Polity & Governance · GS - II

How far do you agree with the view that tribunals curtail the jurisdiction of ordinary courts? In view of the above, discuss the constitutional validity and competency of the tribunals in India.

EXAM YEAR	PAPER	SUBJECT
2018	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Tribunalisation; specialised adjudication; judicial review; Articles 323A and 323B; separation of powers; judicial independence; access to justice; procedural efficiency

Model Answer

Introduction

Tribunals are specialised adjudicatory bodies created to resolve particular categories of disputes. They aim to reduce the burden on ordinary courts, although their jurisdiction and institutional independence raise important constitutional questions.

Do Tribunals Curtail Ordinary Courts' Jurisdiction?

1. **Specialised jurisdiction:** Tribunals handle matters such as taxation, administrative service disputes and company law, reducing the workload of regular courts.
2. **Limited exclusion:** Legislation may exclude ordinary courts from specified matters, but such exclusions cannot eliminate the constitutional power of judicial review.
3. **Appeal and review:** Tribunal decisions remain subject to judicial scrutiny within the constitutional framework.

Constitutional Validity

1. **Constitutional basis:** Articles 323A and 323B provide for administrative and other tribunals.
2. **Judicial review:** In *L. Chandra Kumar v. Union of India* (1997), the Supreme Court held that judicial review by High Courts under Articles 226 and 227 and by the Supreme Court under Article 32 is part of the Constitution's basic structure.
3. **Institutional independence:** Appointment procedures, tenure, service conditions and administrative control must protect tribunals from executive interference.
4. **Competency and efficiency:** Specialised expertise can improve the quality and speed of decisions, provided vacancies, delays and inadequate infrastructure are addressed.

Conclusion

Tribunals can supplement ordinary courts but cannot replace the constitutional role of the higher judiciary. Their legitimacy depends on expertise, independence, accessibility and effective judicial review.

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