

1

ADMINISTRATIVE LAW

*SS Jaswal**

I INTRODUCTION

THE PRECEDING year marked a period of significant evolution in Indian administrative law, with the Supreme Court and various high courts revisiting foundational doctrines that define the balance between executive discretion, judicial control, and constitutional accountability, *etc.* The judicial pronouncements of the survey year reaffirmed the enduring vitality of administrative law principles such as the rule of law, separation of powers, natural justice, delegated legislation, and judicial review, while also adapting them to contemporary administrative and institutional challenges.

Apropos, the courts have discussed facets of administrative law in other diverse legal domains such as environmental law, constitutional law, and arbitration. *Inter alia*, one such decision discussed the role of the state in protecting environmental rights, emphasising the importance of institutional integrity, accountability, and transparency in the functioning of authorities and regulatory bodies entrusted with environmental duties, thereby, reinforcing the concept of the environmental rule of law, situating environmental governance within the larger framework of administrative responsibility and the constitutional duty to ensure fairness and reasoned decision-making.¹

Further, the doctrine of separation of powers received renewed attention in a decision where the apex court held that the exercise of power by a delegate under a planning statute constitutes the enactment of subordinate legislation and thus cannot be directed or restrained by a judicial body in a manner that compromises the autonomy of legislative functions.² This reaffirmed the constitutional demarcation between judicial oversight and executive prerogative, emphasizing the limits of judicial intervention in matters of delegated legislation.

The principles of natural justice, particularly the *audi alteram partem* and the rule against bias, found reaffirmation and nuanced development during the year.

* Professor and Registrar, Himachal Pradesh National Law University, Shimla. The author acknowledges the research assistance provided by Manish Kumar Sharma, LL.M. Himachal Pradesh National University, Shimla, Advocate, Supreme Court of India.

1 *In Re: T.N. Godavarman Thirumulpad v. Union of India* 2024 SCC OnLine SC 86.

2 *State of Himachal Pradesh v. Yogendera Mohan Sengupta* AIR 2024 SC 859.

In one case, the court underscored that no administrative order adversely affecting the rights or status of an individual can be sustained without affording an opportunity of hearing to the person concerned.³ In another, the court comprehensively examined the doctrine of bias, articulating the tests of real likelihood of bias, the concept of automatic disqualification, and the Indian approach to adjudicatory impartiality, thereby reaffirming the requirement of fairness in all quasi-judicial and administrative processes.⁴

Equally prominent was the judicial engagement with the scope and limits of judicial review. The court reiterated that while judicial review remains the constitutional mechanism to ensure legality and prevent arbitrariness, it is not an avenue to question the wisdom, appropriateness, or policy choices of the executive.⁵ Complementing this restraint-based approach, the court emphasized that judicial interference in administrative decisions involving technical or specialized expertise must be limited to instances of *mala fides*, procedural irregularity, or manifest prejudice.⁶

The jurisprudence concerning delegated legislation also witnessed important clarification. The court reaffirmed that while delegation of legislative power is a necessary administrative device, the legislature cannot abdicate its essential legislative function of determining policy.⁷ It further elaborated the grounds for judicial scrutiny of subordinate legislation, ranging from lack of legislative competence, violation of fundamental rights, excess of enabling authority, inconsistency with parent statute, to manifest arbitrariness and explained the distinction between generality and enumeration in delegated rule-making powers.⁸

The relationship between constitutional and administrative law was also explored in diverse contexts. One decision highlighted the convergence of these two domains in the field of land acquisition, emphasizing that administrative processes affecting property rights must adhere to constitutional guarantees of fairness and due process.⁹ Another clarified the interplay between Article 142 of the Constitution and the principles of natural justice, reiterating that even the Supreme Court's plenary powers must be exercised in conformity with fairness and procedural propriety.¹⁰

Equally notable was the court's intervention in matters concerning administrative accountability. By emphasizing the necessity of rule-based procedures and safeguards in the exercise of coercive executive powers, especially in demolition and eviction actions, the court reinforced that the rule of law and

3 *Sanjay Kundu v. Registrar General, High Court of H.P.* (2024) 3 SCC 723.

4 *Railway Electrification v. ECI SPIC SMO MCML (JV)* 2024 SCC OnLine SC 3219.

5 *AnunDhawan v. Union of India* (2024) 12 SCC 299.

6 *State of Haryana v. Ashok Khemka*, AIR 2024 SC 1397.

7 *Gaurav Kumar v. Union of India* 2024 SCC OnLine SC 1841.

8 *Naresh Chandra Agrawal v. ICAI* (2024) 13 SCC 241.

9 *Kolkata Municipal Corpn. v. Bimal Kumar Shah* (2024) 10 SCC 533.

10 *High Court Bar Association Allahabad v. State of Uttar Pradesh* 2024 INSC 150.

separation of powers must act as the guiding principles of administrative conduct.¹¹ Finally, the court reflected upon the remedial dimension of administrative justice, observing that while the primary role of constitutional courts is to review and nullify illegal administrative actions, they must also, where appropriate, address the consequences of administrative abuse by ensuring restitution or mitigation of harm caused by arbitrary decisions.¹²

Taken together, the decisions of the survey year demonstrate the judiciary's continued commitment to upholding the discipline of legality, fairness, and proportionality in the exercise of public power. The courts maintained a delicate balance between vigilant oversight and institutional restraint, reaffirming that administrative law is not merely a mechanism of review but a living instrument of constitutional governance, one that ensures that every exercise of authority remains just, reasonable, and accountable to the rule of law.

II ENVIRONMENT RULE OF LAW: A SYNERGY BETWEEN ADMINISTRATIVE AND ENVIRONMENTAL LAW

The concept of the environmental rule of law represents the fusion of environmental protection with the foundational principles of administrative law. It highlights that environmental governance is not confined to substantive ecological standards alone but has equally imbued fair, transparent, and accountable administrative processes. It stresses the emphasis on environmental decision-making, which must adhere to procedural propriety, institutional integrity, and reasoned justification, ensuring that the exercise of regulatory and executive power in environmental matters conforms to constitutional values. This synergy between administrative and environmental law reflects a broader shift towards embedding rule of law principles within the architecture of environmental regulation. The courts have reaffirmed that authorities entrusted with environmental responsibilities must function within a framework of legality, accountability, and good governance.

