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Administrative Adjudication

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ABSTRACT

Administrative adjudication is an important mechanism through which administrative authorities resolve disputes arising between individuals, organisations, and the State. With the increasing complexity of governmental functions, ordinary courts alone may not be sufficient to address every administrative dispute efficiently. Administrative adjudication provides a specialised and comparatively flexible method of dispute resolution through tribunals and other quasi-judicial authorities. This research article examines the concept, nature, scope, and evolution of administrative adjudication in India. It focuses on the role and functioning of administrative tribunals, principles of natural justice, judicial review, and the need to maintain a balance between administrative efficiency and protection of individual rights. The article also analyses important judicial decisions that have shaped administrative adjudication, including *L. Chandra Kumar v. Union of India*, *S.P. Sampath Kumar v. Union of India*, and *Union of India v. R. Gandhi*. The study highlights the challenges relating to independence, procedural fairness, accessibility, and effectiveness of tribunals. It concludes that a well-structured administrative adjudication system, supported by judicial oversight and adherence to constitutional principles, is essential for ensuring speedy, fair, and effective justice in modern governance. Administrative adjudication is an important mechanism through which administrative authorities resolve disputes arising between individuals, organisations, and the State. With the increasing complexity of governmental functions, ordinary courts alone may not be sufficient to address every administrative dispute efficiently. Administrative adjudication provides a specialised and comparatively flexible method of dispute resolution through tribunals and other quasi-judicial authorities. This research article examines the concept, nature, scope, and evolution of administrative adjudication in India. It focuses on the role and functioning of administrative tribunals, principles of natural justice, judicial review, and the need to maintain a balance between administrative efficiency and protection of individual rights. The article also analyses important judicial decisions that have shaped administrative adjudication, including *L. Chandra Kumar v. Union of India*, *S.P. Sampath Kumar v. Union of India*, and *Union of India v. R. Gandhi*. The study highlights the challenges relating to independence, procedural fairness, accessibility, and effectiveness of tribunals. It concludes that a well-structured administrative adjudication system, supported by judicial oversight and adherence to constitutional principles, is essential for ensuring speedy, fair, and effective justice in modern governance.

KEYWORDS: Administrative Adjudication, Administrative Tribunals, Natural Justice, Quasi-Judicial Authorities, Judicial Review, Administrative Law, Reasoned Decisions, Rule of Law, Procedural Fairness, Access to Justice.

INTRODUCTION

A significant aspect of the expansion of functions of the administration in the modern era is the power of adjudication by administrative authorities. Normally, the function of adjudicating upon disputes between two individuals or between the state and an individual is vested in the courts. And the Indian Constitution makes provisions for a well-ordered, well-regulated, hierarchical judicial system, but it will be wrong to suppose that the courts enjoy a monopoly of the entire business of adjudication. Side by side with the courts, innumerable administrative bodies have sprung up to carry on the function of adjudication in a variety of situations. These bodies, created by legislation, determine a variety of applications, claims and controversies. Sometimes, the task of adjudication is merely incidental to administration; sometimes, it is more than incidental, and it begins to assume a very close resemblance with the work usually assigned to the judiciary. This tendency or practice of vesting adjudicatory functions in persons, bodies or institutions outside the ordinary hierarchy of regular law courts is becoming increasingly pronounced with the passage of time. This development has not yet exhausted its momentum; every day some new adjudicatory body is created for one purpose or the other and, therefore, the system of adjudication by bodies outside the system of courts is becoming more and more important and pervasive with the lapse of time.

The main causes for evolution of the system of adjudication outside the courts are practically the same as has led to the emergence of delegated legislation, viz., extension in governmental operations, activities and responsibilities, because of the socio-economic changes which are taking place in the country. The modern government has come to undertake many functions and regulate many matters which generate a number of occasions when an individual may be at issue with the administration, or with another citizen or body as to his rights, and this creates the need to adjudicate on disputes sometimes between citizens and the government, and sometimes between citizen and citizen.

