

What are Judicial Acts?

Meaning of Judicial Acts: – A **Judicial Act** is an act done by an **authority who is competent**, for consideration of facts and situations and impose liability or affect the rights of others. The acts that are done by a **particular competent authority**, by looking upon the **facts and the circumstances of the situation** are **Judicial Acts**. The judges are bound by the law to give decisions by following the complete court procedure.

A **judge discharging his official duties** or a **judicial officer exercising judicial function** is called a **Judicial Act**. This defence can be made by a judge if an action is taken against him in atrocity. The law states that there shall be no trial against a judge for any act or for any word spoken by him in the course of his duty.

The difference between “judicial” and “ministerial acts” is that if a Judge is in a dealing a particular matter, has to exercise his discretion or power to arrive at a decision, he is acting judicially; on the other hand, if he is merely required to do a particular act and is prevented from entering into merits of the matter, he is said to be acting ministerially.

Further, the Judicial Officers Protection Act, 1850 states that “Any Judge, Magistrate, Collector, or any person acting judicially shall be liable for any act done by him in the discharge of his judicial duties” shall also not be prosecuted in a civil court”.

The Court must ensure that the following two conditions are satisfied before the Judge allows such defence: –

1. The act must be done in the performance of its judicial duty;
2. The judge must act within his jurisdiction, or at least believe in good faith that he has jurisdiction to act.

This rule of immunity in the judicial acts is also applied to the members of naval and military courts-martial or courts of inquiry constituted in compliance with the military law and usage and not only to the judges of the ordinary civil courts. Also, to a limited extent, it applies to the arbitrators as well and the persons who are appointed in a position like that of the arbitrator. The person, if acting honestly, is not liable for any faults in the decision, he will be liable if any corrupt or partisan exercises are being done in his office. But he can not be made personally liable if he works in utter use of judicial discretion and he can not be questioned upon the correctness and competence of his decision.

What are Quasi-Judicial Acts?

Meaning of Quasi-Judicial Acts: – The word ‘quasi’ is of Latin origin and means ‘similar but not exactly.’ The **quasi-judicial acts** are **not exactly court proceedings**. They may seem to **derive the powers and functions of some laws**, but they are still **not considered as courts**. There are some bodies and individuals like colleges, societies, institutions which exercise quasi-judicial powers and are therefore protected from civil liability. For Example, functions of commission like Human Rights Commission, Tribunals like Income Tax Tribunal, etc. They don’t usually follow any procedure of the court. These acts are done by the persons who are not judge of any court or do not hold a judiciary power under certain laws. The institutions may hire a manager or chief who may act as a judge and pass decisions regarding the working of that institution.

These quasi-judicial bodies follow the rules of natural justice. For the purpose of effective functioning, they may make certain appropriate rules in accordance with the laws applicable to them and in accordance with the traditional rules. Quasi-judicial acts are not actually court proceedings. They may have the powers and functions of certain laws, but they are still not considered courts. They usually do not follow any court process.

Quasi-Judicial is also known as a **non-judicial body that can interpret law**. It is an entity, having powers and procedures similar to those of a court or judge, and which is bound to determine facts and draw conclusions from them to provide the basis for official action.

The basic rule of the acts to be quasi-judicial is that the persons who exercise them are protected from civil liability, if they observe the rules of natural justice and also the particular statutory rules which may prescribe their course of action.

Therefore, these actions are a remedy for a situation or the imposition of a legal penalty, and the actions may affect the legal rights, duties or privileges of specific parties. As such no person may be wrongfully terminated or removed from membership without giving: –

1. Ample opportunity of being heard;
2. the opportunity to defend himself; and
3. The person removing him should act in good faith i.e., act with due care and attention.

Difference between Judicial and Quasi-Judicial Acts

The difference between Judicial and Quasi-Judicial Acts is given below: –

<u>S.NO.</u>	<u>JUDICIAL ACTS</u>	<u>QUASI-JUDICIAL ACTS</u>
1.	The judicial acts require a proper proceeding of the court and the judge is duty-bound.	The quasi-judicial acts don't require the courts under them are by the person, who is not a judge.
2.	The judicial acts are bound by the common law precedents to give decisions.	The quasi-judicial acts are not usually bound.
3.	In absence of any common law precedent, judicial acts may invent new laws.	The quasi-judicial is based on the decisions of the courts.

Difference between Judicial and Quasi-Judicial Acts

Case Laws

1. **Anderson vs. Gorrie (1894)**

Facts of the Case: – The plaintiff had accused two persons of taking money on false pretenses. However, on the advice of his lawyer, he withdrew the case. Here the presiding judge of the case remarked that the plaintiff was extorting money from the defendants by involving them in the trial.

Judgement of the Case: – In this case, no action will be taken against the judge as he was discharging his duties.