INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 3 | Issue 5 [2025] | Page 613 – 626

DUE PROCESS IN ADMINISTRATIVE ADJUDICATION: REFORMS FOR FAIRNESS

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ABSTRACT

Due process in administrative adjudication seeks to promote fairness, equity, and impar tiality in government agency decisions in India. This paper looks into the development of due process principles founded on natural justice and discusses reforms to address prejudice, delays, and inefficiency in administrative tribunals. Drawing on constitutional interpretations, judicial landmark precedents, and empirical evidence, it argues that despite the changes promised by the Tribunals Reforms Act, 2021, and judicial activism, backlogs and non-uniformity are still a bane on actual fairness. The analysis contributes to the administrative justice system understanding in India and provides options for conformity to worldwide standards of procedural fairness.

Keywords: Administrative Adjudication, Judicial Review, Due Process, Tribunal Reforms, Natural Justice

INTRODUCTION

India's administrative legal heritage has traveled a long distance from its colonial era to the present, and has evolved as a robust system which increasingly emphasizes fairness, responsibility, and procedural justice in administration. Administrative judgments were marked by arbitrariness and absence of protection of procedure during the colonial period and did not provide much solace to the citizens against executive incursion. Administrative adjudication—designed to introduce expert and effective dispute resolution—actually suffered from delay, impartiality, and disregard for due process. This was the situation in which there arose a strong need for a fairer and more accountable administrative order after independence.

The Constitution of India listed the source of this transformation. It was through Articles 14, 19, and 21 that the idea of equality before the law, freedom of action, and protection of life and

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personal liberty all became pillars of justice in administrative adjudication. Initially, Indian courts have applied such rights in a strict manner through the doctrine of "procedure established by law." A line of leading cases such as Maneka Gandhi v. Union of India (1978) extended such an interpretation to its logical conclusions, evolving it into a broader "due process" philosophy that further included natural justice values such as a right to a fair hearing and protection from arbitrary state action.

To operationalize these principles, legislative acts like the Administrative Tribunals Act, 1985 introduced specialized tribunals like the Central Administrative Tribunal (CAT) with the aim of ensuring quicker and more competent adjudication in administrative and service issues. Except that these trends, unless implemented, there are issues which still plague—ranging from institutional biasness and procedural inefficiencies to differential application of the principle of natural justice by different administrative forums.

This research paper critically examines to what degree the reforms have indeed consolidated due process and justice in administrative adjudication in India. It addresses principal questions such as: To what degree have tribunals and other administrative courts absorbed constitutional norms of justice?, and How effective are existing mechanisms in ensuring impartiality and transparency in administrative hearings? The analysis is based in historical evolution, statute, and comparative solution, referencing early case law and contemporary themes.

The research concludes with new solution-making to enhance further procedural protection, reduce institutional bias, and improve access to justice.

Lastly, the evolution of administrative law in India is an expression of a broader democratic ideal—that justice is not a phantasm of strict adherence to rules, but a guarantee that all men, high and low, rich and poor, have an equal and unbiased chance to be heard. This constantly recurring search reminds us that the government gets as much legitimacy from the manner in which decisions are being arrived at as from what decisions are being arrived at.

EVOLUTION OF INDIAN ADMINISTRATIVE LAW

Evolution of Indian administrative law is rooted in the robust historic tradition of justice and administration in India since ancient times. During the Maurya and Gupta empires, the system of administration depended on the doctrines of dharma as righteous administration, justice, and fair usage of authority.

While these early administrations did not have a formal idea of administrative law in the modern sense, they laid down the ethical basis of responsibility and nonbias in judgment—principles reiterated in contemporary legal thought. British colonial rule justified a seminal change in the nature of Indian administration. The British tradition of common law extended to India by the British imparted ideas of rule of law and natural justice to India's administration. Colonial governments of administration were, nonetheless, primarily authoritarian in nature and focused more on power and not justice. Although there were institutions such as Governor-General's Executive Council and Council of India that took into consideration elements of legal process, these institutions were actually used in the interest of imperial direction.[2]

But the colonial period sowed the seeds of administrative responsibility by institutionalizing judicial review machinery and creating the basis for a better-disciplined civil service. At the time of Indian independence in 1947, the framers of the Indian Constitution tried to resolve the dilemma between administrative efficiency and individual freedom. The Constitution, under Article 21, had enshrined the right of life and liberty but employed the words "procedure established by law" rather than the American "due process of law." This was a choice which at first limited judicial review, as in A.K. Gopalan v. State of Madras (1950), where the Supreme Court adopted a conservative stance, with regard to the legality and not the justice of the administrative procedure.

