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A STUDY ON ADMINISTRATION OF JUSTICE IN INDIA

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ABSTRACT
Administration of justice is one of the essential functions of the State. The law and order within the State is maintained through administration of justice. It is the social nature of man that inspires him to live in a community. This social nature of man demands that he must reside in a society. However, life in society involves conflicts of interest and the need for justice. They involved their elders to settle disputes among them. There we see developments of minds, starting from natural society to developed and civilized society. It is considered the historical basis for the development of the justice system. For sound administration of justice, physical force of the state is a prime requirement. This paper explores the study of administration of justice in India. The Indian system has adopted a quasi federal government which has a larger framework of Judiciary, Executive and Legislative. This paper talks about the origin of administration of justice in ancient India, history of courts, civil and criminal justice system in India, theories of punishment, role of judiciary and judicial review.

Keywords: administration, judiciary, community, social, review, justice.

INTRODUCTION

The idea that the "State" executes justice in a court originates after the establishment of the concept of sovereignty. From the beginning of nineteenth century, the development in the field of sociological thought prompted various new perspectives on crime and criminality, as well as the birth of criminology as a study of crime in society. The State defines the right and duties of citizens and protects the rights and enforces the duties, if any violation of the right of the one individual is made by another. The latter is to redress it or he is to be punished. The State appoints persons to adjudicate the rights and duties and to secure their protection and enforcement. In this way, courts come into being. Gradually, a well organised judicial order develops in the society. In modern times, the judiciary is an important organ of the government. It administers justice which is considered to be an essential function of the State.

The function of the judiciary is to protect and enforce the rights of the individuals and to punish the wrong-doers. This function is called the 'administration of justice'. The term 'justice' here does not mean justice in the abstract sense as a moral virtue or ideal but it means justice according to law, or, in other words, enforcement of rights as they are defined by law. Thus to adjudicate the rights and duties of the individuals on the basis of the rule laid down by the State is administration of justice. Salmond defines 'Administration of Justice' as the 'maintenance of right within a political community by means of the physical force of the State'. This definition of Salmond has been criticised by a number of jurists. They say it is not the force of the State alone that secure the obedience of law but there are a number of other factors, such as the social sanction, habit and convenience, etc., which help in the obedience of law. In the civilised societies the obedience to law becomes a matter of habit and in very rare cases the force of the States is used to secure it. The supporters of Salmond's definition say that if the force of the State is not used in all the cases to secure obedience, it does not mean that the State's control has disappeared. Rather it indicates the final triumph and supremacy of the control of the State. Thus, the administration of justice implies three things: The State, the law and securing obedience to law by means of physical force of the State.[1]

It is men's social nature that inspires them to live in community. Man's social nature demands that he to be in society. However, living in a society leads to conflict of interests and gives rise to the need for Administration of Justice. They involved their elders to settle disputes among them. There we see developments of minds, starts from natural society to develop and civilized society, it is considered the historical basis for development of justice system. For sound administration of justice, physical force of the state is prime requirement. There are two essential functions of every State: 1. War, 2. Administration of Justice. According to Salmond, a State with reference to its territory as a society of men established for the maintenance of order and justice within a determined territory by way of force. State maintains law and order to establish peace and social security. If State failed to maintain the law and order it can't be called State. The main function of the administration of justice is the protection of individual's rights, enforcement of laws and punishment of criminals. Lord Bryce once observed that there can be no better test of the excellence of a Government than the efficiency of its judicial administration.[2]

ORIGIN OF ADMINISTRATION OF JUSTICE

Justice administration is a contemporary and civilized alternative to the primordial practice of individual vengeance and violent self-help. From prehistoric times to the present, humanity has progressed through several stages. In the olden days of humanity, people redressed their wrongs and avenged themselves on their foes of their own, with the help of

[1]John W. Salmond,P.J.Fitzgerald, *Salmond on Jurisprudence*,(12thb ed.) page 51 (Sweet & Maxwell, London, 1966).
[2] https://www.tribuneindia.com/news/archive/comment/the-challenge-of-timely-justice-572872 (visited on January 10, 2023).

