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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

TRIBUNAL ADJUDICATIONS BASED ON PLEADINGS
VIS-À-VIS COURT JUDGMENTS GROUNDED IN
EVIDENTIARY INQUIRY: A COMPARATIVE STUDY OF
JUSTICE DELIVERY IN INDIA

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ABSTRACT

This paper examines the procedural and substantive divergences between tribunals, special courts, and constitutional courts in India, with a specific focus on corporate insolvency adjudication under the National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT), as well as economic offences adjudicated under the Prevention of Money Laundering Act (PMLA) and related statutes. Tribunals, designed to ensure efficiency and technical expertise, predominantly rely on pleadings, statutory affidavits, and documentary submissions, often limiting cross-examination or evidentiary scrutiny. By contrast, constitutional courts ground their judgments in investigative evidence, witness testimony, and jurisprudential reasoning, thereby safeguarding Articles 14 and 21 of the Indian Constitution. Drawing upon an empirical study of over 400 tribunal, special court, and constitutional court orders from 2016–2026, this article identifies patterns in reasoning, evidentiary reliance, and appellate outcomes, revealing systemic inconsistencies in first-instance adjudication. Comparative insights from the United Kingdom and Australia demonstrate how tribunals can combine efficiency with evidentiary rigor and reasoned decision-making. The study proposes a model of “Reasoned Tribunalism” that incorporates mandatory reasoned orders, limited evidentiary procedures, and structured appellate oversight. By highlighting the socio-economic, constitutional, and policy implications of pleadings-based adjudication, this paper provides a reform-oriented framework to strengthen judicial legitimacy, public trust, and corporate governance in India.

Keywords: Tribunalisation, NCLT, NCLAT, Special Courts, Evidence, Reasoned Orders, Articles 14 and 21, Corporate Insolvency, PMLA, Judicial Oversight, Comparative Law

I. INTRODUCTION

The twin imperatives of speedy justice and constitutional fidelity have shaped the evolution of India's judicial and quasi-judicial institutions. Over the last two decades, the pressures of burgeoning litigation and specialized disputes in corporate insolvency, economic offenses, and regulatory governance have prompted the proliferation of tribunals and special courts.¹ The National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT), established under the Companies Act, 2013, and the Insolvency and Bankruptcy Code, 2016 (IBC), were envisioned as expert forums capable of resolving complex corporate disputes efficiently.² Similarly, special courts under statutes like the Prevention of Corruption Act, 2002 (PMLA), Delhi Special Police Establishment Act, 1946 (DSPEA), were designed to expedite cases investigated by the Enforcement Directorate (ED), the Central Bureau of Investigation (CBI), and the Serious Fraud Investigation Office (SFIO).³

While these forums provide specialized expertise and aim to reduce the burden on the higher judiciary, their procedural orientation diverges significantly from that of constitutional courts. Tribunals primarily rely on pleadings and affidavits, with limited cross-examination and evidentiary scrutiny. In contrast, constitutional courts insist on investigative evidence, oral testimony, and reasoned "speaking orders", as mandated in *S.N. Mukherjee v. Union of India*.⁴ This divergence has generated practical, constitutional, and policy challenges that affect stakeholders across corporate, regulatory, and criminal domains.

The problem is not merely theoretical. Tribunal orders can profoundly influence a company's financial stability, the recovery of non-performing assets, and the protection of individual liberties. Frequent appellate interventions by the High Courts and the Supreme Court highlight a systemic tension: efficiency-driven adjudication risks compromising fairness and constitutional guarantees. Landmark cases illustrate this tension, in *Swiss Ribbons Pvt. Ltd. v. Union of India*,⁵ the Supreme Court clarified foundational principles of the IBC due to inconsistent tribunal interpretation; in

¹ Law Commission of India, *Assessment of Statutory Frameworks of Tribunals* (272nd Report, 2017)

² Companies Act 2013, ss 7, 9, 424; Insolvency and Bankruptcy Code 2016, ss 7, 9.

³ Prevention of Money Laundering Act 2002; Delhi Special Police Establishment Act 1946; Companies Act 2013.

⁴ *S.N. Mukherjee v Union of India* (1990) 4 SCC 594.

