to the law of evidence. The agencies of the state that are established to practice the judicial function are called courts. Administrative functions consist of the actions performed by administrators, regardless of their intrinsic nature. Administrators are altogether state bureaucrats who are neither legislators nor adjudicators (Phillips, Jackson, & Leopold, 2001). The judicial function is basically the process of acting in a capacity of court. The key difference between a judicial and administrative function lies in discretion. When a judge exercises discretion in deciding a matter, he is acting judicially. Alternatively, if he is just performing a specified act without weighing its merits, he is acting administratively. Judicial functions involve deciding disputes under legal authority. And administrative act is one performed without discretion, generally, but it is also based on a legal mandate (Aiyar, 2016).

4.1.1. Judicial and Quasi-Judicial Functions

The characterization of a quasi-judicial decision requires two or more competing parties and an external authority to resolve their disagreement. Where a legal authority is obliged to judge the rival rights amongst two or more parties, it is considered to be quasi-judicial and its decision is considered to be a quasi-judicial order (Tignino, 2016). Thus, even if a statutory authority does not have all the attributes of a quasi-judicial authority, it will be considered quasi-judicial if it is required to decide a dispute between two or more parties making rival claims (*Cooper v Wilson, 1937*). Whereas, the essential characteristics of a pure judicial function are the authority to hear and determine a dispute and the authority to make a binding verdict that affects the rights of the parties (*Bahadur v the state, PLD 1985 SC 62*). Justice V.N. Khare laid down a comprehensive test for distinguishing between quasi-judicial and other actions, based on the following legal principles: the statutory authority must be empowered to act under a statute; the act must prejudicially affect the subject; the legal authority must be obliged to act judicially within the law, nevertheless there is no lis or two competing parties (*Indian National Congress v Institute Of Social Welfare & Ors*). Quasi-judicial functions should not be confused with judicial functions (Paswan, 2021). In a case involving the question of whether the banking ombudsman was a judicial or quasi-judicial forum, the court declared that the exercise of powers by quasi-judicial forums does not make them courts or judicial tribunals under the constitution. A quasi-judicial act is the product of inquiry, deliberation, and decision, on the basis of evidentiary facts in the subject case requiring judgment and discretion. The fact that a quasi-judicial authority has certain characteristics of a court and is required by law to act judicially does not make it a court. Forums that are not bound by any law such as procedural law and law of evidence, and only settle down disputes but do not order justice, are not courts (*Muslim Commercial Bank Ltd v Federation of Pakistan, 2019*). In the same manner, under section 22A

of the Code of Criminal Procedure, 1898, the powers earlier ascribed to the Justice of Peace as administrative have now been characterized as quasi-judicial. The court declared that the Justice of Peace's role is quasi-judicial since he reviews applications, inspects records, hears disputing parties, issues orders, and gives directions with caring consideration. Every dispute before him requires discrimination and decision-making. Such duties cannot be labeled as executive or administrative in any manner (*Younas Abbas v Additional Sessions Judge, Chakwal*, 2016). Because the constitution recognizes the separation of powers, judicial power cannot be transferred to a non-judicial body. This was found in a ruling in which the court declared some sections of the Federal Ombudsman Institutional Reforms Act of 2013 to be ultra vires. The court held that the Banking Mohtasib, a non-judicial authority that is not subject to the Supreme Court or High Courts' supervision or control, could not be granted judicial powers {, *Younas Abbas v Additional Sessions Judge` , Chakwal` , 2016 #63`}*.

4.1.2. Judicial and Administrative Functions

When the House of Lords had to determine whether a local valuation court qualified as a court within the framework of the High Court's authority regarding contempt, Lord Scarman held that a forum possessing a judicial function could be considered a court. On the other hand, if it had an administrative function, even if executed in a judicial manner, it would not be categorized as a court. Viscount Dilhorne also expressed a distinction: that courts that perform judicial duties should be separated from those engaged in administrative responsibilities related to the governance of the country. In his view, a local valuation court falls into the latter category as it handles roles in the past carried out by assessment committees and resolves disputes regarding property valuations *Attorney General v British Broadcasting Council* (1981). A function is termed quasi-judicial when it mandates a judicial approach and adherence to fundamental justice principles. In the absence of such a mandate, the verdict is labeled as 'purely administrative'; no third classification is there *Km Neelima Misra v Dr. Harinder Kaur Paintal*, 1990). Professor Wade, in this context, explains that a judicial decision is based on legal principles, while an administrative one is guided by administrative policies. A quasi-judicial action is essentially an administrative action that the law necessitates to be carried out to some extent as if it were a judicial function. Accordingly, a quasi-judicial function is being an administrative function is subject to a certain level of judicial procedure, including the application of principles such as natural justice (P. Wade, 1960).