The concept of the environmental rule of law is not a recent development in Indian jurisprudence. The Supreme Court, in several earlier decisions, has recognized the pivotal role of adjudicatory and regulatory authorities in upholding the principles of legality, fairness, and accountability within the sphere of environmental governance.¹³ However, this time the Supreme Court in its decision *In Re: T.N. Godavarman Thirumulpad v. Union of India*¹⁴, discussed the environmental rule of law and passed direction to the Central Empowered Committee which was constituted to monitor the implementation of the orders of the court, to present cases of non-compliance, including with respect to encroachment removals, implementations of working plans, compensatory

11 *Directions in the Matter of Demolition of Structures, In re* (2025) 5 SCC 1. (Also available at 2024 SCC OnLine SC 3291, decided on Nov. 13, 2024).

12 *Manoj Kumar v. Union of India AIR 2024 SC 1265*.

13 *H.P. Bus-Stand Management & Development Authority v. Central Empowered Committee* (2021) 4 SCC 309.

14 *Supra* note 1.

afforestation and conservation issues. The judgment, predominantly in the context of institutionalisation and reconstitution of the Central Empowered Committee, directed it to adopt measures to promote institutional transparency, efficiency, and accountability in its functioning, as they are important tenets of administrative law. The court, placing reliance on *Vijay Rajmohan v. CBI*,¹⁵ observed that:¹⁶

23. Environmental Rule of Law: Environmental rule of law refers to environmental governance that is undergirded by the fundamental tenets of the rule of law. The rule of law regime is one that has effective, accountable, and transparent institutions; responsive, inclusive, participatory, and representative decision-making; and public access to information. It recognises the vital role that institutions play in governance and focuses on defining the structural norms and processes that guide institutional decision-making.
24. While several laws, rules, and regulations exist for the protection of the environment, their objective is not achieved, as there is a considerable gap, as these laws remain unenforced or ineffectively implemented. Rule of law in environmental governance seeks to redress this issue as the implementation gap has a direct bearing on the protection of the environment, forests, wildlife, sustainable development, and public health, eventually affecting fundamental human rights to a clean environment that are intrinsically tied to the right to life. Accountability of the authorities, impressed with the duty to enforce and implement environmental and other ecological laws, is an important feature of judicial governance.

In the context of accountability, this court in *Vijay Rajmohan v. CBI* has held:

“34. Accountability in itself is an essential principle of administrative law. Judicial review of administrative action will be effective and meaningful by ensuring accountability of the officer or authority in charge.

35. The principle of accountability is considered a cornerstone of the human rights framework. It is a crucial feature that must govern the relationship between “duty bearers” in authority and “right holders” affected by their actions. Accountability of institutions is also one of the development goals adopted by the United Nations in 2015 and is also recognised as one of the six principles of the Citizens Charter Movement.

36. Accountability has three essential constituent dimensions: (i) responsibility, (ii) answerability, and (iii) enforceability. Responsibility requires the identification of duties and performance

¹⁵ (2023) 1 SCC 329.

¹⁶ *Supra* note 1, para 23-24.

obligations of individuals in authority and with authorities. Answerability requires reasoned decision-making so that those affected by their decisions, including the public, are aware of the same. Enforceability requires appropriate corrective and remedial action against a lack of responsibility and accountability to be taken. Accountability has a corrective function, making it possible to address individual or collective grievances. It enables action against officials or institutions for dereliction of duty. It also has a preventive function that helps to identify the procedure or policy which has become non-functional and to improve upon it.”

Thus, the passing of directions to the Central Empowered Committee¹⁷ and the apex court’s observations on accountability and its three constituent dimensions, viz., responsibility, answerability, and enforceability; highlights that the attainment of environmental justice is intrinsically linked to the consistent application of administrative law principles, ensuring that environmental protection functions steadfastly within the framework of the rule of law.

III PRINCIPLES OF NATURAL JUSTICE

The principles of natural justice form the bedrock of administrative fairness and procedural propriety. Natural justice in administrative action embodies the core values of fairness, impartiality, and reasonableness that every administrative authority must observe while making decisions impacting individuals. They embody the idea that every administrative or quasi-judicial decision affecting the rights, interests, or status of an individual must be made through a fair, impartial, and transparent process. It is crucial to note here that the principles of natural justice, which are often associated with administrative law, do not water tightly restrict themselves to administrative action, but are equally applicable to judicial as well as quasi-judicial adjudications. Serving as a safeguard against arbitrary, unreasonable, or biased administrative conduct, the doctrine of natural justice fosters public confidence in the integrity of the decision-making process.

In the landmark judgment of *Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV)*,¹⁸ the Supreme Court elaborated upon the rule of bias, the test for real likelihood of bias and the Indian approach to the bias test. This case, however, was not directly related to the review of any action by administrative authority, although the same was intrinsically dealt with the principle of *nemo judex* which applies to judicial, quasi-judicial and administrative proceedings. The principle *nemo judex* is based on the trite law that justice should not only be done but manifestly and undoubtedly be seen to be done. The court discussing the principle in respect of an arbitrator classified bias under three heads. *Firstly*, legal interest, wherein the position is such that the bias is assumed; *secondly*, pecuniary interest and *thirdly*, personal bias. Therefore, a

¹⁷ *Supra* note 1, para 21.

¹⁸ *Supra* note 4.

person who has deciding authority has an interest in the outcome of an issue that is to be resolved, would be acting as a judge in their own case¹⁹.

The court noted that the determination of bias does not depend upon actual proof of bias but on whether there is a real possibility of bias based on the facts and circumstances.²⁰ The judgment is very crucial concerning the rule against bias as it endeavours to delineate the tests of bias. The court, while comparing to a test which is frequently applied in England, discussed the approach of Indian courts. The court observed that:²¹

107. Although there have been vacillations about the test in England, the Indian courts have been largely consistent in their approach by applying the test of real likelihood of bias or reasonable apprehension of bias. Recently, the Court has used the real danger of bias test. However, the above discussion shows that there is no significant difference between the real danger of a biased test and the real possibility of a biased test if the question of bias is inferred from the perspective of a reasonable or fair-minded person.