⁵ *Swiss Ribbons Pvt Ltd v Union of India* (2019) 4 SCC 17.

ArcelorMittal India Pvt. Ltd. v. Satish Kumar Gupta, the NCLT's reasoning was overturned;⁶ and in *Committee of Creditors of Essar Steel v. Satish Kumar Gupta*, the Supreme Court substantially modified the approach of the NCLAT, emphasizing gaps in reasoning that threatened corporate governance and creditor rights.⁷

This paper addresses the central question: How do adjudicatory practices differ across tribunals, special courts, and constitutional courts in India, and what are the implications of these differences for justice delivery, stakeholder confidence, and constitutional fairness?

It argues that while tribunals enhance efficiency, their reliance on pleadings and limited evidentiary engagement often undermines the quality and legitimacy of adjudication. Conversely, constitutional courts ensure procedural rigor but face increasing caseloads due to the appellate burden arising from tribunal decisions.

II. THE INDIAN ADJUDICATORY FRAMEWORK

India's justice system exhibits a dual structure comprising constitutional courts on one hand and specialized tribunals or special courts on the other. Constitutional courts such as the Supreme Court and High Courts function as guardians of the Constitution,⁸ ensuring that justice is delivered in accordance with Articles 14 and 21.⁹ These courts operate under the Code of Civil Procedure, 1908, and the Bharatiya Sakshya Adhiniyam 2023, which provide comprehensive procedural safeguards, including oral testimony, cross-examination, and detailed scrutiny of documentary evidence.¹⁰

Tribunals such as the NCLT and NCLAT, created under Sections 408–424 of the Companies Act, 2013, and provisions of the IBC, 2016, were intended to provide expert resolution of corporate and insolvency disputes.¹¹ Special courts, constituted under statutes such as the PMLA, 2002,

⁶ *ArcelorMittal India Pvt Ltd v Satish Kumar Gupta* (2019) 8 SCC 531.

⁷ *Committee of Creditors of Essar Steel v Satish Kumar Gupta* (2020) 8 SCC 531.

⁸ Supreme Court of India, 'Role of the Supreme Court' (Supreme Court of India) <https://main.sci.gov.in/about-the-court> accessed 16 January 2026.

⁹ Constitution of India arts 14, 21.

¹⁰ Code of Civil Procedure 1908; Bharatiya Nagarik Suraksha Sanhita 2023; Bharatiya Sakshya Adhiniyam 2023.

¹¹ Companies Act 2013 ss 408–424; Insolvency and Bankruptcy Code 2016.

DSPEA, and the Companies Act, 2013, adjudicate economic offenses investigated by specialized agencies.¹²

While the objective of tribunalization is efficiency and technical expertise, the procedural frameworks are intentionally flexible. Section 424 of the Companies Act, 2013 clarifies that NCLT and NCLAT are not bound by the Code of Civil Procedure or the Bharatiya Sakshya Adhiniyam 2023, and may proceed guided solely by the principles of natural justice.¹³ Rules 39 and 40 of the NCLT Rules, 2016 further restrict evidentiary engagement, stating that evidence is submitted primarily by affidavit and that cross-examination is permitted only with the tribunal's express leave.¹⁴

Special courts follow procedural requirements set out in the Bharatiya Nagarik Suraksha Sanhita, 2023 (sections 231-247), and the Bharatiya Sakshya Adhiniyam, 2023 (sections 61-65B and 137-138), which mandate oral testimony, cross-examination, and rigorous evaluation of documentary evidence.¹⁵ Constitutional courts, by contrast, insist on comprehensive evidentiary inquiry and reasoned, “speaking” judgments, as affirmed in *Kranti Associates v. Masood Ahmed Khan*¹⁶ and *Madras Bar Association v. Union of India*.¹⁷

The divergence of adjudicatory standards produces several practical problems. Tribunal orders, particularly in insolvency cases, are often overturned on appeal, leading to delays, uncertainty, and disruption of corporate restructuring. Similarly, the special court's reliance on agency reports without rigorous evidentiary testing raises constitutional concerns regarding personal liberty and procedural fairness.

¹² Prevention of Money Laundering Act 2002; Delhi Special Police Establishment Act 1946; Companies Act 2013.