5. Conclusion

Although it is usual to split the functions of government into three classes—legislative, executive, and judicial Pillsbury (1923)—history reveals that when all powers are entrusted to one monarch, people suffered more. In history, there was a time when all the powers of a government were handled and administered by one person: the monarch. There is no second view that people's lives were at their worst during that time. However, over time, the concept of the state has evolved from laissez-faire to a welfare state. In a welfare state, the government is expected to serve the people and promote the welfare of the masses. Consequently, the functions of the state have expanded. This is where the law comes in to control the connection between state functionaries and citizens to ensure the development of the welfare state. This area of law is known as Administrative Law. As a result, the workload of the legislature, judiciary, and the administrative branch increases. Each organ's work becomes more complex, leading to the delegation of some legislative functions to the executive and certain sovereign judicial functions to the executive as well. Due to these delegated powers, the executive now performs various kinds of functions, including: Its own executive functions; quasi-legislative functions; quasi-judicial functions; certain discretionary functions. Consequently, the executive has become the most powerful among the three organs, surpassing the legislature and the judiciary. While the legislature creates new rights, duties, powers, privileges, and liabilities, the executive administers the law, and the judiciary interprets the law.

The noticeable increase in administrative duties shouldered by public officials result in referring the burden to administration that the legislative and judicial branches could not manage. These functions range across categories such as administrative, quasi-judicial, discretionary, and quasi-legislative, among others. Even though they fall under the executive's umbrella, these actions characteristically vary in terms of their reach, approach, and application. A central challenge in administrative law is the clear distinction of these actions, especially since

they might sometimes interconnect (Rotunda, 1971). Nevertheless, the differences do exist (Davis, 1947). Today, powers granted through a statute can take be judicial, quasi-judicial, or executive in nature. When it comes to judicial: they are determined in accordance with the law. On the other hand, administrative verdicts are expressed in line with administrative policies. Court is to reach the correct solution based on established legal principles, whereas an administrator's job is to identify the most efficient and favorable solution in the best interests of the public. Moreover, in quasi-judicial decisions, specific procedural elements, such as principles of natural justice also come into play. Particularly, there has been a prominent shift in recent years in how quasi-judicial power is perceived (Czajkoski, 1973). What was previously categorized as administrative power in the past is now being reclassified as quasi-judicial power (Somayajulu, 1989). Moreover, another important function is the rulemaking function. It holds significant importance. Through this function they generate, modify, or nullify rules. These rules are authoritative regulations. They are endowed with the power and authority of the law. They cover wide-ranging subjects, such as environmental protection, labour laws, traffic laws, and educational policies, etc (Fuchs, 1938).

The separation of powers is a key part of democracy (Fairlie, 1922). It means that the government has three divisions: legislative, executive, and judicial. Each division has its own authorities and duties (Parker, 1957). But in recent years, the lines between the branches have been blurring (Lee & Magyar, 2023). This means that each branch is doing some of the work of the other branches. This trend is caused due to many factors, including the growth of the administrative state, the welfare state, and the power of the judiciary. There are both pros and cons to the blurring of the lines between the branches. On the one hand, it can make the government more efficient and effective. On the other hand, it can make the government more powerful and less accountable and it will affect rule of law (Waldron, 2013). Therefore, it is important to watch this trend carefully and to take steps to protect the separation of powers (Halim, 2024; Kinnane, 1952). However, this theory of separation of powers, which is also referred to as the separation of functions theory Humphrey (1945), cannot be used to obstruct the taxonomy of administrative functions. This classification exists, and it is essential for a welfare state (Blomberg & Petersson, 2010; Gajendragadkar, 1963; Gough, 1989). What is needed is to comprehend the distinctions within each function to prevent its misuse and abuse (Faught, 1939).

References

- (Km Neelima Misra v Dr. Harinder Kaur Paintal, 1990).
(The King v London County Council, 1931).
Aiyar, P. R., & Khan, S. A. . (2016). P Ramanatha Aiyar's Advanced Law Lexicon—The Encyclopaedic Law Dictionary with Words & Phrases, Legal Maxims & Latin Terms (2017th edition). *Lexis Nexis*.
Attorney General v British Broadcasting Council, b. (1981). AC 303.
Bahadur v the state, b. (PLD 1985 SC 62).
Blomberg, S., & Petersson, J. (2010). The increasing importance of administrative practices in the shaping of the welfare state. *Social Work & Society*, 8(1), 70-81.
Cheadle, J. B. (1918). The Delegation of Legislative Functions. *The Yale Law Journal*, 27(7), 892-923. doi:<https://doi.org/10.2307/786055>
Cooley, T. M. (1927). *A treatise on the constitutional limitations which rest upon the legislative power of the state of the American union* (Vol. 2): Little, Brown.
Cooper v Wilson, c. (1937). 2 KB 309.
Czajkoski, E. H. (1973). Exposing the quasi-judicial role of the probation officer. *Fed. Probation*, 37, 9.
Davis, K. C. (1947). Separation of Functions in Administrative Agencies. *Harv. L. Rev.*, 61, 612.
De Smith, S. A., Woolf, S. H., Jowell, J. L., & Le Sueur, A. P. (1995). *Judicial review of administrative action* (Vol. 3): Sweet & Maxwell London.
Dickinson, J. (1927). *Administrative justice and the supremacy of law in the United States* (Vol. 2): Harvard University Press.
Fairlie, J. A. (1922). Separation of powers. *Mich. L. Rev.*, 21, 393.
Faught, A. S. (1939). Classification of Administrative Bodies for Purposes of Judicial Review. *U. Pitt. L. Rev.*, 6, 67.
AIR 1961 Gujrat 151 (Gujrat High Court). (1961).
Friedmann, W. (1955). French Administrative Law and the Common-Law World. *The University of Toronto Law Journal*, 11(1), 143-147. doi:<https://doi.org/10.2307/824143>

