

Course – B.A LL.B (sem-6)
Administrative law(unit-3)
Naresh Sharma

Administrative Tribunal

1. Tribunal: Meaning: The word 'Tribunal' means "seat or bench upon which a judge or judges sit in a court or court of justice". It is a judging body that is appointed to make a judgment or enquiry and includes even ordinary courts.

A 'Tribunal' is a body or authority, although not a Court, having all the attributes of a court, which is vested with judicial power to adjudicate on questions of law or fact, affecting the rights of citizen, in judicial manner. A tribunal is a body which derives its power of adjudication from a statute or a statutory rule.

(i) P. 111) observed that tribunals are

In Administrative Law, the term 'Tribunal' is used to refer to bodies other than the regular courts of the land. In simple words, tribunal is a body with judicial or quasi-judicial powers/functions set up by the statute outside the usual judicial hierarchy of Supreme Court and High Courts. The word 'tribunal' is wider than 'court', and hence it is said that "all courts are tribunals,

3. Characteristic Features of Tribunals: Following are the features of the administrative tribunals:

- i. Administrative tribunals are established by the government by a statute or under a statute.
- ii. It performs quasi-judicial functions.
- iii. Its proceedings are deemed to be judicial proceedings.
- iv. It is not bound by the provisions of the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872. It follows the rules prescribed by the statute under which, it has been created and the principles of natural justice. In certain cases the tribunal is left free to develop its own procedure.
- v. It has the power to compel the attendance of witnesses (just like a civil court) and its proceedings are just like a civil court proceedings.
- vi. In their proceedings it has to follow openness, fairness and impartiality (principles of natural justice).
- vii. It is independent and not subject to any administrative interference in the discharge of its functions.
- viii. It mainly decides disputes arising out of the policies and programs of the welfare state.
- ix. In the absence of any statutory provision, a tribunal cannot review its own decision.

decide

Features: Following are the main features of Administrative Tribunal:

- i) It is created under a Statute.
- ii) It is vested with the State's inherent judicial power. In other words, it performs quasi-judicial functions.
- iii) It is not bound by the strict rules of procedure and evidence prescribed by the Code of Civil Procedure, 1908 and the Law of Evidence, 1872 respectively.
- iv) It enjoys powers of a civil court and its proceedings are regarded as judicial proceedings.
- v) It is required to sit in public.

Kinds of Administrative Tribunals: In India, different kinds of Administrative Tribunals exist as stated below:

i. Income Tax Appellate Tribunals: It is created/constituted by the Central Government under Section 252 of the Income Tax Act.

ii. Industrial Tribunal: The Industrial Tribunal and National Tribunal are created by the Central Government under Section 7-A and 7-B respectively of the Industrial Disputes Act, 1947 (to settle the disputes between the Employer and Employees).

iii. Railway Rates Tribunal: It is constituted under the Indian Railway Act, 1890.

iv. Administrative Tribunals under the Administrative Tribunals Act, 1985: Article 323-A of the Indian Constitution provides for the establishment of administrative tribunals to deal with service matters and Article 323-B provides for the establishment of Tribunals to deal with other matters.

Terms of Office (Section 8): Section 8 of the Act provides
that —

The Chairman shall hold office as such for a term of five years from the date on which he enters upon his office:

Provided that no Chairman shall hold office as such after he has attained the age of sixty-eight years.

A Member shall hold office as such for a term of five years from the date on which he enters upon his office extendable by one more term of five years:

Provided that no Member shall hold office as such after he has attained the age of sixty-five years.

The conditions of service of Chairman and Members shall be the same as applicable to Judges of the High Court.

5): **Composition of Tribunals and Benches thereof (Section**

Section 5 of the Act provides that –

1. Each Tribunal shall consist of a Chairman and such number of Judicial and Administrative Members as the appropriate Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by Benches thereof.
2. Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Administrative Member.

5. Need for the Establishment of Administrative Tribunals:

1. The courts are over burdened and there is inordinate delay in the delivery of justice as they are not able to dispose of the cases quickly. The Tribunals Inquiries Act, 1971 was passed and a Council on Tribunals has been constituted.
2. Due to the adoption of Welfare State, there has been enormous increase in the functions of the government. With this, there arise a number of new problems. To solve the new problems arising from the activities of government, administrative adjudication came into existence to lessen the burden of the court.
3. Administrative Tribunals are intended to provide quick justice by speeding up the procedure by overriding the procedure laid down in the Civil Procedure Code or the Evidence Act.

Thank you !!!