The court discussed the “real likelihood test” consistently taken by the Indian court to test find biasness vitiating an action. Relying on *S. Parthasarathi v. State of A.P.*,²² the court reiterated that:²³

...that the test of likelihood of bias is based on the reasonable apprehension of a reasonable man fully cognizant of the facts. The learned Judge further observed that the question of whether the real likelihood of bias exists is to be determined on the probabilities to be inferred from the objective circumstances by a court or based on impressions that might reasonably be left on the minds of the aggrieved party or the public at large. [S. Parthasarathi, (1974) 3 SCC 459, p. 465, para. 16. It was observed:”16. The tests of ‘real likelihood’ and ‘reasonable suspicion’ are really inconsistent with each other. We think that the reviewing authority must decide on the basis of the whole evidence before it, whether a reasonable man would, in the circumstances, infer that there is a real likelihood of bias. The Court must look at the impression which other people have. This follows from the principle that justice must not only be done but seen to be done. If right-minded persons think that there is a real likelihood of bias on the part of an inquiring officer, he must not conduct the enquiry; nevertheless, there must be a real likelihood of bias. Surmise or conjecture would not be enough. There must exist

19 *Supra* note 4, para 89.

20 *Id.*, para 92.

21 *Id.*, para 107.

22 (1974) 3 SCC 459.

23 *Supra* note 4, para 103.

circumstances from which reasonable men would think it probable or likely that the inquiring officer will be prejudiced against the delinquent. The Court will not inquire whether he was really prejudiced. If a reasonable man would think based on the existing circumstances that he is likely to be prejudiced, that is sufficient to quash the decision.”] The legal development under English law about the real danger of bias test was also accepted by this Court.

The Supreme Court also placed its reliance on the *Advocates-on-Record Assn. v. Union of India*,²⁴ wherein the principles of the bias test in India were summarised. The said judgment unequivocally clarified that if a judge has a financial interest in the outcome of a case, he is automatically disqualified from the hearing of the case, however, in cases where the interest of the judge in the case is other than financial, then the disqualification is not automatic but an enquiry is required whether the existence of such an interest disqualifies the judge tested in the light of either on the principle of “real danger” or “reasonable apprehension” of bias. In addition to these two grounds for test of bias, the judge is also automatically disqualified from hearing a case where the judge is interested in a cause which is being promoted by one of the parties to the case.

In *High Court Bar Association Allahabad v. State of Uttar Pradesh*,²⁵ the Supreme Court explained that it cannot use its authority under Article 142 of the Constitution to give general directives that invalidate a large number of interim orders that have been legitimately issued by different high courts, especially without giving the parties involved a chance to be heard. In order to ensure full justice between the parties before the court, the extraordinary powers granted by article 142 are intended to be used only in extreme circumstances. The right to be heard before an adverse order is passed is a substantive one rather than just a procedural one, even if the Supreme Court may give subordinate courts procedural instructions. Therefore, Article 142 does not authorize the court to disregard or override the substantive rights of litigants. The court further emphasized that the power under article 142 cannot be used to contravene the principles of natural justice, which form an essential and inseparable part of the Indian legal system.

In *PHR Invent Educational Society v. UCO Bank*,²⁶ the Supreme Court observed that a petition under Article 226 of the Constitution may still be maintainable despite the availability of an alternative remedy, in certain well-recognized exceptions. These include situations where the statutory authority has acted contrary to the provisions of the governing enactment, in defiance of the fundamental principles of judicial procedure, or by invoking provisions that have already been repealed. Additionally, a writ petition would be maintainable where the impugned order has been passed in total violation of the principles of natural justice, as such actions strike at the very root of fairness and legality in administrative decision-making.

24 (2016) 5 SCC 808.

25 *Supra* note 10.

26 AIR 2024 SC 1893.

In *Suneeta Devi v. Avinash*,²⁷ the matter concerned a writ petition asserting title over the disputed plot of land, which was dealt with by the high court in undue haste and allowed without issuing a formal notice to all the respondents. Moreover, the State authorities were denied a reasonable opportunity to file their counter, as the standing counsel was directed to appear without formal notice and given only a single day to submit the factual report. Consequently, the Supreme Court held that the order passed by the high court was found to suffer from patent illegality and perversity, amounting to a clear violation of the principles of natural justice as the opportunity of being heard was compromised.

In *Sandeep Kumar v. GB Pant Institute of Engineering and Technology, Ghurdaur*,²⁸ the matter arose from a civil appeal filed by Sandeep Kumar challenging the judgment of the Uttarakhand High Court, which had dismissed his writ petition for mandamus as well as the review application concerning his termination from the post of Registrar, G.B. Pant Institute of Engineering and Technology, Ghurdauri. The high court had rejected the petition on the ground that Kumar failed to produce the minutes of the board of governors relating to his appointment. However, upon examination, the Supreme Court observed that the minutes, once produced, actually supported Kumar's case. The court held that the termination of his services without conducting any disciplinary inquiry was arbitrary, illegal, and violative of the principles of natural justice. Accordingly, the Supreme Court overturned the high court's orders, declaring the termination invalid, and directed Kumar's reinstatement as Registrar with all consequential benefits.

In the survey year the in *Sanjay Kundu v. Registrar General High Court of H.P.*,²⁹ the Supreme Court set aside both the initial transfer order and the subsequent refusal of the high court to recall that order. The court discussed *audi altrem partem* as a constituent under administrative law as a trite of justice. It was observed that the appropriate course of action was to recall the *ex parte* order and rehear the matter afresh, rather than merely providing a post-decisional hearing. The case originated from the high court's judgment based on a complaint alleging that the complainant faced serious threats from two individuals, *i.e.* 'X', a former IPS officer, and 'Y', a senior advocate and that he was being pressured by the office of the DGP to settle a dispute with 'Y'. The high court had ordered the transfer of the DGP to another post to ensure that the investigation remained uninfluenced. The apex court, however, found that since the DGP was under the administrative control of the service hierarchy and had not been granted an opportunity of hearing before the transfer order, the high court's direction could not stand. The court accordingly quashed the transfer order and further directed the constitution of a special investigation team to conduct an independent inquiry into the complaint made to the registrar general. The court observed that:³⁰

27 2024 LiveLaw (SC) 226; 2024 INSC 194.

28 2024 INSC 309.

29 *Supra* note 3.

30 *Supra* note 3, para 34.