Frome United Breweries Co. V Bath Justices, u. (1926). AC 586.

Fuchs, R. F. (1938). Procedure in Administrative Rule-Making. *Harv. L. Rev.*, 52, 259.

Functions | Legislative Department | India. (n.d.), m.

Gajendragadkar, P. (1963). Role of Administration in a Democratic Welfare State. *Indian Journal of Public Administration*, 9(4), 592-603. doi:<https://doi.org/10.1177/0019556119630402>

Ghosh, Y. (2015). Textbook on Administrative Law.

Gordon, D. (1933). Administrative Tribunals and the Courts. *LQ Rev.*, 49, 94.

Gough, I. (1989). Welfare state. In *Social economics* (pp. 276-281): Springer.

Griffith, J. A. G., & Street, H. (1952). *Principles of administrative law*: Pitman.

Halim, M. A. (2024). Judicial policy-making by the Supreme Court of Bangladesh. In *A History of the Constitution of Bangladesh* (pp. 100-111): Routledge.

Halsbury, J. (1815). Laws of England. In: HeinOnline.

Humphrey, J. P. (1945). The theory of the separation of functions. *U. Toronto LJ*, 6, 331.

Indian National Congress v Institute Of Social Welfare & Ors, i. AIR 2002 SC 2158

Jayaiuilal Amratlal v. F. N. Rana, j. (1964). 5 SCR 294 (Supreme Court of India).

Khan, H. (2012). Principles of administrative law: a comparative study. (*No Title*).

Kinnane, C. H. (1952). Administrative Law: Some Observations on Separation of Powers. *American Bar Association Journal*, 19-83.

Kraipak, A., & JAIN, M. (1971). BIAS AND ADMINISTRATIVE POWER. *Journal of the Indian Law Institute*, 13(3), 362-370.

Lee, D. S., & Magyar, Z. B. (2023). Separation of powers, opposition strength, and chief executives' strategy. *Governance*, 36(2), 479-497. doi:<https://doi.org/10.1111/gove.12676> (2023).

Newspapers, E. Express Newspapers (Private) v the Union of India and Others.

Parker, R. (1957). The Historic Basis of Administrative Law: Separation of Powers and Judicial Supremacy. *Rutgers L. Rev.*, 12, 449.

Phillips, O. H., Jackson, P., & Leopold, P. (2001). O. Hood Phillips & Jackson: constitutional and administrative law. (*No Title*).

Pillsbury, W. H. (1923). Administrative Tribunals. *Harvard Law Review*, 36(4), 405-425. doi:<https://doi.org/10.2307/1328684>

Province of Bombay v Kusaldas S. Advani and others. (AIR 1950 SC 222).

Rotunda, R. D. (1971). The Combination of Functions in Administrative Actions: An Examination of European Alternatives. *Fordham L. Rev.*, 40, 101.

Schwartz, B. (1977). Administrative law: The third century. *Admin. L. Rev.*, 29, 291.

Shitio, M., & Dixit, A. (2021). Quasi-Legislative and Quasi-Judicial Functions of Administrative Bodies: A Study. *Indian JL & Legal Rsch.*, 2, 1.

Somayajulu, D. (1989). Quasi-Judicial Decisions.

Story, M. (1953). Defining the administrative function. *The Journal of Educational Research*, 46(5), 371-374. doi:<https://doi.org/10.1080/00220671.1953.10882033>

Takwani, C. K., & Thakker, M. C. . (2005). Lectures on administrative law. Eastern Book Company.

Thakker, C. K. n. d. (2003). Duty to Act Judicially to Duty to Act Fairly. *4 SCC (Jour) 1*.

Tignino, M. (2016). Quasi-judicial bodies.

Wade, H. (1949). 'Quasi-judicial'and its Background. *The Cambridge Law Journal*, 10(2), 216-240. doi:<https://doi.org/10.1017/S0008197300012368>

Wade, P. (1960). Constitutional Law (6th ed.). Longmans, Green and Co.

Waldron, J. (2013). Separation of powers in thought and practice. *BCL Rev.*, 54, 433.