 DOI: *https://doij.org/10.10000/IJLMH.117503*

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Quasi-Judicial and Quasi-Legislative Functions of Administrative Body: An Analytical Study

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ABSTRACT

Examining administrative law and its quasi-legislative and quasi-judicial functions is the goal of this study. The corpus of laws known as administrative law oversees the executive arm of government, keeping it under control and shielding the populace from abuses of authority committed by the branch or its representatives. The body of laws known as administrative law governs how government administrative agencies conduct their business. Government agency activities include rulemaking, decision-making, and enforcing a set regulatory agenda. Administrative law is limited as a body of law to the operations and procedures of administrative authorities. It is limited to the decision-making or rule-making powers of the authorities. It is a very new area of law that has evolved throughout time and will do so as long as societal demands exist. Matching the Executive's latitude with the "Rule of law" is the aim of administrative law. Administrative law is a battlefield as well as a means of resolving disputes. Judicial review is essential to the creation and maintenance of certain values and ideas. In industrialized cultures, its significance has increased along with the complexity of the relationship between public authorities and the general public. Legislation is needed to regulate these complexities, which could help to preserve regularity and stop the misuse of administrative power. An entirely new age of administration and administrative law was brought about by this expansion of tasks. The greatest important legal advancement of the 20th century, according to some, was administrative law. Governments have evolved from laissez-faire to parens patria. This evolution led to a similar tendency being observed in other parts of the world.

Keywords: *rule of law , administrative action , decision making , hub for executive and judicial body.*

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I. INTRODUCTION

The twentieth-century legal area has seen the most noteworthy and substantial development in administrative law. It does not, however, imply that administrative law did not exist before to the 20th century. It has existed for a considerable amount of time. But over the past century, the notion of the state's obligation and function has changed dramatically. The number of government functions has increased. A codified law is not administrative law. It is a statute that was written by judges and has changed throughout time. The legislation covers the power of administrative bodies to make rules, the quasi-judicial function of administrative agencies, the legal liability of public authorities, and the competence of regular courts to keep an eye on administrative authorities. It oversees the executive branch's operations and guarantees that the public is treated properly.

A corpus of public law is another name for administrative law. It is focused on how the public engages with the government. It defines the authority of quasi-judicial and administrative authorities to carry out the legislation and their organizational structure. Its main functions are to control official acts and procedures and to set up a system of checks and balances for administrative entities. The state of today is a contemporary democratic welfare state that creates control, controls industrial relations, and works to guarantee the social security and welfare of the average man. as opposed to a police state that performs sovereign duties. Today, the state needs to protect people's morals and health, educate the next generation, and take all necessary actions to advance social justice. The breadth and depth of administrative law have expanded as a result of all these advancements.[3]

It is challenging to define "administrative action" precisely because it is such a broad term. The administrative process has evolved in the modern era due to the intensive style of governing. It is challenging to define "administrative action" precisely because it is such a broad term. Due to the intense style of administration, the administrative process in the modern period combines all functions that were previously carried out by three distinct State organizations, eschewing the traditional classification of governmental institutions. The administrative branch of government serves as the hub for the legislative, judicial, and executive branches. Any duties not assigned to the two other government departments—the legislature and the judiciary—come under the purview of the Executive. During the administrative process, the three responsibilities

3 J.J.R. Upadhaya, Administrative Law 2 (Central Law Agency. Allahabad, 6h' edn., 2006).

that are often divided among three distinct government agencies are combined into a single authority. The executive branch is in charge of enforcing laws, the legislative branch drafts legislation, and the court determines what constitutes law and how to interpret it. Though they are used, the phrases "executive" and "administration" do not mean that the Executive's duties are limited to either executive or administrative functions. The executive today (judicial) performs a variety of duties, including investigation, prosecution, planning and approval of plans, issue or cancellation of rules and regulations, by-laws, pricing, and so forth (legislative), and so forth.[4]

II. Quasi-legislative and quasi-judicial functions

(A) Quasi-Legislative functions

A government agency is said to act in a quasi-legislative capacity when it implements its regulations. This authority to enact laws governing rules and regulations that impact legal rights is given to administrative authorities. The fundamental idea that only elected legislators should have the authority to pass legislation protecting rights is violated by that power.