34. The impugned order suffers from a patent error of jurisdiction. The order was passed without compliance with the principles of justice, especially the principle of *audi alteram partem*. The order dated 26 December 2023 had serious consequences, and it was passed without hearing the petitioner who stood to be affected by it. A post-decisional hearing of the kind conducted by the High Court lacks fresh and dispassionate application of mind to the merits of the recall application, and is for that very reason, likely to cause disquiet.

In *Pama Pharmaceuticals v. The Ranchi Municipal Corporation*,³¹ the high court, while setting aside a blacklisting order, emphasised that compliance with the principles of natural justice is a mandatory procedural safeguard and not an empty ritual. The court emphasized that any administrative action taken without following due process or affording a fair hearing is legally unsustainable and liable to be quashed. Therefore, the principle of natural justice is not mere formalities.

In *Dushyant Mainali v. Diwan Singh Bora*,³² the Supreme Court, while expunging the adverse remarks made against an advocate, which were recorded by the high court without providing any opportunity of hearing, held that:

5. There is no necessity to reiterate that even the Courts, including the highest court of the Country, are bound by the principle of natural justice. Nobody can be condemned unheard.

6. We are of the considered view that the approach of the High Court in making the observations against the appellant without giving him any opportunity of being heard is totally unsustainable in law.

The above-discussed judicial developments of the year reaffirm the centrality of the principles of natural justice within the framework of administrative law. Through a range of cases, the courts have underscored that fairness, impartiality, and the right to be heard are indispensable safeguards against arbitrary administrative or judicial action. Simultaneously, decisions addressing violations of *audi alteram partem* and procedural impropriety demonstrate the judiciary's continued vigilance in ensuring applicability of principles of administrative law to the judicial, quasi-judicial adjudications, including administrative decisions being exercised within the bounds of legality and fairness.³³ Collectively, these rulings strengthen the foundation of accountable governance and reinforce the enduring relevance of natural justice as the cornerstone of administrative adjudication in India.

IV RULE OF LAW

The rule of law stands as the cornerstone of administrative governance, ensuring that all actions of the state and its authorities are guided by legality, fairness, and accountability. It demands that power be exercised within the bounds

31 2024 LiveLaw (Jha) 156; W.P. (C) No. 4615 of 2024.

32 SLP(C) No. 15191 of 2022.

33 *Supra* note 4.

of law and not at the whims of discretion. Within administrative law, the rule of law functions as a safeguard against arbitrariness, ensuring equality before the law and procedural propriety in every administrative decision.

In the landmark judgment of *Directions in the Matter of Demolition of Structures*, In re,³⁴ the Supreme Court discussed the necessity of adhering to strict due process before carrying out any demolition of properties, thereby curbing the rise of arbitrary bulldozer action. The court has yet again tried to encapsulate the contours of the rule of law. The court referred to A.V. Dicey's conceptualisation of the rule of law and attempted to fasten chains of accountability and responsibility on demolition action by the executives while relying on three postulates of the rule of law, viz.:³⁵

17. The rule of law has been succinctly conceptualised by A.V. Dicey [A.V. Dicey, Introduction to the Study of the Law of the Constitution (Macmillan and Co. Ltd., 1952) pp. 183-205], which can be summarised into three postulates:

- (1) 'no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land', as contrasted to 'the exercise by persons in authority of wide, arbitrary, or discretionary powers of constraint';
- (2) "no man is above the law", and that 'every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals'; and
- (3) "the predominance of the legal spirit" or that 'the general principles of the Constitution ... are with us the result of judicial decisions determining the rights of private persons in particular cases brought before the courts'."

18. There can be no doubt with the principle that no one is above the law of the land; that everybody is equal before the law.

19. There can also be no doubt with the principle that, under the constitutional framework, there is no scope for arbitrariness by officials, and that no one can be punished or made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land. It is only the courts which are independent adjudicators of the rights of the parties, and under the constitutional framework, it is only they which can impose punishment.

At the backdrop, what transpired was that a series of writ petitions under article 32 of the Constitution were filed alleging that the state authorities had unlawfully demolished residential and commercial properties of individuals accused

34 *Supra* note 11.

35 *Supra* note 11, para 17.

in criminal cases, without adhering to due process of law. The petitioners sought directions restraining the union and state governments from taking any such coercive actions against the properties of the accused persons and further requested that strict action be taken against officials involved in such illegal demolitions. The court further made observations that:³⁶

20. Though the basic principle, as conceptualised by Dicey, largely remains the same, the concept of “rule of law” has been discussed subsequently by various scholars. It has been described to mean that “government officials and citizens are bound by and have to abide by the law” and that there “must be mechanisms or institutions that enforce the legal rules if they are breached” [Brian Z. Tamanaha, “The History and Elements of the Rule of Law”, 2012 Singapore Journal of Legal Studies 232-47.]. It ensures that “courts should be available to enforce the law and should employ fair procedures” [Richard H. Fallon, Jr., “The Rule of Law as a Concept in Constitutional Discourse”, (1997) 97 Columbia Law Review 1.]. The law must be just and fair, and “protect the human rights and dignity of all members of society” [Robert Stein, “Rule of Law: What does it Mean?”, (2009) 18 Minn J Int’l L 293.]. Above all, “the essential purpose of the rule of law is to prevent the abuse of power” [JuhaRaitio, “The Concept of the Rule of Law — Just a Political Ideal, or a Binding Principle?” (2023) 45 Giornale di StoriaCostituzionale, pp. 37-46. HeinOnline. Lord Bingham sets out as one of the facets of the rule of law, the following [Tom Bingham, The Rule of Law, p. 60]:

“(4) Ministers and public officers at all levels must exercise the powers conferred on them in good faith, fairly, for the purpose for which the powers were conferred, without exceeding the limits of such powers and not unreasonably.”

The court, while referring to a catena of judgments, observed that the rule of law has been characterised as an overarching principle encompassing the legal and institutional mechanisms designed to safeguard citizens from the arbitrary exercise of state power. It is an essential pillar of democracy and good governance, as the absence of a functioning legal framework often leads to disorder and erosion of civil liberties. The law, therefore, must not only be just and fair but must also uphold human rights and dignity, ensuring that power is exercised within constitutional bounds.

The Supreme Court, in *Indira Nehru Gandhi v. Raj Narain*,³⁷ affirmed that the rule of law forms part of the basic structure of the Constitution, with Mathew, J. emphasizing that it is not an abstract or external concept, but one that derives its existence from within the Constitution itself, intended to give life to its provisions.