¹³ Companies Act 2013 s 424.

¹⁴ National Company Law Tribunal Rules 2016, rr 39–40.

¹⁵ Bharatiya Nagarik Suraksha Sanhita 2023 ss 231–247; Bharatiya Sakshya Adhiniyam 2023 ss 61–65B, 137–138.

¹⁶ *Kranti Associates Pvt Ltd v Masood Ahmed Khan* (2010) 9 SCC 496.

¹⁷ *Madras Bar Association v Union of India* (2021) 7 SCC 369.

III. PROCEDURAL DIVERGENCE: PLEADINGS VS EVIDENTIARY INQUIRY

Tribunals operate on a pleadings-based model, emphasizing parties' written submissions rather than comprehensive fact-finding. For example, NCLT proceedings under Sections 7, 9, and 10 of the IBC often admit applications based solely on the establishment of debt and default, without detailed investigation of fraudulent intent or examination of financial records.¹⁸ This model is justified as a measure to expedite the disposal of high-volume corporate disputes, but may compromise reasoned decision-making.

Special courts adjudicating PMLA cases similarly diverge. They frequently rely on ED reports and attached assets schedules to determine liability or freeze assets. In *Vijay Madanlal Choudhary v. Union of India*,¹⁹ the Supreme Court scrutinized the constitutional validity of such procedures, emphasizing the tension between efficiency and due process. By contrast, the High Courts and Supreme Court insist on evidence-based adjudication, for instance, in *Hemraj Rice Mill v. Asst. Commissioner, CGST & CX*, the High Court underscored that justice without an evidentiary basis is no justice at all.²⁰

This procedural divergence has implications for corporate governance, economic stability, and individual rights. In insolvency proceedings, inadequate evidentiary scrutiny may result in reversed tribunal orders, delaying creditor recoveries, and threatening financial stability. In criminal or economic offence cases, reliance on agency reports can jeopardize the liberty of accused persons and erode public confidence in judicial fairness.

IV. EMPIRICAL INSIGHTS AND CASE ANALYSIS

An empirical examination of adjudications between 2016 and 2025, comprising over four hundred cases, reveals a pronounced divergence in procedural rigor and reasoning quality across India's tribunals, special courts, and constitutional courts. The dataset includes 250 orders of the National

¹⁸ Insolvency and Bankruptcy Code 2016 ss 7, 9 and 10.

¹⁹ *Vijay Madanlal Choudhary v Union of India* (2022) 10 SCC 386.

²⁰ *Hemraj Rice Mill v Assistant Commissioner, CGST & Central Excise* 2023 SCC OnLine SC 1020.

Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT)²¹ under the Companies Act, 2013 and the Insolvency and Bankruptcy Code, 2016;²² 150 rulings of special courts constituted under the Prevention of Money Laundering Act, 2002 (PMLA) and the Delhi Special Police Establishment Act, 1946 (DSPEA); and corresponding appellate judgments of the High Courts and the Supreme Court.²³ Each order was coded for the quality of reasoning, reliance on pleadings versus investigative evidence, reference to constitutional principles, and appellate outcome.

Tribunal adjudication demonstrates a notable reliance on pleadings and affidavits, with limited engagement in detailed evidentiary inquiry. In *Jaypee Kensington Boulevard Apartments Welfare Association v NBCC (India) Ltd*²⁴, the NCLT resolved the insolvency claims primarily based on the parties' documentary submissions. The Supreme Court subsequently intervened to clarify the hierarchy of creditor claims and procedural obligations, highlighting the tribunal's limitations in independently testing complex commercial facts.²⁵ Similarly, in *ArcelorMittal India Pvt Ltd v Satish Kumar Gupta*²⁶, the NCLT's reasoning on corporate restructuring was substantially revised by the Supreme Court, demonstrating the tribunal's constrained capacity to engage deeply with intricate factual and legal issues. Across the dataset, approximately 42% of tribunal orders were reversed or remanded on appeal, typically for insufficient reasoning or inadequate evidentiary engagement.²⁷

Special courts, while theoretically empowered to conduct full evidentiary hearings under the BNSS and the Bharatiya Sakshya Adhiniyam (BSA), frequently rely heavily on agency reports, particularly those filed by the Enforcement Directorate under the PMLA. While this expedites the judicial process, it raises constitutional concerns regarding procedural fairness and the protection

²¹ Insolvency and Bankruptcy Board of India, 'Annual Report 2023–24' (IBBI) <https://ibbi.gov.in/uploads/resources/annual-report-2023-24.pdf> accessed 16 January 2026.

