

HISTORY AND INTRODUCTION OF TRIBUNALS IN INDIA

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INTRODUCTION

Montesquieu's principle of separating governmental powers into legislative, executive, and judicial branches proved impractical with the emergence of welfare states and the advent of globalization. As governments expanded their functions to promote public welfare, rigid separation hindered efficiency. The emergence of administrative tribunals—executive bodies performing quasi-judicial functions—was a necessary response to this administrative evolution. In India, the traditional court system proved inadequate to handle the growing volume of socio-economic disputes arising from state interventions in areas like health, education, and industry. This led to backlogs and inefficiencies. While the Indian Constitution initially lacked provisions for specialized tribunals, their creation became essential. The concept reflects the French *droit administratif* introduced under Napoleon, which was designed to counter the excessive concentration of power in the hands of the monarchy. Similarly, India's adoption of administrative tribunals ensures effective governance aligned with constitutional values, especially in an increasingly globalized and welfare-oriented environment.

MEANING AND OBJECT OF TRIBUNALS

The expansion of governmental functions in modern welfare states has necessitated a specialized system of justice to address quasi-judicial and judicial matters efficiently. Regular courts, burdened by intricate and time-consuming procedures, often struggle to cope. This led to the rise of *Administrative Tribunals*—bodies designed to provide swift and expert adjudication. A tribunal is any authority empowered to resolve disputes or determine rights, regardless of its title. Their emergence reflects the principle that decision-making in such matters should remain impartial and aligned with legal norms, avoiding influence from the executive departments involved. Tribunals are neither conventional courts nor purely administrative bodies, but a hybrid, combining features of both. Although tribunals may comprise administrative members, they operate independently. They provide a specialized and impartial platform, thereby improving access to justice. As noted by the Karnataka High Court, their creation was intended to provide a specialized mechanism to adjudicate statutory rights and duties outside the traditional court system.

WHY IS THERE A NEED FOR TRIBUNALS?

To address the growing backlog of cases in courts, various domestic and statutory tribunals—collectively referred to as "Tribunals"—have been established under different laws. These Tribunals aim to reduce the burden on the regular judiciary, ensure quicker resolution of disputes, and provide specialized forums staffed by legal professionals and subject-matter experts. Designed to deliver justice efficiently, Tribunals play a crucial role in the overall justice delivery system. They handle matters requiring technical expertise and specific knowledge, including disputes related to taxation, environmental protection, service in the armed forces, and administrative decisions. By diverting such cases from traditional courts, Tribunals help streamline judicial functioning while ensuring subject-specific adjudication. Their focused and specialized approach not only expedites decision-making but also enhances the quality and effectiveness of justice in complex and technical domains.

GROWTH OF TRIBUNALS AND REASONS THEREOF

Before the rise of the welfare state in the 18th century, administrative law emerged in France through *droit administratif*, which challenged the traditional separation of powers. Napoleon introduced three key administrative reforms, the third of which was the establishment of the *Conseil d'État*, serving as the highest administrative court. Though criticized by Dicey for undermining the rule of law, this system shaped France's unique administrative structure. As modern governance expanded, traditional courts struggled with backlog, delays, and lack of expertise. This led to the creation of tribunals addressing administrative disputes. Their popularity is based on:

1. **Efficiency in promoting welfare**, avoiding court overload;
2. **Procedural flexibility**, enabling informal and pragmatic decision-making; 3.
- Cost-effective and faster justice**, free from court formalities; and
4. **Specialized knowledge**, allowing experts to resolve complex, technical issues. These tribunals, established under various statutes, bridge the gap between governance and justice, ensuring swift and specialized adjudication in welfare-oriented states.

INDIAN ADOPTION OF ADMINISTRATIVE TRIBUNALS

Post-independence, India witnessed a sharp rise in administrative adjudication due to the enactment of various welfare laws that empowered administrative bodies to make decisions. Before independence, power was largely centralized, but the adoption of the welfare state model placed significant responsibility on the government to deliver a broad spectrum of social services. This expansion granted the administration quasi-judicial powers, leading to a surge in disputes over their decisions. To prevent overwhelming the judiciary—already burdened by complex procedures—the government established tribunals to offer faster, cost-effective, and decentralized dispute resolution. These tribunals became essential as traditional courts lacked the flexibility and technical

expertise required for resolving administrative issues. They enabled specialists to adjudicate complex matters efficiently. The concept gained further traction during the Emergency period, when the executive sought to minimize judicial interference in its policy implementation and developmental programs, thereby reinforcing the role of tribunals in modern administrative governance.