Only elected legislators have the authority to create regulations governing administrative agencies, and they also have the authority to enforce existing regulations or abolish agencies altogether. This means that elected officials have the final say over whether to pursue quasi legislative action. Nonetheless, administrative agencies independently create and carry out a great deal of legislation, often without the legislators' consent, and these laws have legal force behind them. They seem to be legally binding because of their binding effect on the general public.

Numerous instances of quasi-legislative action exist. Numerous administrative agencies exist at the federal, national, and local levels, with the majority having the authority to enact laws that significantly affect individuals' rights. Local housing agencies have the authority to establish and enforce health and safety standards for homes, income departments have the authority to adopt regulations affecting an individual's tax liability, and environmental agencies have the authority to impose restrictions on property owners' ability to alter or build on their land. These are but a few of the numerous regulations that administrative bodies have released.

Quasi-legislative actions can be contested in court unless specifically prohibited by law or

4 Available at: https://www.scribd.com/document/436037251/adoinistratve-Law (Last visited on March 24th 2024).

established precedent. Typically, before challenging quasi-legislative action, one must wait for the regulations to be finalized and for the rule or regulation to be formed. Furthermore, any rule or regulation issued by an agency should often be the first to be contested against the agency itself. In the event that the agency is not satisfied, the complainant may go to court to contest the rule or regulation.[5]

Offering a notice and hearing is still another feature that distinguishes quasi-legislative actions. In the event that an administrative body wishes to create a rule that impacts substantive rights. Usually, it has to hold a public hearing and notify the public of its plan.

This gives the general public a voice in the quasi-legislative matter.

In the instance of *Express News Paper(p) Ltd. vs. Union of India*[5], the Apex Court discussed whether the pay commission's role within the Working Journalists' (Service Condition) Act of 1956 is quasi-judicial or quasi-legislative. Nonetheless, the government delegation holding the right to determine the tax sugar price possessed quasi-legislative authority. Established in England in 1928, the ministers' committee made a distinction between quasi-legislative and administrative action. The former is a process for implementing particular acts or decisions involving the application of a general code of conduct that is typically for future use and does not take particular cases into consideration. Article 41 of the Constitution pertains equivalent to legislative activities, therefore while natural justice standards do not apply to them, rationality and fairness must be upheld[6].

a. Kinds of Administrative Regulations

Interpretive and statutory rules are the two types of administrative regulations. Legislative laws must be granted either by express legislation or by the courts as soon as they are adopted. The executive functions as though it were a governing body. Constitutional regulation lies at the heart of the subordinate regulations. Legislative provisions may also be contingent upon or sensitive to external circumstances. For instance, there are parts in the Rules and Regulations executing the Labor Code that give guidance to law enforcement. The term "contingent legislation" describes the specific data or artifacts that an institutional body needs in order to abide by the term "contingent legislation" describes the type of specific information or artifacts that an institutional agency needs in order to abide by the law.

5 Available at: haps: www.lexquest.in quasi-judicial-bodies-explanation (Last visited on March 24th, 2024)

Laws that only express the law and define it are those that are interpretable. The authority of the legislative body to enact legislation, which specifically aims to define standards for equitable public observance, is the foundation for this regulation.

b. Requisites

The following requirements must be met for the regulating rule to be valid:

1. Prior to being put into effect, the legislature must approve: It is frequently upheld bylaws or the charter of the governing body. Administrative employees are subject to oversight under several different laws, notably those pertaining to office directors. The ability of regulatory bodies to enact laws is restricted. Congress must approve the creation of administrative rules in order to implement such laws, according to legal requirements. It is in no way contradicted by it. Within the executive department, the 5 1986 (1) SCC 133, 6 *Supra note 4.*

President may exercise the constitutionally granted influence over his subordinates. The aforementioned rules will be followed. The President should also accept that it is his duty to provide for their enjoyment. who may use them with more legal authority and strength.

2. It must fall outside the purview of the legislature's power: the legislatively grantedauthority is necessary to seek this requirement and may even be able to meet it. The legislature in charge of them is responsible for these laws and legislation. No matter what kind of legislative authority they receive, the authorities have to apply the law consistently. These people act in ways that are illegal. It needs to fall under the legislature's purview. The legislative responsibilities must fall inside his jurisdiction's declared bounds.