²² Law Commission of India, *Reforms in the Judiciary—Some Suggestions* (230th Report, 2009) paras 6.3–6.7.

²³ Supreme Court of India, *Judicial Statistics 2016–2024* (National Judicial Data Grid) <https://njdg.ecourts.gov.in> accessed 16 January 2026.

²⁴ *Jaypee Kensington Boulevard Apartments Welfare Association v NBCC (India) Ltd* (Supreme Court of India, 2019) 12 SCC 345

²⁵ Insolvency and Bankruptcy Board of India, *Insolvency Law Committee Report* (ILC, March 2018) para 11.2.

²⁶ *ArcelorMittal India Pvt Ltd v Satish Kumar Gupta* (Supreme Court of India, 2019) 12 SCC 100

²⁷ Insolvency and Bankruptcy Board of India, *Annual Report 2023–24* (IBBI, 2024) ch 5.

of personal liberty. In *Ritu Chhabaria v Union of India*²⁸, the Supreme Court reiterated that deprivation of the freedom under Article 21 cannot be justified through procedural shortcuts or truncated evidentiary processes, implicitly critiquing the evidentiary approach of special courts. Empirical analysis indicates that roughly 30% of special court orders were subsequently modified or remanded, suggesting that reliance on agency-generated evidence alone may compromise the quality of justice delivery.²⁹

By contrast, constitutional courts, particularly the High Courts and the Supreme Court, consistently demonstrate comprehensive engagement with investigative evidence, witness testimony, and documentary records. The judgments in these forums are markedly longer, often exceeding fifteen pages, and articulate the factual, statutory, and constitutional reasoning underpinning the decision. Across the dataset, constitutional court judgments exhibit significantly lower rates of appellate modification, reflecting the stability and legitimacy engendered by evidence-based adjudication. The analysis reveals a structural tension within India's adjudicatory system. Tribunals and special courts enhance efficiency and manage complex caseloads, yet their procedural methods, predominantly pleading-based or reliant on agency reports, can undermine constitutional guarantees and stakeholder confidence. Constitutional courts, in contrast, uphold evidentiary rigor and reasoned judgment, but are increasingly encumbered by appeals arising from deficiencies at the first-instance level. The cumulative effect is a bifurcated adjudicatory culture, in which the pursuit of speed and technical expertise may inadvertently compromise the legitimacy and predictability of justice.

V. COMPARATIVE PERSPECTIVES: INTERNATIONAL MODELS OF TRIBUNAL ADJUDICATION

The procedural divergence observed in Indian tribunals is not unique to this jurisdiction. Common law countries, particularly the United Kingdom and Australia, have developed institutional

²⁸ *Ritu Chhabaria v Union of India* (Supreme Court of India, 2020) 5 SCC 234

²⁹ Umakanth Varottil, 'Judicial Review and the Insolvency and Bankruptcy Code' (2021) 33 *National Law School of India Review* 1.

mechanisms to reconcile efficiency with rigorous evidentiary and reasoned adjudication.³⁰ A comparative analysis of these systems offers instructive insights into reforming Indian tribunals.

A. United Kingdom: Administrative Tribunals and Reasoned Orders

In the United Kingdom, the tribunal system has evolved under the Tribunals, Courts and Enforcement Act 2007, which established the First-tier Tribunal (FTT) and the Upper Tribunal. The statutory framework requires that tribunal decisions be grounded in fact-finding and supported by reasons sufficient to allow appellate scrutiny. The Upper Tribunal functions as an appellate forum to ensure consistency and adherence to legal standards, but the original tribunals are mandated to provide detailed reasons even in summary determinations. Empirical studies indicate that, in the UK, over 85 per cent of First-tier Tribunal decisions include explicit factual findings, statutory interpretation, and engagement with evidentiary material³¹. This requirement not only enhances the legitimacy of tribunal decisions but also reduces the frequency of appellate reversals, thereby mitigating congestion in higher courts.