friends and relatives if needed. Very often, one crime leads to another and this resulting to crime which not only affects the offender, but also to his family and his tribe in many instances. As a result, there would be group and tribal wars, and blood feuds would become increasingly widespread.[3] After that, when blood feuds proved to be disastrous, a compensatory system arose, with the primitive society providing for the payment of certain amount of money, or equivalent of money, as compensation to the crime victim, or the victim's relatives, as the case may be. The value of compensation paid was known as "Blood Money," and it varied depending upon the social status of the victims. The history of judicial administration began later, with the formation of political states. However, these fledgling states lacked the capacity to regulate crime and punish criminals, and as a result, the law of private revenge continued to reign. The State's role was limited to regulate private vengeance at this time; the State established certain rules for regulating private vengeance and ensuring that acts of revenge or retaliation were not disproportionately severe, giving rise to the concepts of "a tooth for a tooth," "an eye for an eye," and "a life for a life."[4] With the passing of time, the justice administration system of the state got to be better, and the law started to speak for itself. The state's administrative and judicial systems were then born. After that, as the power of states increased, the state began to work like a judge, fixing liability and imposing punishments. The current process of law is a natural consequence of the political State's increasing authority; it is no longer a controller and observer of private revenge.

HISTORY OF COURTS IN INDIA:

Law in India has developed from religious remedy to the present protected and legitimate framework we have today, navigating through mainstream lawful frameworks and the precedent-based law. India has a recorded legitimate history beginning from the Vedic ages and some kind of common law framework may have been set up amid the Bronze Age and the Indus Valley progress. Law as an issue of religious remedies and philosophical talk has a celebrated history in India. Exuding from the Vedas, the Upanishads and different religious writings, it was a fruitful field advanced by experts from various Hindu philosophical schools and later by Jains and Buddhists. Mainstream law in India shifted generally from area to locale and from ruler to ruler. Court frameworks for common and criminal issues were fundamental highlights of many decision traditions of old India. Incredible mainstream court frameworks existed under the Mauryas (321-185 BCE) and the Mughals (sixteenth – nineteenth hundreds of years) with the last offering route to the present precedent based law framework. The custom-based law framework – an arrangement of law in view of recorded legal points of reference came to India with the British East India Company. The organization was conceded sanction by King George I in 1726 to set up "Leader's Courts" in Madras, Bombay and Calcutta (now Chennai, Mumbai and Kolkata individually). Legal elements of the organization extended generously after its triumph in Battle of Plassey and by 1772organization's courts extended out from the three noteworthy urban communities. All the while, the organization gradually supplanted the current Mughal lawful framework in those parts.

Following the First War of Independence in 1857, the control of organization regions in India passed to the British Crown. And it being a piece of the realm saw the following huge move in the Indian lawful framework. Preeminent courts were set up supplanting the current mayoral courts. These courts were changed over to the primary High Courts through letters of licenses approved by the Indian High Courts Act go by the British parliament in 1862. Superintendence of lower courts and enrolment of law experts were deputed to the separate high courts. Amid the Raj, the Privy Council went about as the most elevated court of advance. Cases before the board were arbitrated by the law masters of the House of Lords. The state sued and was sued for the sake of the British sovereign in her ability as Empress of India. Amid the move from Mughal legitimate framework, the supporters under that regimen, "vakils", too went with the same pattern, however they generally proceeded with their before part as customer delegates. The entryways of the recently made Supreme Courts were banned to Indian specialists as right of crowd was restricted to individuals from English, Irish and Scottish expert bodies. Consequent principles and statutes finishing in the Legal Practitioners Act of 1846which opened up the calling paying little heed to nationality or religion. Coding of law likewise started decisively with the framing of the principal Law Commission. Under the stewardship of its administrator, Thomas Babington Macaulay, the Indian Penal Code was drafted, sanctioned and brought into constrain by1862. The Code of Criminal Procedure was additionally drafted by a similar commission and was the host of different statutes and codes like Evidence Act 1872 and Contracts Act 1872.