³⁶ *Supra* note 11, para 20.

³⁷ 1975 Supp SCC 1.

Similarly, in *Bilkis Yakub Rasool v. Union of India*,³⁸ the court reiterated that the rule of law acts as a safeguard against the arbitrary use of governmental authority, requiring that every State action be guided by established legal norms rather than unfettered discretion. The court further underscored the state's duty to prevent unlawful acts, such as mob violence and vigilantism, reinforcing that maintaining law and order is integral to preserving the rule of law and public confidence in constitutional governance. The court further observed that:³⁹

32. It is thus well settled that the rule of law has been described as a safeguard against the arbitrary use of the State power. It ensures that the actions of the Government and its authorities are governed by established legal principles, rather than arbitrary discretion. Whenever the citizens, in the form of mobs, have broken the law to vandalise or to declare threats, the Court has cast an obligation on the State to prevent such threats or assaults. This obligation underscores the State's responsibility to maintain law and order and protect citizens from unlawful actions that undermine the rule of law itself.

In this landmark judgment, the court did not confine its analysis merely to the rule of law, but also delved into several interrelated constitutional and administrative doctrines that reinforce accountable governance, which shall be discussed in the coming sections of this survey. Specifically, the court elaborated upon the doctrine of public trust⁴⁰ and the principle of public accountability,⁴¹ emphasizing that state authorities act as trustees of public power and resources, obligated to exercise them solely for legitimate public purposes. The court further reflected on the doctrine of separation of powers, reiterating that each organ of the state must function within its constitutionally assigned sphere to preserve institutional balance and prevent arbitrary exercise of authority. Additionally, drawing from the principles of criminal law, the court reaffirmed the presumption of innocence and the foundational requirement of natural justice, observing that punitive or coercive state actions must always be preceded by due process and a fair hearing. Collectively, these principles underline that adherence to constitutional morality and procedural fairness is indispensable to sustaining the legitimacy of State power.

In light of the above discussion, it is evident that the constitutional rights of citizens and the principles of natural justice are indispensable safeguards in any exercise of state power. The demolition of a citizen's home solely on the grounds of being an accused or even a convict, without adherence to due process of law, stands in clear violation of these foundational principles. Such action would not only undermine the rule of law but would also be patently unconstitutional, as it

38 (2024) 5 SCC 481.

39 *Supra* note 11, para 32.

40 *Supra* note 11, para 48.

41 *Supra* note 11, para 49-50.

erodes the guarantees of fairness, accountability, and protection against arbitrary state action enshrined in the Constitution.

V DELEGATED LEGISLATION

The mechanism of delegated legislation is a practical necessity in modern governance, where the complexities of administration and the technical nature of legislation often require specialized inputs and flexibility. However, while delegated legislation enables efficient governance, it also raises concerns regarding accountability, overreach, and violation of the separation of powers.

In the survey year, the Supreme Court in *Gaurav Kumar v. Union of India* elaborated the scope, validity, and limits of delegated legislation, reaffirming that while such subordinate legislation carries a presumption of constitutionality, it does not enjoy the same degree of immunity as the parent statute. The court reiterated the well-settled principle that delegated legislation may be struck down on several grounds, including lack of legislative competence, violation of fundamental rights or constitutional provisions, failure to conform to the enabling statute, exceeding the conferred authority, repugnancy with existing laws, or manifest arbitrariness.

Further, the court examined the legislative framework of delegation, observing that modern statutes frequently empower the executive to make rules for carrying out the purposes of the Act. Such provisions, often followed by an enumeration of specific matters, are intended to guide the delegate rather than restrict its general rule-making authority. The court clarified that enumerative clauses serve an illustrative purpose and do not curtail the breadth of the general power conferred by the parent statute. This interpretation, rooted in earlier precedents, ensures that delegated legislation remains flexible and effective, yet anchored within constitutional and statutory boundaries. The court made the following observation:⁴²

28. Although delegated legislation enjoys the presumption of constitutionality, it does not enjoy the same immunity as the parent legislation. It is now well established [Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641, para 77; State of T.N. v. P. Krishnamurthy, (2006) 4 SCC 517, para 15] that delegated legislation can be challenged on the following grounds:

- (i) lack of legislative competence to make delegated legislation;*
- (ii) violation of fundamental rights guaranteed under the Constitution;*
- (iii) violation of any provision of the Constitution;*
- (iv) failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act;*
- (v) repugnance to any other enactment; and*
- (vi) manifest arbitrariness.*

⁴² *Supra* note 7, para 28-29.

29. Modern legislation often contains provisions enabling the delegate of the legislature to frame subordinate legislation. The statutory provision for delegation is often couched in general terms, empowering the delegate with the power to frame rules “to carry out the purposes of this Act” or a particular segment of the statute contained in a chapter. The general provision is then followed by a provision enumerating specific matters on which the delegate may frame rules. A similar legislative scheme is reflected in Sections 15 and 28 of the Advocates Act. Where a rule-making power is conferred upon the delegate in general terms, a subsequent enumeration of matters on which the delegate may frame rules is illustrative and does not limit the scope of the general power. [*Afzal Ullah v. State of U.P.*, 1963 SCC OnLine SC 76, para 13; *Rohtak & Hissar Districts Electric Supply Co. Ltd. v. State of U.P.*, 1965 SCC OnLine SC 75, para 18] The enumerated matters in such a situation provide guidelines for the delegated authority while framing rules in exercise of the general power. [*D.K. Trivedi & Sons v. State of Gujarat*, 1986 Supp SCC 20, para 33]

In *Naresh Chandra Agrawal v. Institute of Chartered Accountants of India*,⁴³ the Supreme Court examined the validity of Rule 9(3)(b) of the Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, which was challenged as *ultra vires* the Chartered Accountants Act, 1949. The contention was that the rule exceeded the rule-making authority granted under Section 29A(2)(c) of the parent statute.

