

General Studies – 2; Topic: Statutory, regulatory and various quasi-judicial bodies

Administrative Tribunals in India

1) Introduction

- The Swaran Singh Committee recommended the establishment of Administrative Tribunals as a part of Constitutional adjudicative system.
- Article 323A provides for the establishment of Administrative Tribunals for adjudication of complaints with respect to recruitment, conditions of service of persons appointed to public services and other allied matters.
- Parliament in exercise of this power have established Administrative tribunal act, 1985.
- The act authorises the Central government to establish one Central administrative tribunal and the state administrative tribunals

2) Establishment and Functions

- An administrative tribunal is not a Court.
- It is established by the executive in exercise of, and in accordance with, the statutory provisions
- It is required to act judicially and perform quasi-judicial functions
- Its proceedings are deemed to be judicial proceedings, and in certain procedural matters it has the powers of a Civil Court
- Its decisions are based on rules of natural justice

3) Central Administrative Tribunal

- Administrative Tribunals Act, 1985 provides for the establishment of Central Administrative Tribunal and State Administrative Tribunals.
- CAT exercises original jurisdiction in relation to recruitment and conditions of service of persons appointed to public services
- The Members are drawn, both from judicial as well as administrative streams so as to give the Tribunal the benefit of expertise both in legal and administrative spheres.

4) Advantages

- **Flexibility**
 - a) Rigid procedures and evidence ordeals of courts are not followed, rather it goes by the principle of natural justice.
- **Less Expensive**
 - a) Administrative justice ensures cheap and quick justice.
 - b) Its procedures are simple and can be easily understood by a layman.
- **Relief to Courts**
 - a) The system also gives the much-needed relief to ordinary courts of law, which are already overburdened with numerous suits.
- **Adequate Justice**
 - a) In the fast changing world of today, administrative tribunals are the most appropriated means of administrative action, and also the most effective means of giving fair justice to the individuals.
 - b) Lawyers, who are more concerned about aspects of law, find it difficult to adequately assess the needs of the modern welfare society

5) Disadvantages

- Administrative adjudication is a negation of Rule of Law.
- Administrative tribunals, with their separate laws and procedures often made by themselves, puts a serious limitation upon the principles of Rule of Law.
- Most of the tribunals do not enjoy the same amount of independence of the Executive as do the Courts and the judges.
- The civil and criminal courts have a uniform pattern of administering justice. A uniform code of procedure in administrative adjudication is not there.
- Administrative tribunals are manned by administrators and technical heads who may not have the background of law or training of judicial work.
- At times they adopt summary procedures to deal with cases coming before them.

6) Concerns / Challenges

- Functioning of Administrative tribunals suffer from lack of autonomy especially in terms of appointment and funding
- In Chandra kumar case, SC held that the appeals to such tribunals lies before the court and hence defeats the whole purpose of reducing burden of the superior courts.
- Since the tribunals are mainly chaired by the retired judges who are appointed by the government, so the present judges in courts may favour government in certain matter to gain political patronage in appointment to such tribunals after retirement.
- Lack of adequate infrastructure to work smoothly and perform the functions originally envisioned for them.
- There is a lack of understanding of the staffing requirements in tribunals.

7) Way Forward

- In the interest of better justice delivery, their traditional structures and methods of functioning can be reformed
- In the interest of maintaining the rule of law in society and to preserve individual freedom, that there should be some kind of judicial control over these tribunals
- Increasing the number of judges, filling the existing vacancy, use of technology to bring efficiency in administration of justice
- Tribunals themselves are better positioned to gauge their own administrative requirements. Therefore providing power to tribunals to create or sanction posts