

Administrative Discretion in the Digital Age

AAKASH.R BA.LL.B(hons.)

THE TAMILNADU DR AMBEDKAR LAW UNIVERSITY,

PERUNGUDI, CHENNAI 600 113.

Abstract

Administrative discretion is an essential part of public administration, allowing authorities to make decisions in situations where legislation cannot provide for every possible circumstance. However, the rapid growth of digital technology is changing the manner in which such discretion is exercised. The increasing use of digital platforms, automated systems, algorithms and artificial intelligence has gradually shifted administrative decision-making from individual officials towards technology-assisted and system-based processes. While digital administration can improve efficiency, consistency and the delivery of public services, it also creates concerns relating to transparency, accountability, privacy, bias and procedural fairness. The exercise of discretion through automated systems raises an important question as to whether traditional principles of administrative law are sufficient to regulate decisions influenced or made by technology. This article examines the changing nature of administrative discretion in the digital age, with particular emphasis on its constitutional and legal dimensions in India. It further analyses the challenges posed by algorithmic decision-making and explores safeguards necessary to ensure that technological advancement remains consistent with principles of natural justice, non-arbitrariness, accountability and judicial review. The article argues that digitalisation should strengthen administrative efficiency without removing human responsibility from the exercise of public power.

Keywords: Administrative Discretion; Digital Governance; Digital Administration; Artificial Intelligence; Algorithmic Decision-Making; Natural Justice; Administrative Law; Constitutional Principles; Transparency; Accountability.

1. Introduction

The rapid growth of digital government has changed the way administrative discretion operates in public administration. Traditionally, discretion was mainly exercised by officials who interacted directly with citizens and applied general rules according to the circumstances of individual cases. With digital transformation, however, administrative decision-making is increasingly influenced by technological systems, organisational practices and standardised procedures. Recent research shows that discretion in digitally transforming public administrations is shaped by the interaction of legal, technological and organisational factors. At the same time, legal frameworks and accountability mechanisms continue to define the boundaries within which administrative discretion may be exercised.¹

Digitalisation does not necessarily eliminate administrative discretion; rather, it can change the environment in which it is exercised. Digital infrastructures and standardised procedures may promote consistency and efficiency, but they can also create difficulties in preserving professional judgment and citizen-centred decision-making. This makes it important to examine whether traditional principles governing administrative discretion remain adequate when public authorities increasingly depend upon digital systems.²

The transformation of administration through technology therefore raises broader questions concerning the relationship between administrative efficiency, professional judgment and accountability. As government increasingly relies on digital processes, understanding how discretion operates within these systems becomes essential for ensuring that technological development remains consistent with the principles of lawful and accountable administration.

¹ Guido Ongena, Carolijn Schrijver, Erik Slingerland, Jeroen van Grondelle & Wouter Bronsgeest, "Digital Government and Discretion in Street-Level Bureaucracy: A Policy Analysis from The Netherlands," *Electronic Government (EGOV 2026)*, Lecture Notes in Computer Science, Vol. 16933, pp. 83–97 (Springer, 2026).

² Ibid.

2. Meaning and Scope of Administrative Discretion

Administrative discretion refers to the freedom given to an administrative authority to choose between different lawful alternatives while performing its statutory functions. Legislation cannot anticipate every factual situation that may arise in administration. Authorities therefore require a degree of flexibility to interpret provisions, assess circumstances and determine an appropriate course of action. Discretion does not mean unrestricted freedom; it must be exercised within the limits of law and for the purpose for which the power has been conferred.³

Administrative discretion is particularly important in the functioning of the modern welfare state. Government authorities perform diverse functions such as implementing policies, granting licences, regulating activities, allocating resources and taking administrative decisions. Since these functions often involve varying facts and circumstances, rigid rules alone may not always provide an appropriate solution. Discretion enables authorities to respond to such circumstances, while excessive or uncontrolled discretion may create the possibility of arbitrariness and abuse of power.⁴

The scope of administrative discretion consequently extends to several areas of administration, including policy implementation, licensing, regulation, allocation of resources and enforcement. However, the existence of discretion does not place administrative action beyond legal control. The authority must act within its statutory powers, consider relevant factors, avoid irrelevant considerations and comply with principles of fairness and natural justice. Judicial review provides an important mechanism for examining whether discretion has been exercised lawfully and reasonably.⁵

Thus, administrative discretion is a necessary feature of effective governance, but it must operate within legal and constitutional boundaries. The objective is not to eliminate discretion altogether, but to ensure that the flexibility given to administrative authorities does not become arbitrary or uncontrolled power.