3. It needs to be given out as specified: In the administration of widely applicable laws, earlier notice is never included, for example, by informing stakeholders of the introduction of new legislation, such as new rules. The only distinction between the law is whether a particular condition must be met expressly versus whether facts established via a successful legislative assessment. notification and response in advance Early on in a crisis, legislation is ineffective; nevertheless, if conditions worsen, it may become relevant. Administrative adjudication is used when two or more parties must agree under the law regarding who has the right to decide a dispute. However, rights are decided by only two parties.

4. It must make sense and be able to live up to the expectations. The administrative rule established under this section shall not be unlawful or irrational in light of the fair procedure to be concluded.

Administrative law recognizes the principle that rules and regulations can only be adopted by administrative authorities after a thorough, impartial analysis of all available information. These regulations are only required if they are practical and accomplish the goals they outline. The previous Guideline emphasizes that laws should be reasonable for their job and goals and should take into account the public welfare. As such, they should be properly tied to the task they want to accomplish[6].

(B) Quasi-Judicial functions

Based on conclusions, a quasi-judicial organization or agency can hear cases, make decisions, evaluate evidence, judge cases, gather information, and define facts and rights for itself as a body or institution. This organizational capacity gives quasi-judicial entities the freedom to create and follow both their own rules and guidelines and those established by legal tribunals. The administrative body's quasi-judicial authority ought to possess the prerogative to render the requisite factual verdicts in accordance with the legal procedures and the quasi-judicial body's standards. Because of its jurisdiction, an administrative body can act in a way that complies with the law or exercise its quasi-judicial power when it takes official or administrative actions. By empowering the administrative authorities to settle empirical disputes, an administrative body can provide objective proof in support of the concept and intent of the legislation, so dispelling controversies surrounding its wording. Nonetheless, there is no unlawful transfer of judicial jurisdiction to these officers, who are also known as quasi-judicial officers along with truth-seekers[7].

There is also a distinction made between the powers and regulations and those that do not exist when there is a quasi-judicial authority in addition to administrative duty; in the event of a conflict, one officer would resolve it instead of another officer making the first decision. A primary duty of the judiciary was to resolve disputes involving people's decisions, and no essential idea was ever disregarded by the legal system. These were financial concerns, and neither the creation nor adoption of laws nor the implementation of administrative rules had

6 *Supra note 3.*
7 Available at: https://www.scribd.com (Last visited on March 28th, 2024)

been retroactively affected. Have judges made this more pertinent to the information uncovered by the capable regulatory bodies in these cases? As the author illustrates in her final example, the traditional judicial system's excess of regulations disadvantages citizens who prioritize welfare the most when making regulatory decisions because the need for administrative administration and public justice are not mutually exclusive. The actions of quasi-judicial entities are virtually identical to those of departments other than the legal department. The administrative districts are solely under their jurisdiction. Apart from quasi-judicial entities that can enact laws, both branches of government possess the authority to adjudicate cases involving regulations. These organizations are in favor of lessening the court's workload. The administrative body is restricted to conducting investigations even though it performs quasi-judicial functions. The court of justice may not entertain an application for a quasi-judicial ruling under some circumstances.

These businesses are frequently called upon to mediate disputes involving matters like breach of trust, financial fraud, financial regulation, and evaluating someone else's competency in relation to an area of expertise that could be important in determining the state of the financial markets, workplace standards, social norms, or legal requirements.

A bench of the SC of India ruled in *Gullapalli Nageswara Rao v. A.P. State Road Transport Corporation*[8] that an act is quasi-judicial if it indicates the expectation of an act management or authority to adhere to judicial protocol, rather than implying the act is completely unbiased. Thus, in essence, quasi-judicial procedures are not conducted with the accoutrements of a civil court. In this context, "quasi-judicial" refers to having the ability to make decisions, uphold basic rules of justice, and be required to abide by specific rulings." In the case of *A.K. Kraipak v. Union of India*[9], the Supreme Court upheld the requirement that the selection committee operate on a judicial basis, even if the process for government position selection is administrative in nature. The court noted that it is getting harder to distinguish between quasi-judicial and administrative duties.