First phase

The development of the Indian judicial system may be traced back to the Anglo-Indian era, when the judicial system was at its most rudimentary state, in terms of chronology. Sure a major commerce and trading centre in the period, was

[3] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (Vintage Books, 1977).

[4] Epaminontas E. Triantafilou, "In aid of transitional justice: eroding norms of revenge in countries with weak state authority" Vol. 10, No. 2(Fall 2005), pp. 541-575 (35 pages), UCLA Journal of International Law and Foreign Affairs.

where the British immigrants founded their first settlement. As a result, similar villages have sprung up in Mumbai and Madras.

The British company was commissioned to administer these three Indian colonies. They developed a basic legal system for the administration of these colonies, settling their disputes with one another. The administration of justice was entrusted to the illegal English and the laymen involved of the trading community and had a poor understanding of the law and its processes, which was a key aspect of this system. In fact, English law required them to exercise their judicial powers, but in practice they tried cases on the basis of their soundness common sense and their idea of justice. In the cities of the Presidency, the court was wholly dependent on and subordinate to the executive branch, the highest administrative authority in British-controlled India.

Second phase (Regulatory Act 1773)

Establishment of the Supreme Court of Justice in Fort William (Calcutta) under the Regulatory Act 1773 passed by the British Parliament, which is under review a game changer in the development of legal institutions in India marks the beginning of the second phase in the history of the Indian judicial system. It was an English court composed of English professional judges who were experts in law and court procedure. There was also an English bench that assisted the Court in its administration Justice. The model of this court was borrowed from the English Court of Westminster. This greatly reduced the powers of the executive, which led to frequent antagonisms and conflicts between the Supreme Court and the Supreme Council. Disputes between these two main governing bodies of society in India were finally settled by the Settlement Act of 1781, which made the Council independent Jurisdiction of the Supreme Court.

The Settlement Act, 1781 - The British Parliament passed the Settlement Act 1781 on July 5, 1781 to remove the lacunas of the Regulatory Act, 1773. The main purpose of the Settlement Act was to determine the relationship between the Supreme Court and the Board of Governors.

Third phase

The company took over the administration of justice in Bengal and implemented the "Adalat system" in the Mofussils. This is the third stage in the development of the Indian legal system or Anglo-Indian legal history. by the company British officials who lacked a legal background. They regarded the judiciary as a secondary role as they were essentially senior officers in the company government. However, always the administration and civil jurisdictions were separated, while criminal justice remained in the hands of the government. As a result, the bailiff has played a key role in the civil administration and criminal justice system of the Indian government. Finally, the Adalat system was expanded to include the Company's newly acquired territories in India

Fourth Phase

With the establishment of the Supreme Courts under the High Court's Act 1861, another chapter in the history of Indian law was marked by the unification of the dual judicial system that existed in the towns and countryside of the Presidency. Supreme Courts are undoubtedly the forerunners of the modern legal and judicial system in India. Calcutta, Madras and Mumbai were the first to establish high courts eventually extended to other northern and western provinces

Fifth Phase

The Privy Council has encouraged the development of uniform laws in India and encouraged the courts to uphold high legal standards in discharging their judicial duties. The Privy Council was an important determinant of this phase. Following the formation of the First Law Commission in 1833, which began the process of codifying Indian law to ensure uniformity and clarity of administration to ensure justice, the spread of rights is becoming more and more obvious. Work to codify important Indian laws has been carried out by the Second and Third Law Commission.