3. Evolution from Traditional to Digital Administration

The development of public administration has been a gradual process shaped by changing social, economic and technological conditions. Traditionally, public administration was largely associated with a bureaucratic structure based on hierarchy, centralisation, neutrality and rule-based functioning. Public officials were primarily responsible for implementing policies formulated by higher authorities, while individual discretion was restricted through top-down control mechanisms. This model placed greater emphasis on maintaining administrative order and ensuring uniform implementation of government decisions.⁶

The limitations of traditional administration gradually contributed to the emergence of New Public Management. This approach sought to make public administration more efficient, flexible and performance-oriented by introducing concepts such as professional management, performance measurement, competition, transparency and accountability. Compared with the traditional model, New Public Management gave greater importance to outputs and results and encouraged a more decentralised approach to administration. However, concerns relating to accountability, public ethics, equality and the protection of rights also emerged, demonstrating that administrative reform could not be based solely on efficiency.⁷

The subsequent development of information and communication technologies brought another significant transformation in public administration. Digitalisation introduced government websites, online platforms, data-based systems, artificial intelligence and other technological tools into administrative processes.

³ Joseph Heath, "Administrative Discretion and the Rule of Law," in *The Machinery of Government: Public Administration and the Liberal State* 254–299 (Oxford University Press, 2020); *Administrative Discretion: Meaning and Scope*, LawGratis.

⁴ *Administrative Discretion: Meaning and Scope*, LawGratis.

⁵ *Reasonable Restrictions under Article 19 and Administrative Discretion*, iPleaders.

⁶ Alper Tunga Şen, "From Traditional Public Administration To Digital Hybrid Public Administration," *Quantrade Journal of Complex Systems in Social Sciences*, Vol. 6, Issue 1, 2024, pp. 81–83.

⁷ *Id.*, pp. 83–85.

These technologies enabled information to be processed, stored and shared more efficiently, reduced dependence on physical paperwork and facilitated faster delivery of public services. Digital systems also created greater opportunities for data-based decision-making and easier access to governmental information and services.⁸

Digitalisation, however, has not resulted in the complete replacement of earlier administrative structures. Instead, contemporary public administration increasingly combines existing administrative practices with technological systems, producing what has been described as a digital hybrid form of public administration. In this model, traditional institutional structures continue to operate while digital technologies are integrated into decision-making, service delivery and inter-organisational coordination. The transformation is therefore better understood as an adaptation and combination of existing administrative practices with new technological capabilities rather than as a complete break from traditional administration.⁹

This evolution is particularly relevant to administrative discretion. As administration moves from predominantly hierarchical and paper-based processes towards digital and data-driven systems, the environment in which officials exercise discretion also changes. Digital platforms, standardised procedures and data-based decision-making may increase consistency and efficiency, while simultaneously influencing the manner in which administrative decisions are made. Thus, the evolution from traditional to digital administration provides the foundation for understanding how administrative discretion itself is being transformed in the digital age.

4. Administrative Discretion in the Digital Age

The digital transformation of public administration has changed the environment in which administrative discretion is exercised. Traditionally, discretion was primarily exercised by individual officials who assessed the circumstances of a particular case and selected an appropriate course of action within the limits of law. With the introduction of digital systems, administrative decisions are increasingly influenced by databases, automated procedures, monitoring mechanisms and algorithmic tools. Discretion therefore continues to exist, but its exercise is increasingly connected with technological systems and digitally structured processes.¹⁰

Digital systems can reduce uncertainty and promote greater consistency in administrative decision-making by providing officials with standardised procedures and access to large amounts of information. Digital monitoring can also create detailed records of administrative actions, making it easier to track decisions and examine whether established procedures have been followed. These features may strengthen accountability and reduce opportunities for arbitrary decision-making. At the same time, increased technological oversight may place officials under greater pressure to follow predetermined procedures rather than independently assess the circumstances of individual cases.¹¹

The transformation is particularly significant for street-level bureaucrats, who traditionally exercise discretion while directly implementing government policies and delivering public services. Digital oversight mechanisms can shift some aspects of decision-making away from frontline officials towards centrally designed systems, rules and monitoring structures. As a result, the discretion available to officials may become increasingly shaped by technological constraints and organisational controls rather than solely by their professional judgment.¹²

Another important development is the increasing use of data and algorithmic systems in administrative decision-making. When digital systems assist authorities in assessing applications, identifying risks, within technological procedures. This raises questions about who exercises discretion: the official using the system, the authority that designed the rules, or the actors responsible for developing the technological system. The location of administrative discretion can therefore become less visible as decision-making is distributed across officials, institutional rules, data and technological systems.¹³

⁸ *Id.*, pp. 86–88.