The question in *A.P. v. S.M.K. Gurukul*[11] concerned whether Sec. 51 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Law gave the government the authority to appoint a fiduciary in 1966. The court determined that the power was administrative

8 1960 SCR (1) 580.
9 [1970] 1 S.C.R. 457. 11
1973 2 SCC 232.

in nature.

In *D.K. Yadav v. J.M.A Industries Ltd.,*[10] the SC further declared that the distinction that formerly existed among quasi-judicial and administrative processes has now been entirely obscured and eliminated. In a subsequent case, *Chandra Bhavan And Lodging Banglore v. Mysore*[11], the Apex Court unequivocally held that an administrative action cannot be categorized as quasi-judicial or administrative as an administrative body is always required to follow the natural justice principles. In this case, the question was whether the Minimum Wages Act gave the authority to set minimum wages quasi-judgmental or administrative status. Three characteristics of quasi-judicial conduct were identified through further statutory elaboration:

1) When the matter is examined by using a target standard on facts determined in the context of previous standards, the outcome will be a substance-related decision.

2) It declares the right and enforces upon the parties the civil rights that belong to them.

3) That certain aspects of the procedure are applied to the inquiry, taking into account the facts, and that the legal argument at hand is a disagreement and a judgment on the conclusions reached regarding the facts and law, leading to its resolution[12].

III. Differentiating between quasi-judicial and quasi-legislative action

The following are the distinctions between quasi-judicial and quasi-legislative actions:

1. While decisions made by local government bodies are "quasi-judicial," quasi-legislative activity includes things like rules, regulations, bylaws, and the like.

2. While free process should be guaranteed in somewhat less structured presentations before quasi-legislative bodies, quasi-judicial trials are exempt from evidentiary norms and procedures; however, adherence to justice principles is necessary to ensure proper processing. The rights to exhibit evidence, to call witnesses, to cross-examine or present evidence, and to provide solemn witnesses are all included in these requirements. Usually, the parties taking part in quasi-legislative trials do not enjoy the same benefits as the ones who called for the

10 1993 SCC (3) 259.
11 1970 AIR 2042.
12 Available at: http://www.legalservicesindia.com/article/1644/The-Application-of-Natual-Justice-while-Discharging-Administrative-Actions.html (Last Visited on March 28th, 2024)

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hearings.

3. Claiming a location as a business yard, setting prices, and other such actions are instances of quasi-legislative operations. A municipal corporation is established, taxes are levied, and a committee of the city area's boundaries are expanded through legal regulations.

When allegations are supported by action that determines whether or not to provide a license, permit, or order to deny a permit, people perceive students as judges who believe the employee is engaging in mis-behaviour. The Lessor of Goods and Service Charges Act permits unfair money charging ships and boats to prolong US tax detention, among other things.

4. In light of the sector plan, Plum Creek's development represents a local example of a quasi-legislative choice, as it involves a County Order that will undergo considerable revisions upon its implementation. Contrarily, quasi-judicial rulings included code enforcement and infractions, permits for atypical uses as restaurants, and discretionary judgments[13].

IV. CONCLUSION

As social welfare has replaced laissez-faire as the overarching goal of administrative law, the notion and goal have evolved dramatically over time. The state's function has changed over time, moving from enforcing functional roles or requirements to adhering to social welfare ideals based on natural justice and rationality. A ubiquitous feature of contemporary civilization, administrative law influences almost every aspect of society and its obligations.

It is important to keep in mind that laws it passes respect public morality, the rule of law, and the Constitution. As a result, it might periodically check that the regulations are current by keeping a careful eye on social and technological developments. Because of this, the Executive may refrain from implementing laws that are incompatible with moral justice, violate the rights, freedoms, or interests of common people, or go against the laws of the State or the Constitution. This is the self-restraint principle, whereby both entities work to uphold the rule of law and realize the goals of the country without invading one another's territory. As a result, the administration has been given certain administrative authority, and its decisions are sound. As a result, the administration has been given certain administrative authority, and its decisions are sound. For instance, there is a lack of a systematic appeals process prior to an administrative adjudicatory authority, the judgments of the authority are not recorded, and the administrative

13 C.K. Takwani, *Lectures on Administrative Law* 50 (Eastern Book Company, Lucknow, 6''' edn..2017)

adjudication struggles to allocate overlapping jobs.

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