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"Administrative Tribunals In India: Balancing Efficiency And Judicial Oversight In Public Law"

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Abstract: Administrative tribunals in India have emerged as an essential mechanism to ensure speedy adjudication of disputes, particularly in socio-economic matters. Created as quasi-judicial bodies, tribunals aim to reduce the burden on traditional courts while providing an efficient and cost-effective alternative for conflict resolution. These tribunals were constitutionally recognized through the 42nd Amendment, empowering the Parliament and state legislatures to create them for specific matters. Despite their intent to expedite justice, tribunals face challenges, including procedural inefficiencies and case backlogs, which have hindered their effectiveness. Though tribunals have helped reduce the workload of courts, reforms are needed to ensure they meet their objectives of timely justice.

Keywords: Administrative Tribunals, Judicial Backlog, Quasi-Judicial Bodies

1. *INTRODUCTION:*

Adjudication of the disputes is one among the important aspects of the welfare state because for the purpose of ensuring the justice to each and every individual in the society, there is need of effective mechanism to settle down the disputes expeditiously. In this respect to resolve out such issues within the welfare state the concept of "Tribunal" has been evolved as an alternative mechanism for the speedy delivery of the justice to the socio-economic matters.

Furthermore, the contemporary government is compelled to engage a substantial workforce to execute its many functions. Current government employees possess superior education and heightened awareness of their rights, however their understanding of their responsibilities and obligations may not be equally developed. Individuals with less education have grown politically conscious and more assertive over their rights. The problems stemming from this relationship are not just legal in nature. Consequently, the conventional legal framework was inadequate in addressing these socio-economic issues. To fulfil this obligation, governments in various nations delegate this judicial responsibility to tribunals established under different legislation.[1]

[1] S. Saran and R. Dhivya, "Administrative Tribunals Under Indian Constitution", 120 International Journal of Pure and Applied Mathematics 02, (2018).

The notion of tribunals was established in India and subsequently integrated into the Indian Constitution. The Constitution of India embodies the ideology of the welfare state and hence acknowledges the presence of tribunals in India. To this end, tribunals were formed to facilitate the expeditious resolution of cases, perhaps alleviating the burden on the Civil Courts. Tribunals have emerged to address the need for specialized venues for conflict resolution that provide knowledge and policy dedication, while being more cost-effective, efficient, and less encumbered by technical processes.

2. *RESEARCH QUESTION*

- ❖ How have administrative tribunals in India evolved to address the challenges of judicial backlog, and what reforms have been implemented to improve their efficiency?
- ❖ To what extent have administrative tribunals in India succeeded in providing a cost-effective and expeditious alternative to traditional courts, and what are the key factors contributing to their current limitations?

3. *RESEARCH METHODOLOGY:*

This research is based entirely on secondary data, utilizing a comprehensive analysis of case law, legal reports, scholarly articles, and relevant legislative documents. The study relies on existing judgments, constitutional amendments, and various law commission reports to examine the evolution, legal status, and functioning of administrative tribunals in India. By reviewing these secondary sources, the research aims to provide a critical understanding of the tribunals' role in the Indian judicial system, focusing on their strengths, challenges, and reforms. No primary data or fieldwork was involved in the collection of information for this research.

4. *MEANING AND DEFINITION OF THE TRIBUNAL:*

The name 'Tribunal' originates from 'Tribunes', referring to 'Magistrates of the Classical Roman Republic'. The tribunal denotes the office of the 'Tribunes', "Roman officials throughout both the monarchy and the republic, tasked with safeguarding plebeian citizens against capricious actions by aristocratic judges. A tribunal is any person or entity with the capacity to judge, adjudicate, or resolve claims or disputes, regardless of whether it is designated as a tribunal in its title."[2]

Tribunal means a court of justice or seat for pronouncing judgment or any committee formed for adjudicating the particular disputes. In simple terms tribunal is an adjudicatory body which may be constituted either by the State or the Centre and which is empowered judicial and quasi-judicial powers. In India it is considered as the body to maintain the procedural safeguards to conclude the disputes with following the principles of the nature justice which are as follows:

A) Audi alteram partem (Rule of Fair Hearings)
B) Nemo judex in cuasa sua (Rule Against Bias)
C) Reasoned Order(Rule for giving the reason based order)

According to Robin Creyke, "Tribunals generally have more speedy processes and less formal procedures than courts, including an absence of any requirement to follow rules of evidence. Tribunals are generally cheaper than Courts and there may be limits on legal representation in Tribunal hearings." Thus, 'Tribunal' is an administrative body established for the purpose of discharging quasi-judicial duties.

