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Q8

What is quasi judicial body? Explain with the help of concrete examples.

UPSC Civil Services Mains 2016 · GS II · 12 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- What is a quasi judicial body? Explain with the help of concrete examples
- Define the idea against courts and pure administration, then illustrate with constitutional and statutory Indian bodies

Revision summary

A quasi-judicial body is not a court but must hear parties and give a reasoned, binding decision on rights.

Articles 323A and 323B and many sector statutes create such forums.

NHRC, CIC, NGT, CAT, CCI and consumer commissions are concrete examples.

Some Election Commission and tax-assessment functions are also quasi-judicial.

The category attracts natural justice and writ review, unlike a pure policy circular.

Introduction

A quasi-judicial body is an authority that is not a court of law but must hear parties, follow natural justice, and give a reasoned decision that affects rights, often subject to appeal or judicial review. India uses such bodies to take technical disputes off the regular civil and criminal dockets while still keeping a court-like process. Concrete statutory and constitutional examples make the definition usable, not abstract.

Body

Meaning

- "Quasi" means "as if": the body acts like a court for a limited class of disputes, but it is created by statute or by the Constitution as an administrative or regulatory authority, not as a Chapter IV or Chapter V court under **Articles 124** to 147 or 214 to 231.
- The minimum legal tests, drawn from natural-justice cases and from tribunal law, are notice, hearing, absence of bias, a speaking order, and a decision that binds the parties unless stayed or set aside.
- It applies law or regulations to facts, rather than only issuing circulars or collecting tax without a contest. A pure executive order with no hearing is administrative; a civil suit before a district judge is judicial; the middle is quasi-judicial.
- **Article 323A** and **Article 323B** authorise tribunals for service and other matters; those tribunals are a constitutional species of quasi-judicial bodies, still under High Court review after L.

Chandra Kumar.

- Many regulators combine legislative (regulations), executive (licence) and quasi-judicial (penalty, tariff, combination approval) functions in one organisation, which is why the "body" must separate its hearing wing in practice.

Concrete examples

- The **National Human Rights Commission**, under the **Protection of Human Rights Act, 1993**, inquires into complaints, summons records, and recommends relief; it is quasi-judicial in inquiry, not a criminal court that can sentence.
- The **Central Information Commission** and **State Information Commissions**, under the **Right to Information Act, 2005**, hear second appeals and can impose penalty under **Section 20**; those penalty orders are quasi-judicial.
- The National Green Tribunal, under the **National Green Tribunal Act, 2010**, decides environmental disputes with expert members and has powers of a civil court for defined purposes, yet it is a statutory tribunal, not a High Court.
- The Central Administrative Tribunal, under the **Administrative Tribunals Act, 1985**, hears service disputes of All India Services and Central civil posts, a classic **Article 323A** example.
- The **Election Commission of India**, when it decides disputes on party symbols under the Symbols Order, or when it issues a reasoned order on a Model Code complaint that affects a candidate, acts in a quasi-judicial way, even though **Article 324** also gives it wide administrative superintendence.
- The **Competition Commission of India** under the Competition Act, 2002, the Securities and Appellate machinery around SEBI, TRAI with the Telecom Disputes Settlement and Appellate Tribunal, and income-tax assessing officers when they pass a best-judgment assessment after hearing, are everyday quasi-judicial examples.
- National and **State Consumer Disputes Redressal Commissions** under the **Consumer Protection Act** (1986, now 2019) decide consumer complaints with a simplified procedure; they are quasi-judicial forums, not ordinary civil courts.

Why the category matters

- If a body is quasi-judicial, mandamus and certiorari under **Article 226** lie more readily against a speaking-order defect, and the record must show reasons.
- If the same body only makes policy, courts give more deference. Labelling a penalty as "administrative" cannot hide a duty to hear.
- **Concrete examples therefore train the administrator:** NHRC, CIC, NGT, CAT, CCI and consumer commissions all show the same skeleton of notice, hearing and reason, with different subject statutes.

Flow diagram

Administrative action -> Quasi-judicial hearing
 Quasi-judicial hearing -> Notice hearing reasons
 Quasi-judicial hearing -> Statute or Arts 323A 323B
 Regular courts -> Articles 32 226 136
 Notice hearing reasons -> Articles 32 226 136

Conclusion

A quasi-judicial body decides rights through a court-like hearing without being a regular court. NHRC, **Information Commissions**, NGT, CAT, the **Competition Commission**, consumer commissions, and some functions of the **Election Commission** are working Indian examples. The label matters because natural justice and judicial review attach to that hearing, which is the whole point of creating the body.

Facts & figures

Articles 323A and 323B

Enable administrative and other tribunals, a constitutional home for many quasi-judicial bodies, subject to High Court judicial review.

Protection of Human Rights Act, 1993

Creates the NHRC and **State Commissions** with inquiry and recommendatory powers of a quasi-judicial character.

Right to Information Act, 2005

Empowers Information Commissions to hear appeals and impose penalties under **Section 20** after a quasi-judicial process.

National Green Tribunal Act, 2010

Sets up an expert environmental tribunal with civil-court powers for scheduled enactments.

Administrative Tribunals Act, 1985

Creates CAT and State administrative tribunals for service matters under the **Article 323A** scheme.

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