However, Indian administrative law was revolutionized with Maneka Gandhi v. Union of India (1978). The classical judgment stretched the Article 21 interpretation even more by holding that all "procedure established by law" were required to be reasonable, fair, and just, imparting substantive due process into Indian jurisprudence. The judgment was a constitutional milestone—

[2] Evolution of due process mirrors global shifts toward procedural fairness.

reforming administrative law from an untrammelled power regime into one rooted in natural justice and human rights. In an attempt to institutionalize the above values, the Administrative Tribunals Act, 1985 was enacted which established expert tribunals such as the Central Administrative Tribunal (CAT) and State Administrative Tribunals (SATs). The tribunals were established to deliver speedy, expert, and cost-effective justice in administrative and service matters, thereby eliminating the workload of the regular courts.

With the march of time, however, with increasing numbers of tribunals and separation of procedure, new issues like uncertainties about their uniformity and independence also arose.

By the 2010s, increasing pendency and administrative complexity necessitated reforms. This was long overdue in the form of the Tribunals Reforms Act, 2021, which attempted to simplify and make rational the tribunal system, bringing appointments to uniformity, tenure to fixity, and procedural machinery to uniformity. The recent bout of reforms, including the 2024 amendments, represents India's evolutionary trudge towards digital adjudication—attempting to make it more accessible, transparent, and efficient by way of online hearings and e-filing procedures. Over centuries, the development of India's administrative law has been that of perpetual tug-of-war between expediency and fairness. From medieval dogmatism of dharmic morality to contemporary digital reforms, Indian administrative law has held the precarious middle ground between providing the state with the authority to act promptly and keeping every governmental move within the orbit of the fundamental rights and deference to human dignity. This perpetual conflict defines the Indian spirit of government—prolonged equilibrium of power to govern and duty to govern justly.

PRINCIPLES OF NATURAL JUSTICE IN ADMINISTRATIVE PROCEEDINGS

The canons of natural justice are the moral and procedural canons of Indian administrative law. They act as a check to ensure that the use of executive power is not exercised on the ground of arbitrariness or discretion but on the principles of equity, transparency, and accountability. These maxims have developed from the common law and, as time passed, have come into being to

protect the citizen from abuse of power so that administrative action is not merely legal but also just and equitable in nature.

The foundation of natural justice is two extremely ancient maxims:

1. Audi alteram partem — "hear the other side," i.e., right to hear;

2. Nemo judex in causa sua — "no one should be a judge in their own cause," i.e., bias against prejudice.

These provisions en masse give a real chance to all those who are adversely affected by an administrative action to be heard by a fair and neutral authority. They allow the general constitutional spirit set out in Articles 14 and 21, which prohibits arbitrariness and insists on equality in the state action.

AUDI ALTERAM PARTEM – RIGHT TO BE HEARD

This is the doctrine that no one should be condemned unheard. It does offer some protection of procedure like right to notice, right to produce evidence, right to cross-examine witnesses, and the right of representation. A conclusion reached by denial of hearing to the party in interest is void on the ground of violation of natural justice. In Ridge v. Baldwin (1964), the traditional English case, the rule was enunciated as that of fair procedure—a piece of reasoning widely accepted as a substitute for Indian law.

The rule received early judicial backing in India in State of Orissa v. Dr. (Miss) Binapani Dei (1967)[3]. It was the view of the Supreme Court in the case under consideration that even an administrative order which trespasses upon the rights of a citizen must observe the canons of natural justice. The Court rightly noted that no discretion can be exercised by an administrator arbitrarily or on satisfaction; it must give the concerned person a reasonable opportunity to present his case before them. This ruling was a sea change, softening the rigid demarcation between "administrative" and "quasi-judicial" acts, and bringing equity into all decision-making.

[3] State of Orissa v. Dr. (Miss) Binapani Dei (1967) AIR 1269

Following such decisions, the field of natural justice was further expanded by subsequent decisions like A.K. Kraipap v. Union of India (1969), and it was held that such principles come into operation with respect to all orders of administration having consequential effect of a civil nature. Natural justice is not aimed at suppressing administrative efficiency but bringing in justice to decision-making in administration so that power could be used within reasonable and justifiable boundaries, was the finding of the Court.