[2] Walker, David M., Oxford Companion to Law, Oxford University Press, ISBN 0-19-866110-X, 1980 at p.1239.

5. *HISTORICAL DEVELOPMENT OF TRIBUNALS IN INDIA:*

“Tribunals in India have been a long-standing feature of the judicial system, beginning with the setting up of the Income Tax Appellate Tribunal as early as 1941. Through the 42nd Amendment which inserted Article 323-A and 323-B in to the Constitution, empowered both the Parliament and state legislatures to establish administrative and other tribunals. With this insertion, tribunals, as an alternate method of adjudication, received constitutional legitimacy. Despite this, over the years, tribunals have been a subject of much judicial scrutiny”[3]. With successive verdicts from the Supreme Court, starting with the “S.P. Sampath Kumar v. Union of India”[4] (“Sampath Kumar Case”) to more recently the “Madras Bar Association v Union of India”[5] (“NTT case”), there exists considerable jurisprudence in determining the constitutional fetters of tribunals. “Article 227 provides that the following authorities are held to be tribunal:

1. Election tribunal
2. Industrial tribunal
3. Revenue tribunal
4. Rent Control Authority
5. Income Tax Tribunal
6. Railway Rates tribunal
7. Panchayat Courts
8. Payment of Wages Authority
9. Statutory Arbitrator”

6. *TRIBUNALS IN INDIA:*

“The issue of delays and backlog is a central theme in the discourse surrounding the judiciary and judicial reforms in India and has been one, dating back to the colonial era. Efforts have been made to address this issue: from the Justice Rankin Committee Report in 1924”[6], to the various Reports of the Law Commission of India[7], A multitude of proposals has been proposed, particularly focusing on alleviating the backlog of cases in the courts. Nonetheless, the postponement in the adjudication of cases persists as an unsolved problem to this day.

“Indian courts are clogged with enormous backlogs, and cases take very long from start to finish. As on 1st September, 2024, there are 4,47,65,961 cases pending in the lower courts across India”[8], “about 60,18,683 cases pending in High Courts”[9], and “about 83100 cases in the Supreme Court.”[10]

The judicial backlog and delays have been a significant factor prompting the establishment of tribunals in India. Prior to the establishment of a parallel adjudicative system via tribunals, substantial discussions occurred among many governmental entities. Comprehending these disputes is the first step in grasping the origins of tribunals in India.

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[3] The 42nd Amendment in 1976,
[4] (1987) 1 SCC 124
[5] (2014) 10 SCC 1
[6] Arun K. Thiruvengadam, ‘Tribunals’, Chapter 23, pp-412-431, in Oxford handbook of the Indian Constitution, Oxford University Press, 2016 edited by Sujit Choudhry; Madhav Khosla; Pratap Bhanu Mehta, at p. 414
[7] Ibid. at p. 414, citing Reports of the Law Commission numbered 14, 44, 45, 58, 77, 79, 80, 120, 121, 124 and 215.
[8] National Judicial Data Grid, Summary Report of India as on Date 19/09/2024, available at: http://164.100.78.168/njdg public/main.php
[9] E Courts Services Database, Online database: http://www.ecourts.gov.in/ecourtshome/
[10] Ministry of Law and Justice, Government of India, Pending Court Cases, available at: http://pib.nic.in/newsite/PrintRelease.aspx?relid=137291

After the various Reports of the Law Commission of India, the period of emergency saw a push for the establishment of the tribunals in India. For the incorporation of the tribunals in the Indian Constitution the Swaran Singh Committee was formed to acknowledge the required amendments in the Constitution and therefore the submission of the committee report the Constitution of India has been amended through the 42nd Constitutional Amendment in year 1976. This was the phase of introduction of the tribunals in India constitutionally as the Part XIV-A has been added which consist of Articles 323A and 323B, by which the State as well as Central government is empowered to establish the tribunals in India with respect to particular matters.

The Franks' Report (1957) identified the advantages of Tribunals as "cheapness (cost effectiveness), accessibility, and freedom from technicality, expedition and expert knowledge of their particular subject."

7. *LEGAL STATUS OF TRIBUNAL IN INDIA:*

For the purpose of giving legal status to the tribunals after the 42nd Amendment (1976), the Administrative Tribunals Act 1985, has been enacted by the Parliament to ensure the speedy and less expensive justice to the employees of the Government and it provides for three types of tribunals:

1. The Central Government establishes an administrative tribunal known as the Central Administrative Tribunal (CAT), which possesses jurisdiction over service matters related to Central Government employees, employees of any Union Territory, local or other governments under the control of the Government of India, or employees of corporations owned or controlled by the Central Government.
2. The Central Government may, upon receiving a request from any State Government, create an administrative tribunal for the workers of that State.
3. Two or more States may request the establishment of a Joint Administrative Tribunal (JAT), which has the authority of the administrative tribunals for those States.