⁹ *Id.*, pp. 87–88.

¹⁰ Likhitha Reddy Nalubolu, "Digital Oversight and Administrative Discretion: A Theoretical Framework and Research Agenda for Street-Level Bureaucracy," *SSRN Electronic Journal* (2026).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Digital administration consequently creates a tension between administrative control and professional judgment. Greater monitoring and standardisation may improve accountability and consistency, but excessive dependence on predetermined digital procedures may reduce the ability of officials to respond to exceptional circumstances. Administrative discretion in the digital age should therefore not be understood as disappearing completely. Rather, it is being reshaped by the interaction between human decision-makers, organisational rules and technological systems. Maintaining meaningful human judgment while using technology to improve administrative efficiency is therefore an important requirement of accountable digital administration.¹⁴

5. Constitutional and Legal Framework in India

Administrative discretion in India is subject to the constitutional principle of the rule of law. Although administrative authorities require flexibility to implement laws and policies, such discretion cannot be exercised arbitrarily or beyond the authority granted by law. The Constitution therefore provides the basic framework within which administrative power must operate. Constitutional limitations become particularly important in the digital age because decisions increasingly involve automated systems, data processing and technology-assisted administration.

Article 14 of the Constitution guarantees equality before the law and equal protection of the laws and acts as an important limitation on arbitrary administrative action. Administrative discretion must therefore be exercised on the basis of relevant and rational considerations and cannot result in unreasonable or discriminatory treatment. When digital or algorithmic systems are used by public authorities, the requirement of non-arbitrariness continues to apply to the decision produced or influenced by such systems. The use of technology cannot by itself place an administrative decision outside constitutional scrutiny.¹⁵

Article 21 provides another significant constitutional safeguard. The Supreme Court has recognised that the right to life and personal liberty includes several dimensions of dignity, privacy and procedural fairness. In **Maneka Gandhi v. Union of India**, the Court established that a procedure affecting personal liberty must be fair, just and reasonable.¹⁶ Subsequently, in **K.S. Puttaswamy (Retd.) v. Union of India**, the Supreme Court recognised privacy as a constitutionally protected right under Article 21 and the broader guarantees of Part III.¹⁷ These principles are relevant to digital administration because government use of personal data, automated decision-making and digital surveillance may directly affect individual privacy and personal autonomy.

Article 19 also places constitutional limitations on administrative action where the exercise of discretion affects the freedoms guaranteed under the provision. Restrictions imposed by public authorities must satisfy the constitutional requirements applicable to the particular freedom involved. Administrative authorities therefore cannot rely on technological systems as a means of bypassing constitutional limitations. Where digital systems are used to regulate or restrict individual rights, the underlying administrative action remains subject to constitutional standards.¹⁸

The principles of natural justice and judicial review further provide legal controls over administrative discretion. The principles of Audi alteram partem and reasoned decision-making require authorities, where applicable, to provide affected persons with a fair opportunity to present their case and to understand the basis of an adverse decision. Judicial review enables courts to examine whether an administrative authority has acted within its legal powers, followed fair procedure and complied with constitutional requirements. In the digital context, these principles raise the additional need for authorities to ensure that technology does not make administrative decisions unreasoned, unreviewable or effectively immune from legal scrutiny.

Thus, the Indian constitutional and legal framework does not become irrelevant merely because administrative decisions are increasingly supported by digital technologies. Articles 14, 19 and 21, together with natural justice and judicial review, continue to provide important safeguards against arbitrary exercise of administrative power. The central legal

¹⁴ *Id.*

¹⁵ "Reasonable Restrictions under Article 19 and Administrative Discretion," iPleaders, discussing Articles 14, 19 and 22 in relation to administrative discretion.

¹⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁸ "Reasonable Restrictions under Article 19 and Administrative Discretion," iPleaders.

requirement is that technological systems used by public authorities must remain subordinate to constitutional principles and accountable to the law.

