



Mains Practice Question

Q. The tribunals perform an important and specialised role in justice delivery mechanism. Comment. (250 words)

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Approach

- Start with an idea on tribunals, their role, definition etc.
- State the advantages of tribunals as justice delivery mechanisms to bring out their importance.
- Give conclusion.

Introduction

- The **42nd Amendment Act 1976** inserted **Part XIV-A** to the Constitution of India consisting of **Articles 323A and 323B** establishing administrative tribunals.
 - **Article 323A:** Provides for the establishment of Administrative Tribunals for adjudication or trial of disputes and complaints with respect to recruitment, conditions of service of persons appointed to public services and other allied matters.
 - **Article 323B:** Makes provision for the creation of Tribunals for adjudication or trial of disputes, complaints or
 - Offences connected with tax, foreign exchange, industrial and labour disputes, land reforms, ceiling on urban property, election to Parliament and State Legislatures, etc.
- Parliament has power to enact any law under Article 323A while both Parliament and State Legislatures can make laws on matters of Article 323B, subject to their legislative competence.
- Further, Article 262(2) provides for the creation of tribunal to adjudicate the disputes relating to water of interstate rivers or valleys.

Body

Advantages

- **Inexpensive and speedy adjudication:** Tribunals provide inexpensive and speedy relief to government servants in service matters. They are not bound by the strict rules which should be followed by the court i.e. rules of evidence; and are characterized by informality. Tribunals are provided special powers to work according to rules of natural justice.
- **Specialization:** Tribunals are constituted to dispense justice in special subjects thus affording specialization to achieve better adjudication e.g. Income Tax Administrative Tribunal (ITAT) is a quasi judicial institution set up in January, 1941 and specializes in dealing with appeals under the Direct Taxes Acts. Thus special tribunals are more suitable than ordinary courts for specialized adjudication.
- **Relieving courts of pendency burden:** Tribunals reliving judiciary of huge burden of the cases of High Court from their jurisdiction.

- **Availability of writs against tribunals:** The prerogative writs of certiorari and prohibition are available against the decisions of administrative tribunals. Hence tribunal cannot dispose the matters as final arbitrator. Thus, fundamental rights of individuals and power of higher judiciary are not compromised.
- However, tribunals also suffer from certain issues, such as:
 - Lack of independence due to procedure of appointment through selection committees.
 - High pendency of cases in some tribunals indicates that the objective of setting them up has not been achieved, as observed by Law Commission.

Conclusion

As welfare state has increasingly taken over itself extensive administrative activities , the specialized Administrative tribunals are required to adjudicate complex disputes which arise during exercise of functions. Therefore, necessary steps should be taken to ascertain independence of tribunals and mechanisms to ensure speedy disposal of cases.

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