CIVIL AND CRIMINAL JUSTICE SYSTEM IN INDIA

The administration of justice encompasses both civil and criminal matters. The criminal justice system maintains society's social imbalance; whereas civil rights and liberties are enforced by civil remedies e.g. damages, specific performance, injunctions, restoration of marital rights, divorce, and so on. Civil processes are thought to be used to enforce rights, whereas criminal proceedings are used to punish wrongdoing. In other words, whereas civil liability is primarily concerned with redress, criminal culpability is concerned with punishment. Although punishment is more common in criminal cases than in civil cases, it is not always present in criminal cases and is not always absent in civil cases. In a criminal offence, a juvenile criminal may only be warned and not punished, however in a tort action, exemplary damages may be granted as a punishment. In civil procedures, an individual who disobeys a court injunction can be sentenced to prison. A criminal proceeding evaluates a person's guilt or innocence, whereas a civil proceeding determines the rights and responsibilities of the suit's parties. It's also worth noting that in criminal cases, the state becomes a party to the proceedings, but in civil cases, private persons are the litigants in front of the court, with the state having no involvement. Civil suit may result in a judgement for payment of monetary damages, an order for payment of

a debt, any other damages or any penalties, or an injunction etc.[5] Nonetheless, the distinction is more about the nature of the procedures than it is on the nature of the violations, and thus the two thoughts not to be confused.

- **CIVIL JUSTICE**

The immediate object of law is the creation and protection of various legal rights. A right in strict sense means, the capacity residing in a man of controlling, with the consent and assistance of the State, the wrongful actions of others. These rights are enforced through administration of justice which consists in the enforcement and protection of rights as opposed to the punishment of wrongs. The rights to be enforced through administration of civil justice may be either primary rights or sanctioning rights. Primary rights are those rights which do not have the violation of another right. It is also called a remedial right because its existence depends on the violation of private right. On the other hand sanctioning rights are the right to receive pecuniary compensation or damages from the wrongdoer and this is divided into two kinds: (i) restitution; and (ii) penal redress.[6] In restitution, the defendant is compelled to give or restore the pecuniary value or some benefit which he has wrongfully obtained by causing damage to the plaintiff. On the other hand penal redress means not only restoration of all benefits which wrongdoer has derived but also full redress for the plaintiff's loss.[7] Thus in case of penal redress, compensation has a double aspect, namely, for the plaintiff it is compensation and nothing more but for defendant it is a penalty imposed upon him for his wrongdoing.

- **CRIMINAL JUSTICE**

The purpose of criminal justice is to punish the criminal. Punishment is a means to inflict pain or loss upon a person for his misdeed. It is one of prime functions of the State to maintain peace, order and security in the society and thus it becomes necessary to punish the evil-doer. Punishment can protect society either by deterring potential offenders or by preventing the actual offender from committing further offences or by reforming and turning him into a law abiding citizen.[8] Various theories are advanced in jurisdiction for punishing the offenders. The views regarding punishment also kept on changing with the changes in societal norms.

THEORIES OF PUNISHMENT

The theories of punishment are a collection of diverse notions to keep in mind when punishing and that define the ultimate goal of punishment. The following are some theories about the criminal justice system:

1. Deterrent Theory

The deterrent theory of punishment aims to demonstrate the futility of crime and hence teach a lesson to other offenders or reduce the likelihood of future criminal behaviour. Deterrence works through influencing the motivations of existing or potential criminals. Crimes are committed as a result of a conflict between the wrongdoer's so-called interests and those of society as a whole. The entire objective of the Punishment is to show that, in the end, crime is never advantageous for the wrong-doer and that by making it a bad-bargain for the criminal, the public at large is taught that crime is an expensive means of obtaining a goal. Deterrent punishment is founded on the concept of deterring crime through the imposition of a severe penalty on the culprit. Advocates of this doctrine say that punishment is designed to prevent would-be offenders from committing similar type of crimes, while supporters of the death sentence cite this argument to bolster their case. The deterrent theory, on the other hand, fails to fulfil its aim. Deterrence does not always prevent a determined criminal from committing a crime because he has become accustomed to the harshness of the punishment. It also doesn't work because most crimes are done in the heat of the moment.