This, in turn, has necessitated the development of the technique of administrative adjudication which may better respond to social needs and requirements than the elaborate and costly system of decisions through court-litigation. If all the cases generated by the operations of the newly enacted socio-economic

legislation of to-day were to be left to the courts for adjudication, then not only will it place a huge burden on the judicial machinery clogging it beyond redemption, but it will also slow down the administrative process because of long delays which usually occur in the court proceedings.

REVIEW OF LITERATURE

The concept of administrative adjudication has been extensively examined by scholars and jurists as an important component of modern administrative law. The existing literature mainly focuses on the growth of administrative tribunals, principles of natural justice, judicial review, constitutional safeguards, and the need to balance administrative efficiency with individual rights. I.P. Massey¹, in *Administrative Law*, explains administrative adjudication as consequence of the expansion of governmental functions. He examines the role of administrative tribunals and quasi-judicial authorities in resolving disputes and highlights the importance of procedural fairness and judicial control over administrative decisions. M.P. Jain and S.N. Jain², in *Principles of Administrative Law*, provide a comprehensive analysis of administrative adjudication, tribunals, natural justice, and judicial review. Their work emphasises that administrative authorities exercising adjudicatory functions must act fairly, reasonably, and within the limits prescribed by law. H.W.R. Wade and C.F. Forsyth³, in *Administrative Law*, discuss the development of administrative adjudication in the context of the modern welfare State.

The development of administrative tribunals in India has been examined through Articles 323A and 323B⁴ of the Constitution and the Administrative Tribunals Act, 1985. In *S.P. Sampath Kumar v. Union of India* (1987)⁵, the Supreme Court considered the role of tribunals as an alternative institutional mechanism for adjudication.

The decision generated considerable academic discussion concerning the independence and effectiveness of tribunals. A major constitutional development came through *L. Chandra Kumar v. Union of India* (1997)⁶. The Supreme Court held that the power of judicial review exercised by the High Courts under Articles 226 and 227 and by the Supreme Court under Article 32 is part of the basic structure of the Constitution. This established that decisions of administrative tribunals remain subject to judicial scrutiny. Further *H.W.R., Union of India v. R. Gandhi* (2010)⁷ examined the structure, composition, appointment, and independence of tribunals.

Objective of study

1. To examine kinds of administration such as domestic and customs.
2. To analyse important judicial decisions relating to administrative adjudication and understand their contribution to its development.
3. To analyse structure and procedure of administrative bodies and to review the salient growth of administrative adjudication.
4. To study the role of judicial review in controlling administrative and tribunal decisions and safeguarding individual rights.

METHODOLOGY

The present study adopts a doctrinal and qualitative research methodology to examine the concept, development, and functioning of administrative adjudication in India. The research primarily relies on secondary sources of legal information. The study makes use of primary sources, including the Constitution of India, statutes, rules, regulations, and judgments of the Supreme Court and High Courts relating to administrative adjudication, administrative tribunals, natural justice, and judicial review. The secondary sources include standard textbooks on administrative law and constitutional law, research articles, legal journals, commentaries, reports, and reliable online legal databases. The study critically analyses the views of scholars and the principles established through judicial decisions⁸.

The research follows a doctrinal analytical approach by examining relevant statutory provisions and leading case laws, particularly those concerning the principles of natural justice, tribunal independence, procedural fairness, and judicial review. The study also identifies the major challenges in administrative adjudication and evaluates the existing legal framework. The findings are analysed qualitatively to determine whether the existing system of administrative adjudication adequately balances administrative efficiency, fairness, accountability, and protection of individual rights. Based on the analysis, suitable suggestions are made for strengthening the effectiveness and independence of administrative adjudication in India.

¹ L.P. Massey administrative law, 9th ed, Eastern book company, Lucknow, 2017.

² M.P. Jain & S.N. Jain, Principles of administrative law, 8th ed, Lexis Nexis, Gurgaon, 2017.

³ H.W.R. Wade & C.F. Forsyth, Administrative law, 11th ed, Oxford University press, Oxford, 2014.