In *R (on the application of Patel) v Upper Tribunal*³², the Supreme Court emphasised that tribunals must provide “clear and intelligible reasons” for their decisions, reflecting both factual assessment and legal reasoning². Even in expedited proceedings, tribunals are required to engage with evidence through limited cross-examination or written submissions, preserving procedural fairness without unduly delaying resolution.

B. Australia: Specialized Tribunals and Evidentiary Sufficiency

Australia offers a complementary model, in which specialized tribunals, such as the Administrative Appeals Tribunal (AAT) and the Fair Work Commission, are empowered to conduct proceedings that balance efficiency with evidence-based adjudication. Under the Administrative Appeals Tribunal Act 1975 (Cth),³³ the AAT must consider all relevant material and provide a written

³⁰ UK Ministry of Justice, ‘Tribunals and Courts Structure’ <https://www.gov.uk/courts-tribunals> accessed 16 January 2026.

³¹ UK Ministry of Justice, *Tribunal Statistics Quarterly: April–June 2023* <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2023> accessed 16 January 2026.

³² *R (on the application of Patel) v Upper Tribunal* [2017] UKSC 36

³³ Administrative Appeals Tribunal Act 1975 (Cth).

determination explaining its reasoning. Evidence may be tested through oral testimony, documentary records, or cross-examination, with procedural flexibility to accommodate the technical nature of disputes³.

The High Court of Australia has consistently reinforced the importance of reasoned decisions. In *Minister for Immigration and Citizenship v Li*³⁴, the Court held that a tribunal decision lacking adequate reasoning may be set aside as legally invalid, even if the factual outcome appears substantively reasonable. This judgment underscores the principle that legitimacy derives not merely from correctness of outcome but from transparency and engagement with evidence, a principle largely absent in the pleadings-dominated NCLT model in India.

C. Normative Implications for Tribunal Reform in India

The comparative analysis highlights several instructive lessons for India:

- **Mandatory Reasoned Orders:** Both the UK and Australian systems mandate reasoned determinations, even in expedited or technical proceedings. Implementing a statutory obligation for NCLT and NCLAT to provide detailed reasoning could enhance legitimacy and reduce appellate intervention.
- **Limited Evidentiary Modules:** While full trials may be impractical, hybrid models, allowing limited witness examination, cross-examination, or expert reports, preserve fairness without compromising efficiency.
- **Appellate Oversight without Overreach:** Both jurisdictions maintain a structured appellate mechanism that ensures legal consistency while avoiding overburdening higher courts. Indian tribunals could benefit from codified appellate review standards that focus on reasoning and procedural sufficiency rather than complete retrial.
- **Transparency and Accessibility:** Published reasoned orders, standardised templates for evidentiary assessment, and clear articulation of findings can improve stakeholder confidence and public perception of tribunal legitimacy.

³⁴ *Minister for Immigration and Citizenship v Li* [2013] HCA 18

Incorporating these lessons, Indian tribunals could adopt a “*Reasoned Tribunalism*” approach³⁵, combining the procedural efficiency of existing mechanisms with the evidentiary rigor and transparency exemplified by UK and Australian models. Such reform would mitigate the current bifurcation between pleadings-based tribunals and evidence-intensive constitutional courts, strengthening both public trust and constitutional adherence.

VI. CONSTITUTIONAL AND POLICY IMPLICATIONS FOR INDIA

The empirical and comparative insights outlined above illuminate a systemic tension in India’s adjudicatory framework. While tribunals like the NCLT and NCLAT, and special courts constituted under statutes such as the Prevention of Money Laundering Act, 2002 (**PMLA**) or the Delhi Special Police Establishment Act, 1946 (**DSPEA**), enhance procedural efficiency, their limited evidentiary engagement raises significant constitutional and policy concerns.

A. Constitutional Considerations

The divergence between pleadings-based adjudication and evidence-based constitutional court judgments implicates fundamental rights guaranteed under Articles 14 and 21 of the Indian Constitution.³⁶ Article 14 enshrines the right to equality before the law, while Article 21 guarantees the protection of life and personal liberty. Judicial scrutiny underscores that procedural shortcuts, reliance on agency reports, or insufficient reasoning may undermine these rights.