6. Challenges Posed by Algorithmic Decision-Making

The increasing use of artificial intelligence and algorithmic systems in public administration has changed the traditional manner in which administrative discretion is exercised. While digital systems can improve speed, consistency and efficiency, they also create new legal and administrative concerns. When decisions are influenced by algorithms, it may become difficult to determine how discretion was exercised, whether the information used was appropriate and who should be responsible for an incorrect or unfair outcome.¹⁹

One of the major challenges is algorithmic bias. Algorithms depend upon data and computational models, and the data used by these systems may contain existing patterns of inequality or discrimination. When such information is used in automated decision-making, these patterns may be reproduced in the resulting decisions. This is particularly significant when digital systems are used for welfare benefits, taxation, policing or the allocation of public resources. Technology, therefore, does not automatically eliminate human bias and may sometimes reproduce it on a larger scale.²⁰

Another concern is the lack of transparency in algorithmic decision-making. Complex technological systems may make it difficult for individuals to understand the factors that influenced an administrative decision. Where a person cannot determine why a particular decision was reached, the opportunity to effectively challenge or seek review of that decision may be weakened. This creates a significant concern for administrative law because reasons and transparency are closely connected with accountability.²¹

The use of AI also creates an accountability problem. In traditional administration, responsibility for a decision can generally be connected to an identifiable official or authority. In an automated or algorithm-assisted system, however, responsibility may be distributed among government officials, programmers, software developers, data providers and other actors involved in designing or operating the system. This can make it difficult to determine who should be held responsible when an automated decision is erroneous, discriminatory or unlawful.²²

Privacy is another important concern because digital administration often involves the collection, storage and processing of large quantities of personal information. Improper collection, excessive use or inaccurate data may affect individuals directly when such information is used to determine access to public services or other administrative outcomes. The increasing dependence on data therefore requires public authorities to ensure that technological efficiency does not come at the expense of individual privacy and legal protection.²³

Finally, excessive dependence on automated systems may reduce the role of human judgment in administrative decision-making. Officials may become overly dependent upon technological outputs instead of independently examining the circumstances of an individual case. This is particularly problematic where a decision has significant consequences for a person's rights or interests. The use of AI should therefore be accompanied by meaningful human oversight so that technology assists administrative decision-making without completely replacing human responsibility.²⁴

These challenges show that digitalisation does not simply remove traditional administrative discretion; instead, it changes where discretion is exercised and creates new questions of bias, transparency, privacy and accountability. The growing use of AI in public administration therefore requires safeguards capable of ensuring that technological systems remain subject to legal standards and human responsibility.

¹⁹Chetan Ashke, Nandini Bhilala & Shyaminee Solanki, "Judicial Review of Administrative Discretion in the Age of Artificial Intelligence: Re-examining Wednesbury Unreasonableness and Proportionality in India," *Indian Journal of Legal Review*, Vol. 6, Issue 1, 2026.

²⁰*Ibid.*

²¹*Ibid.*

²²*Ibid.*

²³*Ibid.*

²⁴Chetan Ashke, Nandini Bhilala & Shyaminee Solanki, "Judicial Review of Administrative Discretion in the Age of Artificial Intelligence: Re-examining Wednesbury Unreasonableness and Proportionality in India," *Indian Journal of Legal Review*, Vol. 6, Issue 1, 2026.

7. Safeguards for Accountable Digital Administration

The challenges created by digital and algorithm-assisted administration require safeguards that preserve the basic principles of administrative law while allowing technology to improve governmental efficiency. The objective should not be to prevent the use of artificial intelligence or automated systems, but to ensure that technological decision-making remains transparent, reviewable and consistent with constitutional and legal requirements.²⁵

Transparency is one of the most important safeguards in digital administration. Individuals affected by an algorithm-assisted decision should, as far as reasonably possible, be informed about the role played by the technological system in reaching the decision. The reasons and relevant factors behind an administrative outcome should also be capable of being understood and examined. Greater transparency can help citizens challenge incorrect decisions and enable courts and other reviewing authorities to examine whether the system has been used lawfully.²⁶

Explainability is closely connected with transparency. Where an algorithm significantly influences an administrative decision, the authority should be able to provide an understandable explanation of how the relevant factors contributed to the outcome. This is particularly important when the decision adversely affects an individual's rights or access to public services. A decision that cannot be meaningfully explained may create difficulties in ensuring procedural fairness and effective review.²⁷