⁴ Constitution of India, arts. 323A and 323B.

⁵ S. P. Sampath Kumar v. Union of India 1987 (1) SCR 435.

⁶ L. Chandra Kumar v. Union of India, 1997 (3) SCC 261.

⁷ Union of India v. Gandhi (2010) 11 SCC

⁸ Administrative Tribunals Act, 1985, Act No.13 of 1985.

SIGNIFICANCE OF THE STUDY

It helps in understanding the role and importance of administrative adjudication in providing specialised and comparatively speedy resolution of disputes. The study explains why administrative tribunals and other quasi-judicial bodies have developed as alternatives to ordinary courts. It examines how administrative adjudication protects individuals against arbitrary or unreasonable administrative action.

The study highlights the application of *audi alteram partem* and *nemo judex in causa sua* to ensure fairness and impartiality in administrative decisions. It examines the role of constitutional courts in supervising administrative and tribunal decisions and maintaining the rule of law. The study considers whether specialised tribunals can provide efficient dispute resolution while maintaining procedural fairness. It draws attention to issues such as delays, vacancies, independence of tribunals, accessibility, and procedural difficulties.

The study contributes to a better understanding of the relationship between administrative adjudication, natural justice, constitutional safeguards, and judicial review. The findings may assist in identifying measures to improve the effectiveness, independence, transparency, and accessibility of administrative adjudicatory bodies.

HYPOTHESIS OF THE STUDY

“Administrative adjudication provides an effective and specialised mechanism for resolving administrative disputes; however, its effectiveness depends upon the proper application of the principles of natural justice, independence of tribunals, procedural fairness, and effective judicial review.” The study further hypothesises that the growth of administrative adjudication has helped in reducing the burden on ordinary courts and providing specialised and comparatively speedy justice. However, issues such as delay, vacancies, institutional independence, procedural shortcomings, and lack of accessibility may affect the effectiveness of administrative tribunals. It is therefore hypothesised that strengthening tribunal independence, ensuring adherence to natural justice, providing reasoned decisions, and maintaining effective judicial supervision can significantly improve the functioning of administrative adjudication in India.

MEANING OF ADMINISTRATIVE ADJUDICATION

Administrative decision making or administrative adjudication is a by-product of an intensive form of government, and consequential socialization of law (thus causes for the evolution of administrative adjudication and delegated legislation are same); the traditional judicial system cannot give to the people that quantity and quality of justice which is required in a welfare state, because it is the highly individualistic and ritualistic approach. Natural justice is the common law doctrine that provides important procedural rights in administrative decisions making. The doctrine now has a wide application and is presumed by the courts to apply the exercise of virtually all statutory powers. But the courts have also accepted that natural justice can be excluded by legislation that is expressed in sufficiently clear terms. The doctrine (natural justice) is now termed as a synonym of fairness in the concept of justice and stands as the most accepted methodology of governmental action.

STRUCTURE AND PROCEDURE OF ADJUDICATORY BODIES

The vast adjudicatory paraphernalia outside the courts which is created as a concomitant of the modern administration can in one sense be designated broadly as “administrative adjudication” insofar as it is set up with a view to promote and help the administrative process in the country. But there is another way of characterising the adjudicatory bodies, viz., quasi-judicial, implying thereby that they follow the process which is both “judicial” as well as “administrative.” In India, technically speaking, the term “quasi-judicial”, and sometimes “tribunal”, is applied to these bodies.

The quasi-judicial bodies (or adjudicatory bodies) follow what are called the principles of natural justice. Bodies which take decisions against an individual without observing these principles are technically characterised as “administrative”. The classification of bodies into “quasi-judicial” and “administrative” is an enigma of modern Indian administrative law and the preceding chapter is devoted to this important aspect of the matter. The present chapter seeks to give an idea of some of the adjudicatory bodies in operation and the next chapter is devoted mainly to explaining the quasi-judicial (or adjudicatory) process operating in the country. There are multifarious adjudicatory bodies outside the courts; in fact, no one knows for sure as to how many of these exist as no comprehensive study of these bodies has yet been attempted in India. They carry on adjudicatory functions in a large variety of situations. The existence of these multitudinous bodies makes even a peripheral description of them here an unmanageable task. Therefore, what is sought to be attempted here, is to mention a few broad features of these bodies and to describe very briefly a few of the important ones.