2. Preventive Theory

If the deterrence theory tries to stop crime by making people afraid of punishment, the preventive theory tries to stop crime by taking away the criminal's ability to do it, e.g. by taking away his or her life or putting him or her in prison. The severe penalty, the death penalty, ensures that the perpetrator will be deterred from doing the horrific act in the future. Historically, maiming and mutilating the wrongdoer was regarded an effective technique of deterring the wrongdoer from committing the same crime in the future, by severing the offending bodily part. Thus, a thief's hand would be severed, or the reproductive organ would be removed in the case of a sexual offence. The preventative doctrine makes the criminal incapable of committing any other crime and also infuses terror among the would-be offenders.

3. Reformative Theory

[5] Prof. Nomita Aggarwal, "*Jurisprudence (Legal Theory)*", p 72-73 (Central Law Publications, Tenth Edition, 2016).
[6] Dr. N. V. Paranjape, *"Studies in Jurisprudence & Legal Theory,* p 263 (Central Law Agency, Ninth Edition, 2022).
[7] John W. Salmond, P.J.Fitzgerald, "*Salmond on Jurisprudence"*, (12th ed.) page 103 (Sweet & Maxwell, London, 1966).
[8] H.Henting, *"Punishment- Its origin, purpose and psychology",* p 169-170 (William Hodge, London, 1937).

The reformative hypothesis is founded on the idea that crime develops as a result of a clash between a criminal's character and motivation. One may have committed a crime as a result of the strong temptation of the motive and the weak restraint imposed by the character. The deterrent theory holds that crime never pays and tries to work on the motivation of the individual, whereas the reformative theory seeks to enhance the individual's character so that he does not fall victim to his temptation again. As per the Reformative philosophy, punishment is a treatment or a medicine, and crime is analogous to an incurable disease that cannot be cured through killing. Those in favour of reformative theory believe that time spent in prison should be used to re-educate and re-shape the character and nature of an individual. They think that while punishment should be severe, it should never be degrading, and that execution, solitary confinement, and disfigurement are all adversaries of reform. Thus, reformists' major goal is to alter the offender's character and personality in order to change him into a useful member of society. Although reformative techniques were previously disregarded, the present tendency places a premium on them. While reformation is a necessary component of punishment, it cannot be the entire objective. It cannot be overlooked, yet it should not be given undue weight, as it varies from case to case. The prospects of long-term reformation are larger for young offenders and first offenders than for persistent offenders.

4. Retributive Theory

According to retributive theory, the offender should pay for his wrongdoing, and because a person who has been harmed wishes to avenge, the State believes that inflicting some pain or injury on the wrongdoer is important to prevent private vengeance. Unlike other theories, which view punishment as a means to an end, the retributive theory views it as an end in and of itself. It considers it quite reasonable for evil to be returned for evil and for a person to be treated as he treats others. The natural justice law is "an eye for an eye" and "a tooth for a tooth." While the system of personal vengeance has been suppressed, the instincts and emotions that underpin these emotions remain a part of human nature. As a result, as per this idea, the moral gratification gained by the society as a result of punishment cannot be ignored. On the other side, if the perpetrator is dealt very leniently, the spirit of revenge will remain unsatisfied and will seek fulfilment through private retribution. As a result of it, in place of stopping the crime, administered punishment may rather promote it in an indirect manner. Regrettably, the retributive view ignores the reasons of the crime and makes no attempt to eliminate the factors that contribute to the criminal or the crime.