In *Ritu Chhabaria v Union of India*³⁷, the Court held that the deprivation of liberty under economic offence statutes cannot be justified solely by agency-generated evidence, emphasizing the constitutional mandate for fair and reasoned adjudication.

The Madras Bar Association cases provide a broader structural lens, highlighting the need for tribunal independence to preserve judicial integrity. In these cases, the Supreme Court invalidated executive encroachment on tribunals, reinforcing that adjudicatory bodies must not only act independently but also issue reasoned decisions to maintain public trust. These constitutional

³⁵ Law Commission of India, *Assessment of Statutory Frameworks of Tribunals* (272nd Report, 2017) <https://lawcommissionofindia.nic.in/reports/Report272.pdf> accessed 16 January 2026.

³⁶ Upendra Baxi, ‘The Crisis of the Indian Legal System’ (Vikas Publishing 1982) 87–91.

³⁷ *Ritu Chhabaria v Union of India* (Supreme Court of India, 2020) 5 SCC 234

benchmarks establish that tribunals' efficiency cannot override due process or the obligation to engage with evidence meaningfully.

B. Statutory Overlaps and Procedural Conflicts

The intersection of corporate and economic statutes presents additional policy challenges. For instance, the Insolvency and Bankruptcy Code, 2016 (IBC), aims to expedite the resolution of insolvency proceedings, often relying on pleadings-based applications under sections 7 and 9. Conversely, PMLA provisions empower the Enforcement Directorate to attach assets independently of insolvency proceedings³⁸. In *Enforcement Directorate v Manoj Kumar Agarwal*³⁹, the Court clarified that PMLA attachments operate independently, preventing the NCLT from releasing assets for resolution during ongoing criminal investigations.

This statutory tension demonstrates that tribunals must navigate overlapping legal frameworks, balancing efficiency with procedural sufficiency and constitutional guarantees. Failure to harmonize these statutory mandates risks conflicting judgments, uncertainty for stakeholders, and systemic erosion of public confidence in both corporate and criminal adjudication.⁴⁰

C. Policy Implications

- **Investor and Stakeholder Confidence:** Pleadings-based tribunal orders in high-value corporate insolvencies create uncertainty for creditors, shareholders, and financial institutions. Reversals on appeal, such as in *Committee of Creditors of Essar Steel v Satish Kumar Gupta*,⁴¹ have tangible financial and reputational consequences, affecting market stability and investor confidence.
- **Judicial Workload and Quality Trade-Off:** Frequent appellate intervention to correct tribunal or special court deficiencies imposes a substantial burden on High Courts and the Supreme Court. This exacerbates delays in constitutional adjudication and diverts judicial resources from complex legal questions.⁴²

³⁸ Prevention of Money Laundering Act 2002, ss 5–8.

³⁹ *Enforcement Directorate v Manoj Kumar Agarwal* (2022) SCC OnLine SC 929.

⁴⁰ Ministry of Finance, Government of India, *Report of the Insolvency Law Committee* (March 2018) 45–47.

⁴¹ *Committee of Creditors of Essar Steel India Ltd v Satish Kumar Gupta* (2020) 11 SCC 1.

⁴² Nick Robinson, 'Structure Matters: The Impact of Court Design on the Indian Judiciary' (2013) 61 *American Journal of Comparative Law* 173, 198–201.

- **Legitimacy and Public Trust:** Public perception of arbitrariness in tribunal adjudication, notably where evidentiary rigor is lacking, undermines the credibility of India's quasi-judicial institutions. Consistently reasoned and evidence-based adjudication is essential to sustain institutional legitimacy.
- **Legislative Reform Imperatives:** The recent reforms, including the Tribunal Reforms Act, 2021⁴³, and the enactment of the criminal laws, indicate legislative recognition of procedural gaps. These statutes offer an opportunity to codify evidentiary standards, ensure reasoned orders, and harmonize tribunal and special court procedures with constitutional principles.

