

Q -1 -With increased Specialization in every sphere of economy do you think it is necessary to establish quasi judicial bodies under various ministries,Examine .

Approach -

In this question candidates need to write their opinion about the need of establishing quasi judicial bodies under various ministries .

Introduction -

A quasi-judicial body is a body which has powers and procedures resembling those of a court of law or judge such as an arbitrator or tribunal board. With increasing specialization in economy There is need to establish more quasi judicial bodies under ministries .

Body -

- A quasi-judicial body is an entity such as an arbitrator or tribunal board which has powers and procedures resembling those of a court of law or judge.
- It is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.
- Their powers are usually limited to a very specific area of expertise and authority, such as land use and zoning, financial markets, public standards etc. National Human Rights Commission, National Commission for Women, National Commission for Minorities, etc. are examples of quasi-judicial bodies.
- They primarily oversee the administrative zones. The courts have the power to supervise over all types of disputes but the quasi-judicial bodies are the ones with the powers of imposing laws on administrative agencies.
- These bodies support to lessen the burden of the courts. Quasi-judicial activity is restricted to the issues that concern the particular administrative agency. Quasi-judicial action may be appealed to a court of law.
- These organizations generally have authorities of settlement in matters like breach of discipline, conduct rules, and trust in the matters of money or otherwise.
- Their powers are usually limited to a particular area of expertise, such as financial markets, employment laws, public standards, immigration, or regulation.
- Awards and judgement of quasi-judicial bodies often depend on a per-determined set of rules or punishment depending on the nature and gravity of the offence committed.
- Such punishment may be legally enforceable under the law of a country it can be challenged in a court of law which is the final vital authority.

Need to establish Quasi-Judicial Bodies under various ministries -

- As the welfare state has grown up in size and functions, more and more litigation are pending in the judiciary, making it over-burdened. It requires having an alternative justice system.

- Ordinary judiciary has become dilatory and costly.
- With scientific and economic development, laws have become more complex, demanding more technical knowledge about specific sectors.
- The conventional judiciary is suffering from procedural rigidity, which delays the justice.
- Further, a bulk of decisions, which affect a private individual come not from courts, but from administrative agencies exercising ad judicatory powers.
- The Quasi-judicial bodies are popular these days, owing to their positive impact. The advantages of quasi-judicial bodies are as follows:
- Cost-effective: tribunals are cost-effective in comparison to the conventional judicial processes. The cost-friendly nature of the tribunals encourages people to seek justice and redress their grievances.
- Hassle-free: the tribunals do not require lengthy or complex procedures for submitting of applications. These bodies are accessible, free from technicalities and they proceed more rapidly and efficiently under expert supervision.
- Sharing of workload: The tribunals by taking up many cases reduce the workload of the judiciary. For example, the National Green Tribunal adjudicated on matters concerning the environment and pollution.
- Speedy justice: they are more efficient and provide speedy redressal of grievances.
- Expert knowledge: A tribunal consists of experienced and knowledgeable individuals who easily understand the technicalities of the case brought before them thereby providing the right solution to the problem.

Conclusion-

Quasi-judicial body is a good concept as it reduces the burden on Judiciary but there are some loopholes there in this system also. Govt should choose individuals with both technical and legal knowledge and providing them with power to take decisions will be a booster to this organ of Government.

2. What is the difference between Regulatory bodies and Quasi-Judicial bodies? If appeal lies against their decision in judicial courts, then do these quasi-judicial bodies serve any purpose? Explain.

Approach

Candidates can start the answer by writing on basic difference and then highlight how it does the partial justice under serve its purpose also in the end highlight the need and how it serving the purpose by alternate view.

Introduction

Regulatory bodies and quasi-judicial bodies are the two broad categories of statutory bodies. Both of them are formed with the help of a statute that is basically an act passed by the legislature.

Body

Difference between Regulatory and quasi-judicial body:

- As the word regulatory suggests these bodies perform certain regulatory roles on the other hand quasi-judicial have a limited power to interpret law.
- Regulatory bodies have a regulatory role, they are independent bodies that are formed by a legislative act (statue) to set certain standards in different field and further perform different operations to enforce those standards.
- The quasi-judicial body can be an individual or body having powers similar to that of the court. They can adjudicate a case and decide the penalty for the guilty. They are different from judicial bodies in the fact that they don't follow the strict judicial rules of evidence, CRPC and CPC.