The jurisdictional territory covered by these adjudicatory bodies at present in India is very extensive and touches upon many aspects of human activity; it includes small matters concerning a single individual, as well as subjects of nation-wide importance affecting thousands at a time. The methods of procedure and of giving decisions differ from body to body. There is, however, one salient common feature affecting the activities of all these bodies, viz., that they all follow principles of natural justice. But this stipulation prescribes only the minimal procedure and while many adjudicatory bodies use only these minimal procedures, there are a few bodies which, like the courts, have a detailed code of procedure with testimony on oath and strict rules of evidence. In many cases, the adjudicatory bodies are vested with powers of a civil court for purposes of calling witnesses, examining documents, etc.

CUSTOMS ADJUDICATION

The Customs Act, 1962 regulates the import of goods into, and their export from, India, and provides for the assessment of customs duties imposed under the Tariff Act, 1934 (now the Customs Tariffs Act, 1975). The procedure for assessment of duties on imports and exports differs fundamentally from the procedure established for assessing direct taxes. Under the Customs Act, 1962, the Central Board of Excise and Customs is the chief customs authority and has the ultimate responsibility for the administration of the Act. Assessment of duty is made by the proper customs officer, whose function of assessment is governed by law and the prescribed procedure proper customs officer, which means an officer who has been assigned the function of assessment by the board, or the collector of customs.

The Act lays down no procedure for assessment of duty except to say that the goods are to be examined and tested and that officer may require the person concerned to furnish necessary documents from which the duty may be ascertained. But the procedure of assessment is quasijudicial according to several court decisions⁹. Further, a person claiming refund of duty paid in pursuance of an order of assessment of a customs officer lower in rank than the assistant collector of customs may apply to the latter for refund.

Any goods liable to confiscation under the Act may be seized by a customs officer who is competent to do so. The collector or a deputy collector is competent to adjudicate upon all confiscations or penalty without any limit. Cases of confiscation of goods not exceeding Rs. 10,000/- in value, and the penalty not exceeding Rs. 2,000/-, are disposed of by the assistant collector of customs. Cases of confiscation of goods not exceeding Rs. 10,000/- in value, and of penalty not exceeding Rs. 200/-, may be disposed of by a gazetted officer of customs lower in rank than an assistant collector. No order of confiscation of any goods or imposition of any penalty is to be made unless the owner of the goods has been given a notice in writing informing him of the grounds on which it is proposed to confiscate goods or to impose a penalty, an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein, and a reasonable opportunity of being heard in the matter.

The Finance Act, 1980 made a provision for the creation of a Customs, Excise and Gold (Control) Appellate Tribunal, on the lines of the Income Tax Appellate Tribunal, to hear appeals from the lower customs (as well as excise and gold) authorities. Till the creation of the tribunal the Central Government and the Central Board of Excise and Customs had the power of revision/hearing appeals from the lower customs authorities. This kind of purely departmental adjudication did not inspire the confidence of the people, and there had been persistent demands⁶ to substitute this system by an autonomous tribunal to hear appeals.

DOMESTIC TRIBUNALS

Parliament has enacted a number of statutes to regulate several professions and to provide for an adjudicative machinery for enforcing discipline and regulating professional conduct. There are many such statutes, e.g., the Advocates Act, 1961; the Chartered Accountants Act, 1949; the Cost and Works Accountants Act, 1959; the Architects Act, 1972; the Pharmacy Act, 1948; the Medical Council Act, 1956; the Indian Medicine Central Council Act, 1970; the Dentists Act, 1948; and the Press Council Act, 1978.¹⁰