But after the enactment this legislation to provide establishment or procedure of the tribunals, the question regarding the constitutionality of the tribunals has been raised before the Supreme Court which was firstly entrained by the Supreme Court in the case of:

"SAMPATH KUMAR V. UNION OF INDIA"

A five-judge panel of the Supreme Court was tasked with assessing the validity of Section 28 of the Act, which eliminated the judicial review authority of the Supreme Court and High Courts. The court determined that establishing 'alternative institutional mechanisms' equivalent in competence to High Courts would not contravene the fundamental structure of the Constitution. It also issued directives about the qualifications of tribunal members, the method of appointment, and related matters. The court said that the recommendations of a High Powered Selection Committee, led by the Chief Justice of India or their nominee, should typically be adhered to, unless reasons for deviation are shown.[11]

[11] Supra note 4 at 3.

"R. K JAIN V. UNION OF INDIA"

Reiterating its earlier ruling that "the rationale behind the decision of Sampath Kumar Case, was not appropriate, India's highest court has once again stressed that not even a constitutional change can remove the High Court's ability to conduct judicial reviews under Article 226"[12]

"CHANDRA KUMAR V. UNION OF INDIA"

The Supreme Court Bench of 7 Judge concluded that "the power of the High Courts under Article 226 and 227 to exercise judicial superintendence over the decisions of all courts and tribunals, is a part of the basic structure of the Constitution.It also stated that all decisions of Tribunals, whether created pursuant to Article 323A or Article 323B of the Constitution, will be subject to the writ jurisdiction of the High Courts under Articles 226/227 of the Constitution, before a Division Bench of the High Court within whose territorial jurisdiction the particular tribunal falls"[13]

"UNION OF INDIA V. R. GANDHI (NCLT CASE)"

The Constitution Bench of the Supreme Court observed that "the independence of the tribunals was compromised by the inclusion of the secretary of the 'sponsoring department' in the selection committee. In order to maintain the independence of the tribunals, the court suggested a four-member selection committee chaired by the Chief Justice of India or his/her nominee, a senior judge of the Supreme Court or Chief Justice of High Court, Secretary in the Ministry of Finance and Company Affairs, and Secretary in the Ministry of Law and Justice as members."[14]

"MADRAS BAR ASSOCIATION V UNION OF INDIA"

"The Supreme Court's five-judge court declared the National Tax Tribunal Act, 2005 (NTT Act) illegal in the NTT Case. The court outlined certain guidelines pertaining to the matter of independence. The court first invalidated the section granting the central government authority over the placement, jurisdiction, and composition of benches, as well as the transfer of members, seeing it as undue executive meddling. The government's role as a shareholder before the tribunal was seen to undermine the panel's independence."[15]

8. *REFORMS IN TRIBUNALS:*

After, the introduction of the tribunals in India and their constitutional status recognised by the Supreme Court the question has been raised about the reforms in the procedure adopted for the existing tribunals. In this regards three significant reforms have been introduced which are as follows:

1) 74th Parliamentary Standing Committee Report on the "The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014".
2) "Finance Act, 2017".
3) 272nd Law Commission of India Report on "Assessment of Statutory Frameworks of Tribunals in India".

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[12] AIR 1993 SC 1769
[13] AIR 1997 SC 1125
[14] (2010) 11 SCC 1
[15] Supra Note 5 at 3

9. *QUALIFICATIONS AND TENURE:*

i. "A person is or has been a Supreme Court Judge or Chief Justice of the High Court as Chairman."
ii. "A person who has been a judge of the High Court as Vice Chairman."
iii. "A person who has been a High Court judge or an Advocate who is eligible to be appointed as a Judge of High Court as Judicial Member."

The Commission believes that consistency in the service conditions of the Chairman and other Tribunal Members is essential for the efficient operation of the system. The Chairman shall serve a term of three years or until reaching the age of seventy, whichever occurs first. The Vice-Chairman and members shall serve a term of three years or until they reach the age of sixty-seven, whichever occurs first. Uniformity in the service conditions of the Chairman, Vice Chairman, and other Tribunal members is essential for the efficient functioning of the system.

10. *PROCEDURE AND POWERS OF TRIBUNALS:*

In India the tribunals are not bind with the hard and fast rules or procedures laid down for the purpose of regulations of the court proceedings. Therefore, they are free to regulate their own procedure either to fix the place and timings of the proceedings. But they are obliged to follow the principles of natural justice.