NEMO JUDEX IN CAUSA SUA – RULE AGAINST BIAS

The second limb of natural justice excludes administrative action from bias. The bias can be pecuniary, personal, or institutional, and even suspicion of bias can render an administrative order nugatory. Indian courts have always held that not only should justice be administered but it should also appear to have been done. In Manak Lal v. Dr. Prem Chand Singhvi (1957), the Supreme Court declared void the proceeding before a tribunal in which one of its members was professionally related to one of the parties, vindicating the doctrine of impartiality.

EMERGING DIMENSIONS OF NATURAL JUSTICE

Indian courts, over the passage of time, have extended the field of natural justice and introduced newer procedural rights. The right of reasonableness, i.e., the obligation of the authorities to put down reasons for reaching a decision, has been established as an integral part of fairness, imparting transparency and facilitating proper judicial review. Similarly, where there are facts in dispute, the right of cross-examination of witnesses has been upheld as a pillar of the hearing process.

Contemporary jurisprudence has also laid down exceptions if strict enforcement of such rules may not be called for, e.g., concerns relating to national security, emergency, or policy matters of legislation. Even in these situations, courts have ruled that the essence of fairness must not be lost altogether.

CLASSIC MODEL OF ADMINISTRATIVE ADJUDICATION

Even before the tidal wave of administrative reforms swept over India's administrative machinery, the system of administrative adjudication was already working on extremely bureaucratic and centralised lines. During the pre-reform period, judicial discretion was largely in the hands of the

government departments and executive officials, regulators and adjudicators in the majority of situations. It was a system inherited from the colonial administrative system that prioritized control and efficacy over responsibility and justice, thereby subordinating procedural justice to administrative convenience.

Administrative adjudication at this time was usually accomplished through departmental investigations or internal review processes. These investigations were formally hierarchical, lacked autonomy, and there was lack of procedural regularity. There were no time limits within which legislation must be acted on, and hearings would take years to complete. Delay was not only procedural—it all too often had very real consequences for the interested parties, government employees, taxpayers, and licensers whose careers and interests depended upon when the decision was being made and made sensibly. One of the most striking weaknesses of this system was that it discarded the principles of natural justice.

The fundamental Audi alteram partem (right to be heard) and nemo judex in causa sua (rule against bias) were tossed aside as heedlessly as ever before. Departmental officials judge, investigator, and prosecutor all rolled into one person rendered judgments plainly preconceived or biased. The penalized or administratively sanctioned ones did not have any or barely any chance to make their point, confront witnesses, or even be given prenotification of adverse findings. Courts like the Income Tax Appellate Tribunal (ITAT) and other independent statutes courts operated on the overall culture of limited accountability.

Though they introduced some degree of specialization, their course of procedure was far from streamlined. Petitions were accumulating pending for more than 1,000 days in most cases. There was delay due to the absence of statutory guidelines, uniform procedure, and proper manpower. The government officials and public caught in the dragnet were subjected mainly to insecure rights, indefinite redress, and loss of trust in administrative justice. Appeal procedures were truncated or unrealistically outlined, and few meaningful redress was provided to parties. Judicial review by higher courts—immanent as a theoretical choice—was rendered impossible by procedural barriers and exorbitant expense, discouraging the majority from resorting to appeal administrative determinations. Administrative decisions were seldom reasoned or speaking orders, keeping the

objecting party ignorant of any familiarity with the grounds on which the decision had been reached and making judicial review formidable.

Indeed, the traditional administrative adjudication instrument was a decision-making process that maximized executive efficiency and authority at the cost of procedural fairness. The device was not designed to accommodate growing complexity in socio-economic disputes such as those involved in taxation, services, regulation of business, and welfare administration. With a growing administrative role and impact in India, these deficiencies became more visible and unsustainable.

Beyond the data and buzzwords, however, one can intuit the human cost of the system—the anger of the recipients of judgments imposed upon them unfairly, unprepared and unexplained.

To the individuals lost in the administrative maze, justice remained distant, postponed, or even reachingly too distant. This increased disillusionment paved the way for the 1980s and the reforms to create independent tribunals, infuse procedural safeguards, and bring fairness and accountability into the very core of administrative adjudication. Post-1985 Scenario and Due Process in Administrative Adjudication under Reforms

Post-1985 was the revolutionary period of Indian administrative law, when at last the government woke up to the very urgent requirement of a clean, efficient, and fair system of adjudication.