By way of illustration, a few details may be mentioned with regard to some of these statutes. The Advocates Act, 1961 creates a State Bar Council at the state level and a Bar Council of India at the Centre. A State Bar Council is empowered to enforce discipline in the legal profession. But as the Bar Council is a large body, provision has been made for appointment of a disciplinary committee which initially holds the enquiry relating to an allegation of misconduct. The procedure prescribed is that, either on application or suo motu, if the State Bar Council believes that an advocate has committed a misconduct, it refers the case to the disciplinary committee. The committee makes the enquiry and may summarily reject the case if it finds no prima facie case of misconduct; or if the committee finds a prima facie case, it may fix up a date for hearing and give a notice to the advocate concerned and the Advocate General of the state. After giving an opportunity to the advocate concerned to represent his case, the committee may dismiss the complaint, or reprimand the advocate or suspend him or remove his name from the rolls of the State Bar Council. Within 60 days of the order passed by the disciplinary committee of the State Bar Council, an appeal can be preferred to the Bar Council of India. The disciplinary committee of the Bar Council of India is to hear the appeal and pass such order as it deems fit. A further appeal lies to the Supreme Court against the orders of the disciplinary committee of the Bar Council of India within 60 days of the passing of the order. The Bar Council of India has power to take action itself in the case of those advocates whose names are not entered on any state roll⁷.

The disciplinary committee of the Bar Council of India may also withdraw for inquiry before itself any pending proceedings before the State Bar Council and dispose of the case itself. The disciplinary committee of a Bar Council has the power of a civil court for summoning and enforcing attendance of a person and examining him on oath, compelling discovery and production of documents, receiving evidence on affidavit, requisitioning any public record, issuing commissions, etc.

⁹ Siemens Engg and Mfg. co v. India A.I.R 1976 S.C. 1785; Ram Durga pd v. India (1962) P.L.R. 541 CF. GLAXO Laboratories V.Venkateswaran, A.I.R. 1959 Bom, 372

¹⁰ Principles of administrative law, M.P.Jain, Fourth edition.

ISSUES RELATED TO ADMINISTRATIVE ADJUDICATION

1. Does executive interference affect the independence of administrative adjudication?
2. Why is there a delay in administrative adjudication?
3. Are the principles of natural justice properly followed in administrative adjudication?
4. Does the lack of transparency affect public confidence in administrative adjudication?
5. Do administrative adjudicators have sufficient legal knowledge and expertise?
6. Why do some administrative adjudicatory decisions lack adequate reasoning?
7. Are the decisions of administrative adjudicatory bodies effectively implemented?
8. How can administrative adjudication be made more citizen friendly?

SUGGESTIONS

1. Excessive government control over the appointment, tenure, and functioning of adjudicators may affect their independence and impartiality. The government should establish transparent appointment procedures, secure tenure, and adequate institutional autonomy to ensure fair decision-making.
2. Delays may arise from vacancies, increasing numbers of cases, inadequate infrastructure, and inefficient case-management systems. Such delays reduce the effectiveness of administrative justice. Vacancies should be filled promptly, additional infrastructure should be provided, and effective case-management systems should be introduced.
3. Failure to provide notice, a fair hearing, or an impartial decision-maker may result in unfair decisions and violations of individual rights. Every adjudicatory authority should provide a reasonable opportunity to be heard and ensure that decisions are made without bias.
4. Unclear procedures and inaccessible decisions can prevent people from understanding the basis of decisions and reduce public confidence. Authorities should publish decisions online, maintain clear procedural rules, and provide access to relevant records, subject to lawful restrictions.
5. Some adjudicatory bodies may face difficulties in maintaining an appropriate balance between legal expertise and technical knowledge. This may affect the quality and consistency of decisions. Qualified legal and technical members should be appointed according to the subject matter, and regular training should be provided.
6. Failure to provide clear reasons makes it difficult for affected persons to understand decisions and exercise their right to challenge them. Authorities should issue speaking orders that explain the relevant facts, legal principles, and reasons for the decision.
7. Implementation may be delayed when the concerned authorities fail to comply with orders or when effective enforcement mechanisms are lacking. Appropriate monitoring and enforcement mechanisms should be established to ensure compliance with final decisions.
8. Excessive formalities, unclear communication, and complicated documentation may make the adjudicatory process difficult for ordinary citizens. Use simple language in notices and decisions, simplify documentation, provide help desks, and adopt procedures that are accessible to persons with disabilities and disadvantaged communities.