CONSTITUTIONAL DEVELOPMENTS

The 42nd Constitutional Amendment of 1976 introduced Articles 323A and 323B, enabling the establishment of administrative and other tribunals to address specific matters. This amendment added Chapter XIV-A to the Constitution with two primary objectives: reducing the backlog in High Courts and ensuring faster resolution of service, revenue, and other key socio-economic issues. Article 323A empowers Parliament to create tribunals for service-related disputes involving government employees. Article

323B authorizes appropriate legislatures to establish tribunals for matters like taxation, land reforms, and labor disputes. Articles

136 and 227 of the Constitution recognize the importance of tribunals by granting supervisory powers to the Supreme Court and High Courts. In *Sampath Kumar*, the Supreme Court held that tribunals could substitute High Courts in adjudicating matters under Articles 323A and 323B. However, with judicial review later declared part of the Constitution's basic structure, this position was reconsidered, reaffirming the role of High Courts in upholding constitutional oversight.

LEGISLATIVE INTERVENTION AS EMPOWERING 42ND AMENDMENT

To ease the burden on High Courts and ensure faster resolution of service-related disputes, Parliament enacted the *Administrative Tribunals Act, 1985* under the authority of Article 323A. This Act empowers the Central Government to establish specialized Administrative Tribunals with exclusive jurisdiction over service matters, thereby removing such cases from the High Courts' purview—particularly those previously filed under Article 226 writ petitions. The Act's provisions override conflicting laws, aiming to streamline adjudication in public service disputes. As outlined in its Preamble, the Act seeks to resolve issues related to recruitment and service conditions of individuals employed in connection with: (1) the Union Government; (2) State Governments; (3) local or other authorities within Indian territory or under Central control; and (4) government-owned or controlled corporations and societies. The legislation establishes three types of tribunals—Central, State, and Joint Administrative Tribunals—to ensure efficient, specialized, and decentralized justice in service matters across jurisdictions.

JUDICIAL ADVENTS AND ADMINISTRATIVE TRIBUNALS

The constitutionality of the 42nd Amendment remained largely unchallenged until 1993, when a three-judge bench of the Andhra Pradesh High Court declared Clauses 2(d) of Article 323A and 3(d) of Article 323B unconstitutional. These clauses excluded the jurisdiction of all courts except the Supreme Court under Article 136, thereby infringing upon the High Courts' power of judicial

review—a core element of the Constitution's Basic Structure. This judgment reignited debates, as earlier cases had contested statutes enacted under these provisions but avoided questioning the Amendment itself. Eventually, a seven-judge bench of the Supreme Court examined the broader constitutional validity of Articles 323A(2)(d) and 323B(3)(d), along with the authority of administrative tribunals to exercise powers akin to High Courts. The Court ruled that the judicial review powers under Articles 226, 227, and 32 are fundamental and non-negotiable. Consequently, these clauses—and similar provisions like Section 28 of the Administrative Tribunals Act, 1985—were held unconstitutional.

CONCLUSION

As of 01.07.2023, 69,766 cases were pending before the Supreme Court, with 4.44 crore cases pending across other Indian courts. These staggering figures highlight the urgent need to decongest the judicial system. Beyond implementing welfare measures, it is vital that such initiatives are executed swiftly and economically. In a globalised era, the modern state must perform diverse and complex functions, making administrative law increasingly essential. Globalisation has strained regulatory mechanisms, often rendering them inefficient. Judicial efficiency is crucial—when justice is delayed, timely justice becomes an illusion. Tensions between the legislature and executive over judicial functions persist, as seen in the National Judicial Appointments Commission case, where legislative attempts to influence judicial appointments were struck down. Administrative tribunals, unlike judges, place entire judicial proceedings under executive and legislative control. Recognising this, the Supreme Court has consistently defined the scope and limits of such tribunals, ensuring they serve as effective complements—not substitutes—for the higher judiciary.

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