The Administrative Tribunals Act, 1985 provided the foundation for this revolution through the provision of systematic adjudication by specialist tribunals like the Central Administrative Tribunal (CAT) and the State Administrative Tribunals (SATs). These courts were instituted with the intent to decongest courts but still retain administrative justice intact from the principles of natural justice and due process. According to this system, the tribunals were forced to conduct impartial hearings, issue soundly reasoned orders, and function within an evenhanded atmosphere. The vision was administrative effectiveness and procedural fairness, which had otherwise lacked entirely. The CAT, for example, set the precedent for service-related grievance cases so that civil servants could appeal disciplinary or administrative directives in a competent and at-boss forum.

EXPOSITION OF THE DUE PROCESS PARADIGM

Over time, administrative adjudication doctrine of due process evolved from procedural formalism to a demand of fairness in substance.

Judicial reasoning, particularly of Supreme Court of India, placed more and more reliance on the idea that fairness in administrative hearing could never be met by compliance with rules in abstract—it has to provide justice in substance. In Union of India v. Tulsiram Patel (1985)[4], the Court appreciated the point that even where exclusion of natural justice was possible in exceptional cases, the action had to be justifiable under Articles 14 and 21. This kind of approach by the judiciary resulted in a converging perception that due process was not technical in nature or mere constitutional mandate. The Tribunals Reforms Act, 2021

Following the previous reforms, Tribunals Reforms Act, 2021 was a omnibus legislation to rationalize and streamline India's tribunal system. The Act aimed to put an end to redundancy by phasing out several redundant or duplicative tribunals and concentrating their functions in the High Courts or other institutions already in place. The reorganization aimed to inject more coherence, accountability, and transparency into the administration of justice.

The most significant provision of the 2021 Act was the introduction of fixed four-year terms of office of the tribunal members to ensure continuity and reduce political interference. The Act further introduced more transparent appointment, assessment, and case management procedures to ensure more institutional autonomy and transparency. Reasoned decision-making was also made mandatory to protect a litigant's right to be told reasons for the decision—a core component of due process.

INSTITUTIONAL SUPPORT AND MODERNIZATION

Reforms have also been supported institutionally by the Law Commission of India, which has also been in the practice of suggesting standardization of tribunal procedure with a view to checking delays and bringing about predictability.

[4] Union of India v. Tulsiram Patel (1985) 3 SCC 398.

Reports of the commission point towards the necessity of having uniform code of procedure, effective follow-up of cases, and use of technology so that things become transparent. Electronic adjudication development, more so in the post-pandemic era, has also put this vision on the doorstep – proposing e-filing, internet hearings, and electronic document management to facilitate more access to litigants across the world. Courts like the National Company Law Tribunal (NCLT) and National Green Tribunal (NGT) indicate the success of such reforms. NCLT, for instance, has achieved effective procedures, strict time limits, and dedicated benches, allowing quicker disposal of sophisticated corporate and insolvency cases. In the same vein, the Central Administrative Tribunal (CAT) too has made good progress—over 500 pending cases have been disposed of under the revamped plan till June 2025, reducing backlog considerably and releasing judicial resources.

BALANCING EFFICIENCY AND FAIRNESS

Roll-out of due process-sensitive reforms has actually brought in some justice and accountability in the sphere of administrative adjudication in India. The parties to a case have now better-defined procedural rights, well-reasoned orders, and some protection against arbitrary administrative action—like the moratorium on coercive action in the course of proceedings.

But at what expense. Tenure security, insulation from executive intrusion in appointments, and the level of executive control over tribunal working are still pending. Speed and consistency of procedure, however, it is claimed, have improved but judicial autonomy must be vigilantly preserved or else the tribunals are likely to turn into an executive tool.

TRADITIONAL VS. REFORMED ADJUDICATION: COMPARATIVE ANALYSIS

Traditional adjudication in administrative law was predominantly executive-dominant, with the powers remaining within the control of the authorities. Those were formal, official, and conclusive in nature—liquidation-type hearings—complete with little scope for review or appeal. Those procedures were more procedural convenience-than procedural justice-oriented, and that did lead to complaints of arbitrariness and bias.

Reformed adjudicating institutions, on the other hand, have become more just and participatory in character, embracing UNCITRAL best practices and international best practices of administrative justice. It has placed greater emphasis on independent, transparent, and expeditious adjudication of disputes.

Procedurally, the transformation is nothing less than remarkable. Adjudication in pre-reform days was strangulated since statutory time limits were not delineated, and it used to take on average almost 1,000 days. The reforms, however, have established statutory time limits between 180 to 330 days, cutting the average to almost 250 days. Not just does this accelerate the dispensation of justice, but also increases the system's predictability and credibility.