The court, however, clarified that the general rule-making power is vested in the Central Government under section 29A(1), and that section 29A(2) is merely illustrative in nature, serving as a guide rather than a limitation on the broader power conferred by subsection (1). Therefore, even if certain matters are not expressly enumerated in the Act, rules may still be validly framed if they fall within the overall legislative intent and scope of the parent statute. Applying this principle, the court held that Rule 9(3)(b) was well within the ambit of section 29A(1) and did not transgress the boundaries of delegated authority. Consequently, the rule was upheld as *intra vires* and consistent with the legislative framework of the Act. It is crucial to mention at this juncture that in determining if the impugned rule is *intra vires/ultra vires*, the scope of delegated power, courts have applied the “generality vs. enumeration” principle. The court in this reference noted:⁴⁴

37.5 The “generality vs. enumeration” principle lays down that, where a statute confers particular powers without prejudice to the generality of a general power already conferred, the particular powers are only illustrative of the general power, and do not in any way restrict the general power. In that sense, even if the impugned rule

43 *Supra* note 8.

44 *Supra* note 8, para 37.5 & 37.6.

does not fall within the enumerated heads, that by itself will not determine if the rule is ultra vires/intra vires. It must be further examined if the impugned rule can be upheld by reference to the scope of the general power.

37.6. The delegated power to legislate by making rules “for carrying out the purposes of the Act” is a general delegation, without laying down any guidelines as such. When such a power is given, it may be permissible to find out the object of the enactment and then see if the rules framed satisfy the Act of having been so framed as to fall within the scope of such general power confirmed.

Also, in another judgment, the Supreme Court, while interpreting the Himachal Pradesh Town and Country Planning Act, 1977, in *State of Himachal Pradesh v. Yogendera Mohan Sengupta*,⁴⁵ observed that the National Green Tribunal (NGT) had exceeded its jurisdiction by issuing directions that effectively encroached upon the domain of delegated legislation. The court held that when the Town and Country Planning Act specifically empowers the State Government and the Director of Town and Country Planning to prepare, finalize, and approve development plans, functions that constitute the exercise of subordinate legislative powers; therefore, the NGT cannot impose restrictions or dictate the manner in which such powers are to be exercised. Consequently, the court found the NGT’s order to be unsustainable, as it transgressed its statutory limits and interfered with the discretion vested in the competent authorities under the Act.

In *Pernod Ricard (India) (P) Ltd. v. State of M.P.*,⁴⁶ the Supreme Court clarified that the validity and operation of subordinate legislation are entirely dependent on the extent of authority conferred by the parent statute. The court observed that delegated legislation cannot operate either prospectively or retrospectively unless expressly authorised by the enabling Act. In the absence of such statutory empowerment, subordinate legislation becomes effective only from the date of its issuance and ceases to operate once it is repealed or withdrawn. This principle underscores the constitutional supremacy of Parliament and its control over executive power, reaffirming that all rule-making by the executive must remain strictly within the limits prescribed by legislative delegation. The judgment noted that:⁴⁷

19. The principle governing subordinate legislation is slightly different inasmuch as the operation of a subordinate legislation is determined by the empowerment of the parent Act. The legislative authorisation enabling the executive to make rules prospectively or retrospectively is crucial. Without a statutory empowerment, subordinate legislation will always commence to operate only from the date of its issuance and at the same time, cease to exist from the

45 *Supra* note 2.

46 (2024) 8 SCC 742.

47 *Id.*, para 19 and 37.

date of its deletion or withdrawal. The reason for this distinction is in the supremacy of Parliament and its control of executive action, being an important subject of administrative law.

34. Subordinate legislation, by its very nature, rests upon the executive's understanding of the primary legislation. When a Court thinks that such an understanding does not align with the statute, it sets it aside for being *ultra vires* to the primary statute.

In *State of Rajasthan v. Combined Traders*,⁴⁸ the Supreme Court reaffirmed the principle that state-made subordinate legislation cannot override or conflict with central rules framed under a central statute. The court upheld the High Court of Rajasthan decision declaring Rule 17(20) of the Central Sales Tax (Rajasthan) Rules, 1957 as *ultra vires* the Central Sales Tax Act, 1956, holding that the state government, acting under delegated authority, cannot introduce provisions inconsistent with the Central Sales Tax (Registration and Turnover) Rules, 1957. Specifically, the impugned rule empowered the state to cancel Form C in cases of fraud or misrepresentation, an authority not conferred under the Central Rules. The court clarified that only the central government possesses the power to prescribe the form and conditions of Form C, thereby emphasizing the primacy of central legislation and the limited scope of state rule-making under delegated powers.

VI JUDICIAL REVIEW AND SEPARATION OF POWERS

Judicial review and the doctrine of separation of powers are foundational principles within administrative law that ensure a balanced distribution and lawful exercise of governmental authority. Judicial review empowers the courts to examine administrative actions, ensuring that public authorities act within their legal bounds, adhere to the rule of law, and respect the principles of natural justice. The doctrine of separation of powers, on the other hand, maintains institutional harmony by preventing any one branch of government, *viz.* the legislature, executive, or judiciary, from encroaching upon the functions of the others. Together, these principles serve as critical checks against arbitrariness and abuse of power in administrative decision-making. The following judgments illustrate how Indian courts have interpreted and enforced these doctrines to uphold fairness, accountability, and constitutional propriety in administrative governance.

In *Vishal Tiwari v. Union of India*,⁴⁹ the Supreme Court emphasized that judicial interference in the regulatory functions of specialized bodies like SEBI must remain limited. The court observed that while reviewing delegated legislation or policy decisions of such expert regulators, the judiciary should not substitute its own views for those of the regulator. Judicial review in these cases is confined to examining whether the impugned regulation or policy violates fundamental rights, any constitutional or statutory provision, or is manifestly arbitrary. The

48 2025 INSC 496.

49 AIR 2024 SC 414.

decision reinforces the principle of judicial restraint in matters involving technical or policy expertise of regulatory authorities.

In *Anun Dhawan v. Union of India*,⁵⁰ the Supreme Court reaffirmed the principle that the scope of judicial review in policy matters is inherently limited. The court observed that it is not within the judiciary's domain to assess the correctness, fairness, or wisdom of a policy framed by the executive. Courts cannot act as advisors or substitute their own views for those of the government merely because an alternative policy might appear more reasonable or effective. Judicial scrutiny in such matters is confined solely to examining the legality of the policy, that is, whether it violates constitutional or statutory provisions, rather than its merit or soundness. This reinforces the doctrine of separation of powers and the judiciary's role in ensuring legality, not governance.