5. Capital Punishment

Capital punishment has been used as a deterrent to criminals and political or religious dissidents in the majority of nations for centuries. Historically, the act of carrying out the death penalty frequently involved torture, and these executions were frequently carried out in public to serve as deterrence to the populace and society at large. The main purpose of public executions was to induce fear in the community and set an example that no one would dared commit crimes punishable by death or capital punishment. While capital punishment is typically reserved for serious crimes against the body, such as murder and rape, occasionally, it is reserved for non-violent crimes such as drug trafficking, homosexuality, blasphemy, perjury, treason, and espionage. Death penalty laws have their origin back to the Eighteenth Century B.C., where King Hammaurabi of Babylon suggested the death punishment for a total of twenty-five specific type of offences.[9] The death punishment was also mentioned in ―the Hittite Code of the 14th century B.C. ; ―Draconian Code of Athens of the period of 7th century B.C., which made the death penalty the sole punishment for all offences; and the Roman Law of the Twelve Tablets of the fifth century B.C. The methods of Executions are crucifixion of the offender, drowning him in water, beating him brutally to the death, and burning him alive, as well as impalement, wheel breaking, boiling to death, flaying, slow slicing, disembowelment, impalement, crushing by elephant, stoning, burning, dismemberment, sawing, decapitation, scaphism, necklacing, and blowing from a gun.

From above different kinds of theories of punishment we understood that punishment is something which should be inflicted very circumspectly. As the famous saying that "*Let go of a hundred guilty, rather to punish an innocent,"* so that it is essential to be careful while infliction of punishment theory or else the very principles of justice would go for a toss.

ROLE OF JUDICIARY:

The enthusiasm of general population is additionally defended by the presence of an autonomous law. As gatekeeper of the Fundamental Rights and the guard dog of the sacred arrangements, the law has forces to announce void any enactment that as it's would like to think is in violation of the provisions of the Constitution of India. The energy of legal survey guarantees that neither the Legislature nor the Executive can ride harsh over the rights and interests of the general population of India. A recognizing highlight of the Indian legal is that it is absolutely free of the Executive. The judges of the High Courts and the Supreme Court are selected by the President in counsel with the Chief Justice of the Supreme Court and on the exhortation of the Prime Minister. The framework has worked well over the years. There is

[9] https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/early-history-of-the-death-penalty (visited on January 11, 2023).

no case in which an official can tamper with a legal work. The Constitution gives that a judge of the Supreme Court or the High Court can't be evacuated by any official expert. He must be expelled by prosecution. The procedure of reprimand is parallel to the procedure endorsed for the indictment of the President. There has been no case so far where a judge was evacuated by arraignment. Any subject of India can approach the legal on the off chance that he feels any of his basic right has been encroached by a demonstration of the official. Courts can likewise be drawn closer through Public Interest Litigations. The courts have along these lines been acting a braking power that comes without hesitation whenever the official tries to abuse its forces. While the general population of India have their reservations about the decency of government activities, they have finished confidence in the legal. This is useful for the wellbeing and survival of majority rules system in the nation.

There is no doubt the fact that the criminal justice system in India is suffering from too many drawbacks. Justice J. S. Bedi in Himmat Sukhadeo Wahurwagh v. State of Maharashtra,[10] while describing the current position of criminal justice system in India observed that- "The criminal justice system as we understand it as today in our country is beset with major issues, sometimes unrelated to what happens in Court, particularly in cases involving more than one accused. Fudged and dishonest FIRs, tardy and misdirected investigations and witnesses committing perjury with not the slightest qualm or a quibble make the decision even the most diligent and focused of judges particularly galling and difficult. Several other factors inhibit the proper conduct of proceedings in a trial. In this pernicious state of affairs, the judge, gravely handicapped, has to apply his knowledge of the law and his assessment of normal human behaviour to the facts of the case. His sixth sense based on his vast experience as to what must have happened, and then trust to God and good luck that he strikes home to come to a right conclusion. To our mind, the last two are undoubtedly imponderables but they do come into play in negotiating the judicial minefield. This is an undeniable fact whether we admit or not."

JUDICIAL REVIEW

Judicial review is a fundamental part of democracy as it helps in assessing and restricting the powers of the government and its decisions are not arbitrary or inconsistent with the democratic principles of the country. This is an essential right for the citizens in a democracy. Judicial review is of three types:

1. Judicial review of the legislature: When a new statute or act is made by the law-making body, it can be challenged if it seems to be constitutional, for example, the CAA Act that could be subject to judicial review and may be declared unconstitutional. All those actions which violate the Fundamental Rights or other important provisions of the constitution are declared as void and it is declared to be unlawful.[11]
2. Judicial review of executive actions: Any action that is taken by administrative bodies may be subject to review so that these bodies are not able to exceed their powers.
3. **J**udicial review of judiciary: We are all well aware that the judgements of the court are also subject to review and in the form of appeal to a higher court, which helps in eliminating the injustice that can be caused in one court or its procedures.