Section 22(1) of Administrative Tribunals Act, 1985 says that,

"A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and decided whether to sit in public or in private."[16]

Similarly, Section 22(3) of Administrative Tribunals Act 1985, there are certain powers which have been assigned to the "tribunals as same as powers are vested in the Civil Court under the Civil Procedure Code 1908, in India which are as follows:

(a) Summoning and enforcing the attendance of any person and examining him on oath:
(b) Requiring the discovery and production of documents;
(c) Receiving evidence on affidavits;
(d) Subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;
(e) Issuing commissions for the examination of witnesses or, documents;
(f) Reviewing its decisions:
(g) Dismissing a representation for default or deciding it ex parte;
(h) Setting aside any order of dismissal of any representation for default or any order passed by it ex parte; and
(i) Any other matter which may be prescribed by the Central Government."

Consequently, these courts are not constrained by rigid procedural and evidentiary requirements, as long as they adhere to the ideals of natural justice and equitable treatment. Consequently, the technical standards of evidence

[16] Section 22, Administrative Tribunals Act 1985, available at: https://www.advocatekhoj.com/library/bareacts/administrative/22.php?Title=Administrative%20Tribunals%2Act,%201985&STitle=Procedure%20and%20%20Powers%20of%20Tribunals

are inapplicable to their hearings, allowing them to use hearsay evidence and determine issues of burden of proof or document admission by exercising discretionary authority[17].

"EAST INDIA COMMERCIAL CO. LTD. V. COLLECTOR OF CUSTOMS"

The Supreme Court held: "We, therefore, hold that the law declared by the highest court in the State is binding on authorities or tribunals under its superintendence; and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such proceeding".[18]

11. FAILURE OF TRIBUNAL SYSTEM:

But in present the tribunal system in India yet proved failed somehow because they also have number of pendency of the cases. In present India has around 37 Tribunals related to various fields to help the courts in dealing the number of pendency of the cases. They introduced for ensuring the speedy justice to the people who are fed up with the court processes. But they are also failed somehow. There certain examples of pendency given below:[19]

"Central Administrative Tribunal"	44,333
"Railway Claim Tribunal"	78,118
"Custom, Excise and Service Tax Appeal Tribunal"	90,592
"Income Tax Appellate Tribunal"	91,538

12. CONCLUSION:

Tribunal being an adjudicatory body which helps the courts to get relief from the pendency of the case and for that purpose they were established as par the High Courts in the State and similar power were conferred to them. Although, they have all the powers of the Civil Courts or they are considered as substitute to the High Court but they are kept away from entertain the writ petition under Article 226 of the Indian Constitution.

Although, we have number of tribunals dealing with the various subject matters but they are not as par their objects behind of their establishment. They are somehow failed in providing the speedy justice to the aggrieved parties because of number of pendency of the cases. Thus, the tribunal system recognised under the Indian Constitution is not working satisfactorily but no doubt they reduced the larger part of the workload of the courts. This was the appreciable initiative for the better administration of justice.

In India, administrative tribunals have seen considerable evolution since its constitutional acknowledgment via the 42nd Amendment, with the objective of alleviating court backlog and offering specialized resolution in socio-economic and service-related conflicts. Although tribunals provide a more economical and expedited alternative to conventional courts by circumventing stringent procedural procedures, they continue to have difficulties in achieving their goals. Reforms, including those proposed by the Law Commission and other legislative reports, have been enacted to improve efficiency, especially in nomination processes and autonomy. Nonetheless, challenges such as procedural delays, inadequate resources, and escalating case backlogs persistently obstruct their efficacy, indicating that more changes are necessary to fully harness the potential of tribunals in providing prompt justice.

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[17] State of Orissa v. Murlidhar [AIR 1963 SC 404]
[18] AIR 1962 SC 1893: (1963) 3 SCR 338
[19] 272nd Report of the Law Commission of India

Several improvements are proposed to enhance the efficacy of administrative tribunals in India. An efficient appointment mechanism for tribunal members must be established, guaranteeing openness and independence from executive control. Consistent training and skill enhancement for tribunal members may augment their capacity to manage specialty matters effectively. Moreover, augmented money and resources are needed to alleviate case backlogs and enhance infrastructure. The integration of digital case management systems and the promotion of alternative dispute resolution procedures inside tribunals may accelerate proceedings. Finally, regular evaluations and adjustments must be implemented to align tribunals with evolving socio-legal concerns and guarantee their effectiveness in delivering prompt and economical justice.

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