In *Manoj Kumar v. Union of India*,⁵¹ the Supreme Court clarified that judicial review of administrative action in public law is fundamentally different from judicial remedies under civil law. The court emphasized that constitutional courts, while exercising judicial review, are primarily concerned with ensuring the lawfulness and propriety of executive actions, not with determining private rights as in civil disputes. The objective of quashing an administrative decision is to prevent arbitrariness, abuse of power, or procedural excess, thereby preserving the integrity of the legal system. Importantly, the court noted that judicial review is corrective, not compensatory; a declaration of illegality alone does not entitle an individual to damages unless a separate cause of action, such as tort, negligence, or breach of statutory duty, is established. The court made the following observation:⁵²

18. Judicial review of administrative action in public law is qualitatively distinct from judicial remedies in civil law. In judicial review, constitutional courts are concerned with the exercise of power by the State and its instrumentalities.

19. Within the realm of judicial review in common law jurisdictions, it is established that constitutional courts are entrusted with the responsibility of ensuring the lawfulness of executive decisions, rather than substituting their own judgment to decide the rights of the parties, which they would exercise in civil jurisdiction. [Sir Clive Lewis, *Judicial Remedies in Public Law* (5th Edn., Sweet and Maxwell 2015).] It has been held that the primary purpose of quashing any action is to preserve order in the legal system by preventing excess and abuse of power or to set aside arbitrary actions. Wade on Administrative Law states that the purpose of quashing is not the final determination of private rights, for a private party must separately contest his own rights before the administrative authority. [HWR Wade and CF Forsyth, *Administrative Law* (11th Edn., Oxford

50 *Supra* note 5.

51 (2024) 3 SCC 563.

52 *Id.*, para 18-20.

University Press 2014) at pp. 596-597.] Such a private party is also not entitled to compensation merely because the administrative action is illegal. [Peter Cane, “Damages in Public Law”, (1999) 9(3) Otago Law Review 489.] A further case of tort, misfeasance, negligence, or breach of statutory duty must be established for such person to receive compensation. [Henry Woolf and others, *De Smith’s Judicial Review* (8th Edn., Sweet and Maxwell 2018) at pp. 1026-1027.]

20. We think that while the primary duty of constitutional courts remains the control of power, including setting aside of administrative actions that may be illegal or arbitrary, it must be acknowledged that such measures may not singularly address the repercussions of abuse of power. It is equally incumbent upon the courts, as a secondary measure, to address the injurious consequences arising from arbitrary and illegal actions. This concomitant duty to take reasonable measures to reconstitute the injured is our overarching constitutional purpose. This is how we have read our constitutional text, and this is how we have built our precedents based on our preambular objective to secure justice. [The Preambular goals are to secure Justice, Liberty, Equality, and Fraternity for all citizens.]”

In *State of Haryana v. Ashok Khemka*,⁵³ the Supreme Court emphasized that judicial restraint is essential when reviewing administrative decisions that fall within the domain of executive expertise, particularly in matters requiring specialized knowledge or evaluative judgment. The court observed that the assessment of an IAS officer’s performance is an administrative function best left to the executive, which possesses the necessary institutional competence and statutory mandate for such evaluation. The high court, by venturing into this specialized area and assessing the officer’s competency, had overstepped its jurisdiction and interfered prematurely, especially when the accepting authority had not yet decided the officer’s pending representation. The judgment reinforces the principle that courts should intervene only where *mala fides*, arbitrariness, or prejudice are clearly established, and not merely to substitute their judgment for that of the executive.

In *Matter of Demolition of Structures, In re*,⁵⁴ the Supreme Court extensively discussed the doctrine of separation of powers, reaffirming it as a cornerstone of India’s constitutional framework and democratic governance. The Court observed that while the Indian Constitution does not recognize a rigid separation among the three organs, viz. the legislature, the executive, and the judiciary, it clearly demarcates their functional boundaries to maintain institutional balance and prevent concentration of power.

53 *Supra* note 6.

54 *Supra* note 11.

Drawing from landmark precedents such as *Ram Jawaya Kapur v. State of Punjab*,⁵⁵ *Indira Nehru Gandhi v. Raj Narain*,⁵⁶ and *I.R. Coelho v. State of T.N.*,⁵⁷ the court reiterated that each organ must act within its constitutionally assigned domain, and any transgression disturbs the delicate equilibrium essential to democracy. The judiciary's role, therefore, lies not in assuming executive or legislative functions but in ensuring that the limits of power are respected through judicial review, i.e. a mechanism born from the interconnected principles of rule of law, equality, and constitutional supremacy.

Further, referencing *State of U.P. v. Jeet S. Bisht*⁵⁸ and *Kalpana Mehta v. Union of India*,⁵⁹ the Court emphasized that the doctrine has evolved beyond mere checks on governmental excesses to include oversight of inaction, especially in an era of positive rights and social entitlements. It highlights that constitutional limitations are themselves expressions of the separation of powers, ensuring that each organ operates in harmony while upholding citizens' rights, social justice, and the rule of law.

VII ADMINISTRATIVE LAW AND CONSTITUTIONAL LAW

In *Kolkata Municipal Corporation v. Bimal Kumar Shah*,⁶⁰ the Supreme Court elaborated upon seven foundational procedural principles that govern the compulsory acquisition of private property, holding them to be integral to Article 300-A of the Constitution and deeply embedded within India's constitutional and administrative law framework. The court observed that these principles are not only reflected in various union and state statutes, such as the Land Acquisition Act, 1894, Requisitioning and Acquisition of Immovable Property Act, 1952, Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, and National Highways Act, 1956, but are also judicially recognized sub-rights essential to fairness and legality in acquisition proceedings.

The court identified the following seven principles, namely:

- i. Right to Notice:⁶¹ The State cannot acquire property "by ambush." Prior, clear, and meaningful notice to the property owner is a constitutional necessity, grounded in the right to know under Article 19(1)(a).
- ii. Right to be Heard:⁶² The affected person must be given a genuine opportunity to object to the acquisition, ensuring that the hearing is substantive and not a mere formality.

55 AIR 1955 SC 549

56 *Supra* note 37.

57 (2007) 2 SCC 1.

58 (2007) 6 SCC 586.

59 (2018) 7 SCC 1.

60 *Supra* note 9.

61 *Id.*, para 33.1.

62 *Id.*, para 33.2.