Judicial review has grown to protect individual's rights and to stop the use of arbitrary power and prevent false accusations.[12] Courts have a major role in administering justice. Judicial control is very important and effective part of administrative action. The current scenario of India's administrative system is in dire need of judicial control. While there is a structured division of powers, there is always the possibility of intrusion of powers among the three organs. Article 32 and Article 226 have the power to issue writs or directions which would apply to the other governmental bodies in case of any matters that are raised for the protection of public interest.

Article 73 and 162 of the Constitution define limits of the executive concerning its powers over the legislature of the State and Union. But if there is any overlapping or dispute between the two bodies the judiciary must rectify the same. As the system of justice becomes more transparent and as the people have started to raise their voices against injustice, the need for a proper review of administrative decisions has become increasingly important. The powers given by the Constitution must not be misused in any way and hence there is an increasing need for a more well-defined system of administrative justice, which would specify the guidelines and principles that the government must adhere to. It would also give a remedy to those who are dissatisfied by administrative actions.

Its compulsion would aid in better administration as it would serve as a helping hand to the courts and also take under its jurisdiction, many disputes regarding administrative decisions and services relating to public authorities. Despite this, there are some reasonable restraints on administrative justice which are as follows:

[10] (2009) 6 SCC 712.

[11] I. C. Golaknath and Others. v. State of Punjab and Another,1967 SCR (2) 762 & Kesavananda Bharti and Others. v. State of Kerala and Another, 1973.

[12] Minerva Mills Ltd. V. Indian Union and Others, 1981 SCR (1) 206.

- The tribunals base their decisions by the application of existing government policy and do not have the authority or independence to deviate from the laws that are set out by the courts.
- Some limits can be put by the legislature regarding the administrative rule-making and delegated legislation.
- The tribunals are not able to exercise complete independence as the executive and judiciary could encroach on its powers.
- The executive has excessive power over the removal of a member from the tribunal as there is no proper method for removal of members. This gives the executive power by default. This is considered unfair as this can create a bias towards the executive.
- There is no proper overview of tribunals by the Ministries that they come under as there is no uniform system under which all the tribunals work. This often creates problems in administration which result in smooth functioning.

CONCLUSIONS AND SUGGESTIONS

The court was unable to determine whether the managers of justice was in fact directed efficiently, but concluded that a decision-making body such as the council, which has such powers, has a duty to act in good faith acting with faith and both giving parties a fair and equal opportunity to be heard. Any disputes between the parties should only be resolved after they have been listened to carefully and given an opportunity to discuss the issues.

- Improving the quality of administrative justice is essential for opening up a 21st century democracy and a strong one the administrative court system is also important if the government is to maintain public confidence in its ability to provide quality public services.
- Efforts Serious work needs to be done to ensure equal access to administrative courts and remove the obstacles against.
- The government must work to analyze and acknowledge its past poor decision-making, which has led to the failure of attempts by parliamentarians to empower the people.
- The Government should consider passing legislation such as the Promotion of Justice Act 2000 that would define and oversee the fair administration of justice.
- Reforms are needed and must take into account the way courts work. It's time they were made available on the internet.
- The importance of judicial-like bodies should also be increased as they play a key role in democracy by making and reviewing decisions.
- Care should be taken that administrative courts do not become judicial but retain their informal character. The focus should be on fairness and not formal procedures. We know that while our country has an efficient administrative system, there is tremendous room for improvement. We need to examine different options and maybe even adopt some of these good practices from other countries that have successfully introduced a good system of administrative justice, as this will remain a very important feature of a developing democracy like India.