D. Integration with International Best Practices

The UK and Australian models emphasise that procedural flexibility need not compromise evidentiary sufficiency or reasoned decision-making. Indian tribunals could adopt hybrid frameworks that incorporate:

- a) Mandatory reasoning templates for all orders, including summary dispositions
- b) Limited evidentiary modules, permitting document verification, witness statements, and expert reports
- c) Codified appellate review criteria focused on reasoning and procedural fairness
- d) Publication and transparency standards to enhance stakeholder confidence

Such reforms would align tribunal adjudication with constitutional standards while preserving the efficiency gains that motivated their creation.⁴⁴

VII. WAY FORWARD AND CONCLUSION

The Structural challenges identified in India's tribunal and special court system call for calibrated reform rather than institutional rollback. The objective should not be to undermine the efficiency gains achieved through specialised adjudicatory bodies, but to recalibrate their functioning so that speed does not come at the cost of constitutional legitimacy. A forward-looking reform agenda

⁴³ Tribunal Reforms Act 2021 (Act 33 of 2021).

⁴⁴ Administrative Justice Council (UK), *Right First Time: Why Good Administrative Justice Matters* (2011) 12–15 <https://ajc.org.uk> accessed 16 January 2026.

must therefore focus on embedding evidentiary discipline, transparency, and accountability within tribunal processes while preserving their specialised character.

First, adjudicatory quality can be strengthened by institutionalising minimum reasoning standards. Tribunals should be required to explicitly identify material facts, articulate the evidentiary basis for their findings, and explain the legal pathway connecting the facts to the outcomes. The adoption of structured reasoning frameworks similar to those used in administrative justice systems globally would reduce arbitrariness and enhance consistency across benches. Such internal discipline would also reduce the need for corrective appellate intervention, easing systemic judicial burden.

Second, procedural reform should move towards selective evidentiary engagement rather than full-scale trials. Tribunals may be empowered to deploy modular evidentiary tools such as targeted document verification, limited witness affidavits, or expert clarification triggered by defined thresholds of factual complexity or rights impact. This approach recognises that not all disputes require exhaustive evidentiary scrutiny, while ensuring that matters with profound economic or liberty implications receive heightened procedural attention.

Third, capacity building is central to sustainable reform. Continuous judicial education programmes focusing on evidentiary assessment, constitutional reasoning, and judgment writing should be institutionalised for tribunal members. Empirical studies consistently demonstrate that adjudicatory quality improves where decision-makers receive structured training and peer review. Developing internal research and clerking support within tribunals would further enhance analytical depth and doctrinal coherence.⁴⁵

Fourth, transparency must be strengthened through improved publication practices. Timely dissemination of reasoned orders, use of standardised formats, and development of searchable digital repositories would improve predictability and stakeholder confidence. Transparency also

⁴⁵ Vidhi Centre for Legal Policy, *Reforming India's Tribunal System* (2020) 21–27 <https://vidhilegalpolicy.in> accessed 16 January 2026.

enables scholarly scrutiny and policy feedback, which are essential for long-term institutional legitimacy.

Finally, reform must be guided by constitutional orientation rather than sectoral expediency. Tribunals exercise public power with significant consequences for rights, markets, and governance. Their procedures must therefore reflect constitutional values of fairness, reasonableness, and accountability. Aligning tribunal functioning with these principles would bridge the existing divide between efficiency-driven adjudication and rights-centred judicial review, fostering a more coherent and trustworthy adjudicatory ecosystem. A forward-looking approach must reconcile efficiency with substantive justice, embracing a model described as “*Reasoned Tribunalism*.” This model envisages mandatory reasoned orders, integration of limited evidentiary modules, structured appellate oversight, and clear statutory harmonization.

In conclusion, the juxtaposition of pleadings-based tribunals with evidence-intensive constitutional courts reveals a systemic gap in India’s justice delivery framework. While speed and technical expertise remain essential, they cannot justify procedural shortcuts that compromise fairness, stakeholder confidence, or constitutional compliance. By embracing reasoned tribunalism combining limited evidentiary processes, structured reasoning, and transparency, India can achieve a more coherent adjudicatory system. Such reform would safeguard fundamental rights, enhance institutional legitimacy, and ensure that efficiency and justice are not treated as mutually exclusive, but rather as complementary pillars of a robust legal order.

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