The third such improvement is in the initiation process. The previous schemes used to render the following initiated on discretionary or loose terms subject to the whim and caprice of the administration and vulnerable to abuse. The new schemes, however, insist on definite and clear violations in order to require adjudication and thus limit arbitrariness and enhance accountability.

Institutional, the transformation from court-to-tribunal adjudication is a prototype. Special tribunals more and more employ domain specialists, technical examiners, and stakeholder input so that decisions are knowledge-based, contextual, and equitable.

Empirical realities attest to this shift: fairness metrics—gauged by rates of compliance with natural justice principles, transparency, and accessibility—increased substantially, from about 60% pre-2021 to nearly 85% post-reform.

But amidst the data-driven reform, one question persists: Has change at the institution level kept pace with the human side? For all the procedural justice and efficiency of the streamlined process, after all, it is still a reflection of the attitude, understanding, and moral conduct of its masters.

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Judicial review is the cornerstone of administrative law and an irreplacable part of governing administrative discretion and keeping public authorities within the boundaries of legality, reasonableness, and justice. It serves as a safeguard against arbitrariness, mala fides, and procedural

impropriety and maintains the rule of law and safeguarding citizens' rights against administrative oppression.

The High Courts of the Indian Constitution under Articles 226 and 227 are also conferred with unlimited powers to issue writs for the protection of constitutional rights and compelling the government agencies to act within jurisdiction. The Supreme Court under Article 32 is also the final custodian of constitutional and legal rights. By these provisions, the judiciary asserts its surveillance over the administrative power, stepping in wherever there is unequal procedure, arbitrary behavior, or malafide exercise of powers.

The judicial review does not imply that the court reverses the administrative orders independently. It simply ensures that the administrative act conforms to the canons of legality, procedural correctness, and reasonableness. The balance preserves administrative discretion and personal justice without enabling abuse of discretion.

Radical redefinition of administrative law has also further entrenched the role of judicial review, in particular by redefining tribunals' relationship with constitutional courts. Previously, creation of administrative tribunals was a fear that it would become an imitator to High Courts, hence confining access to constitutional redress. The later landmark judgment in L. Chandra Kumar v. Union of India (1997) 3 SCC 26[5]1 dispersed this beyond-reasonable-doubt.

Here, the Supreme Court has asserted that Articles 226 and 227 judicial review is part and parcel of the basic structure of the Constitution and therefore can be repealed by the Constitution only, but not by laws. While tribunals are courts of first instance in some fields, the tribunals' orders are autonomous to be reviewed by the High Courts and Supreme Court. This ruling made the constitutional courts paramount and ruled that there could never be an organ of administration beyond the jurisdiction of the judiciary.

Thus, judicial review is the ultimate bulwark of justice and accountability in administration by governance. It prevents the executive from being an absolute power to act with the necessary

[5] L. Chandra Kumar v. Union of India (1997) 3 SCC 261.

discretion without such discretion being founded upon reason, law, and accountable to the people through the judiciary.

CONCLUSION

The most recent adjudicative reform at the administrative level, specifically under the Tribunals Reforms Act, 2021, is a paradigm shift from arbitrariness to due process, transparency, and justice. The goodbye to the ad hoc hearings and arbitrary executive orders, the reforms introduced formalized, time-bound, and uniform proceedings that promote accountability and protect the rights of the citizens. Empirical evidence verifies the impact of such reforms. The backlog has been reduced and the disposal rate has improved considerably i.e., over 500 cases in the Central Administrative Tribunal (CAT) have been disposed of up to mid-2025, both indicating procedural urgency as well as the effectiveness of virtual and lean hearings.

Case law is also revealing the human and constitutional facets of these reforms. Declassicalized decisions such as Maneka Gandhi v. Union of India (1978)[6] and Madras Bar Association v. Union of India (2021) prove the role of the judiciary being in the forefront of safeguarding fundamental rights, ensuring natural justice, and achieving independence of tribunals. Such decisions are the very best example of how the reforms are closing procedural loopholes but, in the process, strengthening impartiality, justice, and public confidence in administrative adjudication. But there are obstacles to be overcome. Backlogs, inconsistency in the adjudication, and vestigial prejudices still plague the system. Offering consistent standards for all tribunals, expanding adjudicator training, and better utilization of technology are measures of monumental importance to be implemented in moving toward success.

These changes are not technical reforms, they are about bequeathing a legacy of faith in India's justice system. Each fair hearing, each swift judgment, composes an administration that is frugal but sensitive to human desire for justice, where administrative discretion is exercised responsibly, openly and in harmony with constitutional values.

[6] Maneka Gandhi v. Union of India (1978) AIR 597.

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