Recommendary, toothless and appeal in courts serves partial justice:

- Their powers are usually limited to a very specific area of expertise and authority, such as land use and zoning, financial markets, public standards etc. National Human Rights Commission, National Commission for Women, National Commission for Minorities, etc. are examples of quasi-judicial bodies.
- Most of these bodies are recommendary in nature, like NHRC and CIC. They can't even award compensation or relief to the victims directly, but can only recommend. These bodies also lack enforcement mechanism & compliance to rules.
- A person can again appeal in the court against the decision of the Quasi-judicial and regulatory body. This fades away the advantage of cost and time provided by the regulatory and Quasi-Judicial body.

Independency, expertise in their functioning reduces the burden of courts it serves the purpose of their formation:

- Lessen the burden of court: These bodies reduce the burden of judiciary which is having huge number of pending cases.
- Expertise: Generally, members of the bodies have necessary expertise and specialisation in the particular area which help immensely in cases. Thus expertise is a major advantage.
- Accessible: These are easily accessible to common people and moreover these involve very low cost as compared to judiciary.
- Flexibility: Judiciary generally refer to its old judgements but quasi bodies have flexibility to operate. They have flexible approach in dealing with the cases hence are approached frequently by the people.
- Suo moto Power: Some of these bodies are having Suo moto power that is they can enquire on their own on proceedings. For example, National Human rights commission can initiate proceedings on their cases based on reports from media or their knowing of human rights violations.

- **Autonomy of Functioning:** They are fully independent in their functioning outside the purview of executive. For example, NHRC can ask state governments for information related to any incident in lieu of Human rights violation happened in state.

Conclusion

Regulatory and quasi-judicial bodies are crucial for proper functioning of the government. They play an integral role in making every sector of the government robust. Govt should choose individual with both technical and legal knowledge and providing them with power to take decision will be a booster to this organ of Government.

3. The fights between central government and state government on implementation of various developmental programs ultimately costs dearly for the common man? Critically examine.

Approach

Candidates can start the answer by giving idea of federalism or centre state disputes and then highlight how it costs the common citizens and also provide alternate views as per the demand of question.

Introduction

Federalism is a system of government in which powers have been divided between the centre and its constituent parts such as states or provinces. It is an institutional mechanism to accommodate two sets of politics many times it leads to dispute due to which common man suffers.

Body

Welfare policies, schemes & dispute around cost beneficiaries:

- **Health Sector:** Central government's initiative of Ayushman Bharat to provide Universal health coverage was hindered by some states for example West Bengal refusing to join scheme left many beneficiaries out of services.
- **New Education Policy:** Central government wants Uniform standards of education across the country so as to ensure accessibility and equity in access to education across the country was opposed by some states it impacts loss of holistic education to common man.
- **Agricultural marketing Sector:** The recent Farm Acts which allow farmers to sell their produce outside the Agricultural Produce Market Committee (APMC) and aim to promote inter-state trade.
- **Lack of unified agricultural market** along with state's reluctance to adopt Model APMC Act and their lack of enthusiasm to join e-NAM platform has

restricted Centre's capabilities to objective of doubling farmer's income by 2022.

- Aadhaar based schemes: Similarly West Bengal government's case in 2017 it was filed under Article 32 of the Constitution challenging the validity of the 'Aadhaar Act'. These activities strangled development schemes based on Aadhaar.
- Pandemic policy: There has been accusations and counter accusations by states and Centre in the efficacy of national lockdown, who should be accountable for the second wave of covid, deficiencies in oxygen and hospital infrastructure in overall it impacts welfare of people.

Such disputes, fights represent the devolution in authority also it facilitates common man:

- After initial challenges of Pandemic, the Union government ceded adequate space and autonomy to the states for strengthening their healthcare facilities, managing the localised lockdowns, and implementing social security measures to mitigate the impact of the pandemic.
- West Bengal, Delhi, Telangana and Odisha who were staying out of the Ayushman Bharat programme better entitlement-based health scheme in states.
- National education policy was viewed by Tamil Nadu government as a policy against social justice, federalism, pluralism and equality.
- As per the few oppositions ruled state government farmers the law was framed to suit big corporations who seek to dominate the Indian food and agriculture business and will weaken the negotiating power of farmers.

Way forward

- The inter-state tribunals, the NITI and other informal bodies have served as vehicles of consultations between the Union, states and UTs in such situations.
- These bodies have been instrumental in tackling difficult issues democratically through deliberations while upholding the cooperative spirit between the Union and states.
- Politically motivated fights must be abandoned and must not be entertained by the institutions. Instead, determined efforts must be made to resolve them within the political arena.
- The States must restrain themselves while defying the implementation of Central laws, if done it might lead to the breakdown of constitutional machinery.