- iii. Right to a Reasoned Decision:⁶³ Administrative authorities must issue a reasoned and informed decision after considering objections, evidencing due application of mind.
- iv. Duty to Acquire Only for Public Purpose:⁶⁴ Acquisition must serve a legitimate public purpose aligned with the principles of welfare and distributive justice, subject to judicial scrutiny.
- v. Right to Restitution or Fair Compensation:⁶⁵ The deprivation of property must be accompanied by just, reasonable, and timely compensation, as a constitutional safeguard under Article 300-A.
- vi. Right to an Efficient and Expeditious Process:⁶⁶ The acquisition process must be concluded within reasonable timelines to prevent undue hardship and uncertainty to landowners.
- vii. Right of Conclusion:⁶⁷ The process is complete only upon taking lawful possession and vesting of land in the State; without this, acquisition remains incomplete.

The court emphasised that these procedural rights have evolved through statutory incorporation and judicial interpretation; therefore, they have become an intrinsic part of India's administrative law jurisprudence, ensuring that the exercise of the state's power of eminent domain remains fair, transparent, and constitutionally restrained.

Furthermore, in *High Court Bar Association, Allahabad v. State of Uttar Pradesh*,⁶⁸ the Supreme Court clarified the scope and limitations of its powers under Article 142 of the Constitution, emphasizing that this extraordinary jurisdiction cannot be exercised to nullify lawful judicial orders or bypass fundamental procedural safeguards. The court observed that article 142 of the Constitution is meant to be invoked only in exceptional circumstances to do complete justice between the parties before it, and not to issue blanket directions that set aside numerous interim orders of high courts without hearing the affected parties.

It was further held that while the Supreme Court possesses the authority to issue procedural directions to subordinate courts in aid of justice, the right to be heard before an adverse order is passed constitutes a substantive right, not a mere procedural formality. Consequently, the court underscored that the power under article 142 cannot be exercised in a manner that violates principles of natural justice, which form an integral part of Indian constitutional and administrative jurisprudence.

63 *Id.*, para 33.3.

64 *Id.*, para 33.4.

65 *Id.*, para 33.5.

66 *Id.*, para 33.6.

67 *Id.*, para 33.7.

68 *Supra* note 10.

VIII CONCLUSION

The evolving contours of Indian administrative law, as illuminated through recent pronouncements of the Indian judiciary, reflect a profound reaffirmation of the constitutional balance between administrative discretion and judicial oversight. The apex court has reinforced that while administrative discretion is a necessary instrument of governance, its exercise must always remain subservient to the Constitution and subject to judicial scrutiny on limited grounds of illegality, irrationality, or procedural impropriety.⁶⁹

At the same time, the court has reiterated the importance of institutional restraint, emphasizing that the judiciary must refrain from venturing into domains requiring specialised administrative expertise, particularly in matters of policy formulation⁷⁰ and personnel evaluation⁷¹. This reaffirmation of judicial self-discipline preserves the balance of power among the branches of government, ensuring that judicial review serves as a check on excess, not a substitution for governance.

The jurisprudence on delegated legislation has also evolved to emphasise that subordinate law-making must remain within the bounds of legislative authorization, maintaining fidelity to both statutory purpose⁷² and constitutional principle.⁷³ The court's interpretative approach safeguards democratic accountability by ensuring that administrative authorities do not transgress their statutory mandate under the guise of delegated power.

Equally significant is the reaffirmation of the rule of law and natural justice as foundational to all administrative actions. The court, in its landmark judgment on coercive executive measures, held that such actions, such as demolition of property or deprivation of rights, must conform strictly to due process, as the state cannot act merely based on power or expediency.⁷⁴ In a similar vein, the exercise of constitutional authority under article 142 has been held to be circumscribed by the principles of fairness and substantive justice, ensuring that even plenary powers cannot override the procedural entitlements of affected parties⁷⁵. Moreover, in the domain of public law adjudication, the court has continued to distinguish between judicial review and private law remedies, clarifying that the former is concerned with the lawfulness of decision-making rather than its merits or outcomes.⁷⁶ This doctrinal precision underscores the judiciary's role as the guardian of legality, not as a policymaker.

69 *Supra* note 5.

70 *Supra* note 6.

71 *Supra* note 7.

72 *Supra* note 8.

73 *Supra* note 2.

74 *Supra* note 11.

75 *Supra* note 10.

76 *Supra* note 12.

The court's recent engagement with issues of environmental rule of law, infrastructure development, and ecological preservation reveals a deepening attempt to reconcile administrative efficiency with the overarching constitutional mandate of sustainable development.⁷⁷ Through its interventions, the court has emphasized that the administration's discretion in matters of environmental and developmental policy cannot operate in isolation from the principles of accountability, transparency, and intergenerational equity.⁷⁸ The court also reaffirmed the foundational principle of natural justice, *nemo iudex in causa sua*, by emphasizing that even the appearance of bias can vitiate a decision. Through its nuanced classification of bias into legal, pecuniary, and personal categories, the court clarified the Indian approach to the "real likelihood of bias" test, ensuring that decision-making, whether judicial, quasi-judicial, or administrative, remains free from prejudice and maintains public confidence in institutional fairness.⁷⁹

In these decisions, the court has underscored that developmental imperatives must be harmonized with ecological sustainability, and that public authorities are constitutionally obliged to act as trustees of the environment rather than mere regulators of resources. By subjecting executive and quasi-judicial bodies to heightened scrutiny in cases involving environmental degradation, public infrastructure, and land use, the court has reaffirmed the public trust doctrine and embedded environmental accountability within the broader framework of administrative law. These decisions signify that administrative law, as it continues to evolve, is not merely procedural but profoundly substantive in its commitment to the constitutional ideal of good governance.

Therefore, taken together, the year's jurisprudence reflects a coherent judicial philosophy, marked by measured intervention, constitutional fidelity, and doctrinal clarity. The courts have sought to strike a careful equilibrium between administrative autonomy and judicial oversight, ensuring that governance remains both efficient and accountable. Further, these rulings reaffirm that the Indian administrative state operates under the shadow of constitutional morality, where fairness, transparency, and accountability are not optional virtues but binding obligations. The judiciary's role, therefore, continues to be that of a constitutional sentinel, ensuring that the executive actions remain disciplined by administrative law.

⁷⁷ *Supra* note 1.

⁷⁸ *Supra* note 11.

⁷⁹ *Supra* note 4.