RULES OF NATURAL JUSTICE APPLICABLE IN ADMINISTRATIVE ADJUDICATION.

1. That every person whose rights are affected must have reasonable notice of the matter that he has to meet.
2. That he must have a reasonable opportunity of being heard in his defence.
3. That the hearing must be an impartial person i.e. A person who is neither directly or indirectly a party to the case. One who has an interest in the litigation is already biased against the party concerned.
4. That the authority of hearing the case must act in good faith and not arbitrarily but Reasonably.

SALIENT FEATURES OF NATURAL JUSTICE

1. The allegation should be specific and precise and ought to be produced in writing. The charges framed against the workman on the basis of allegations should be such as are qualitative and specific provisions of the service rules or the notified standing orders applicable to the establishment.

2. Reasonable time should be given to the delinquent the employee to reply to the chargesheet and prepare for his defence, inquiry is to be conducted.
3. Inquiry officer appointed for conducting domestic inquiry should be totally unbiased and not connected with the incident. He should not appear as the prosecution witness himself.
4. All prosecution witnesses should be examined individually in the presence of a delinquent employee and their statements recorded. Pre-recorded should not be on the record of the inquiry proceedings.
5. The delinquent employee or his Defence Representative should be given ample opportunity to cross-examine the witness and the replies of the witness should be recorded by the inquiry officer.

REASON FOR THE GROWTH OF ADMINISTRATIVE ADJUDICATION

1. Modern governments perform numerous economic, social and regulatory functions. This has increased disputes requiring specialised administrative decisions.
2. Welfare schemes relating to education, employment, taxation, social security and public services have created a large number of administrative disputes.
3. Many disputes involve specialised subjects such as taxation, labour, telecommunications, environmental regulation and economic regulation. Administrative authorities often possess greater technical expertise.
4. The increasing number of cases has resulted in delays in ordinary courts. Administrative tribunals and authorities provide alternative mechanisms for speedy resolution.
5. Administrative adjudication is generally designed to provide quicker and more flexible dispute resolution than traditional court proceedings.
6. Administrative adjudicatory bodies can include persons with technical or professional expertise, enabling them to decide specialised disputes effectively.
7. Administrative adjudication is generally less formal than ordinary judicial proceedings. This makes the process more accessible and adaptable.
8. Greater regulation of industries, businesses, labour, taxation and public services has resulted in more disputes between individuals and administrative authorities.
9. Administrative bodies increasingly exercise powers affecting individual rights. Therefore, requirements such as fair hearing, absence of bias and reasoned decisions have become important safeguards.
10. Administrative adjudication can reduce the cost and procedural complexity associated with ordinary litigation, making remedies more accessible.

CONCLUSION

Administrative adjudication has emerged as an important mechanism for resolving disputes arising from the increasing functions and complexities of modern administration. It provides a comparatively speedy, flexible and specialised method of dispute resolution and reduces the burden on ordinary courts. The growth of administrative adjudication is closely connected with the expansion of the welfare state, technical legislation and the need for specialised decisionmaking. At the same time, administrative adjudication must operate within the framework of constitutional principles and the rule of law. The principles of natural justice, including fair hearing, absence of bias and reasoned decisions, are essential safeguards against arbitrary administrative action. Judicial review by constitutional courts further ensures that administrative authorities remain within the limits of their legal powers. Therefore, administrative adjudication should not merely focus on efficiency but must maintain a proper balance between administrative convenience and protection of individual rights. Strengthening procedural safeguards, transparency, independence and accountability can make administrative adjudication more effective and trustworthy. The study concludes that a well-regulated system of administrative adjudication can contribute significantly to accessible justice, effective governance and protection of the rule of law.

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