Regular auditing and monitoring of digital systems can provide another important safeguard. Algorithms and the data on which they operate should be periodically examined for errors, discriminatory outcomes and other forms of unfairness. Audit mechanisms can help identify problems before they affect large numbers of individuals and can also establish records that assist accountability. Such review should not be limited to the final decision but should also consider the design, data and operation of the system.²⁸

Non-discrimination must also remain a fundamental requirement. Digital systems should be designed and tested to identify whether their operation produces unjustified differences between individuals or groups. Administrative authorities should ensure that the use of technology does not reproduce existing inequalities or create new forms of discrimination. Where significant risks are identified, appropriate corrective measures should be taken before continued reliance on the system.²⁹

Finally, meaningful human oversight should remain an essential safeguard, particularly where automated decisions may have serious consequences for individuals. Officials should retain the ability to examine exceptional circumstances, question technological outputs and reconsider decisions where necessary. Human oversight ensures that administrative responsibility is not transferred entirely to a technological system. Digital administration should therefore function as a tool supporting lawful administrative decision-making rather than as a means of removing human accountability.³⁰

Taken together, transparency, explainability, auditability, non-discrimination and human oversight can provide a framework for making digital administration more accountable. These safeguards can help ensure that technological advancement improves the efficiency of public administration without weakening the principles of fairness, legality and responsibility that govern the exercise of administrative power.

8. Conclusion

Administrative discretion has always been a necessary feature of public administration, enabling authorities to respond to circumstances that legislation cannot fully anticipate. This article has shown that the digital transformation of governance does not eliminate this discretion; it relocates and reshapes it. As administration evolves from hierarchical, paper-based processes toward digital and data-driven systems, decision-making increasingly depends on algorithms, standardised procedures and automated tools that operate alongside, rather than in place of, human judgment.

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

In India, this transformation is shaped by an existing constitutional and legal architecture. Articles 14, 19 and 21, together with the judiciary's insistence on non-arbitrariness, reasoned decision-making and privacy protection, establish limits within which technological administration must operate. As the decisions in *Maneka Gandhi* and *Puttaswamy* illustrate, the Constitution does not merely coexist with new technology — it actively conditions how such technology may be lawfully deployed.

The challenges identified in this article — algorithmic bias, diminished transparency, dispersed accountability, privacy risk and the erosion of individual judgment — are not arguments against digitalisation but reminders that efficiency cannot be pursued at the cost of legality and fairness. The safeguards discussed — transparency, explainability, regular auditing, non-discrimination testing and continued human oversight — offer a practical framework through which these risks can be managed without abandoning the benefits digital administration offers.

Ultimately, the exercise of administrative discretion in the digital age must remain anchored in the principles that have always governed it: reasonableness, fairness and accountability to law. Technology should function as an aid to administrative decision-making, not a substitute for the responsibility public authorities owe to the citizens they serve. Digitalisation, properly regulated, can strengthen the efficiency and consistency of governance — but only if human responsibility for the exercise of public power is preserved rather than displaced.

Bibliography

Cases

- ❖ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.
- ❖ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

Books, Articles and Online Sources

- ❖ Ashke, Chetan, Nandini Bhilala & Shyaminee Solanki. "Judicial Review of Administrative Discretion in the Age of Artificial Intelligence: Re-examining Wednesbury Unreasonableness and Proportionality in India." *Indian Journal of Legal Review*, Vol. 6, Issue 1 (2026).
- ❖ Heath, Joseph. "Administrative Discretion and the Rule of Law." In *The Machinery of Government: Public Administration and the Liberal State*, 254–299. Oxford University Press, 2020.
- ❖ LawGratis. "Administrative Discretion: Meaning and Scope."
- ❖ Nalubolu, Likhitha Reddy. "Digital Oversight and Administrative Discretion: A Theoretical Framework and Research Agenda for Street-Level Bureaucracy." *SSRN Electronic Journal* (2026).
- ❖ Ongena, Guido, Carolijn Schrijver, Erik Slingerland, Jeroen van Grondelle & Wouter Bronsgeest. "Digital Government and Discretion in Street-Level Bureaucracy: A Policy Analysis from The Netherlands." In *Electronic Government (EGOV 2026)*, Lecture Notes in Computer Science, Vol. 16933, 83–97. Springer, 2026.
- ❖ Şen, Alper Tunga. "From Traditional Public Administration To Digital Hybrid Public Administration." *Quantrade Journal of Complex Systems in Social Sciences*, Vol. 6, Issue 1 (2024): 81–88.
- ❖ iPleaders. "Reasonable Restrictions under Article 19 and Administrative Discretion."