BLOGS

MCQ’s on Administrative Law for CLAT PG [Part 8]

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The constitutional validity of administrative tribunals must be assessed not merely by reference to legislative competence but in light of the broader constitutional scheme governing judicial power. While the Constitution expressly empowers Parliament to establish tribunals under Articles 323A and 323B for adjudication of disputes relating to specified subject matters, such power cannot be exercised in a manner that undermines the essential role of constitutional courts. The creation of tribunals was intended to address concerns of docket explosion, technical complexity, and the need for specialised adjudication. However, efficiency cannot be pursued at the cost of constitutional fundamentals.

Judicial review has long been recognised as a cornerstone of the Indian constitutional order. The power vested in High Courts under Articles 226 and 227, and in the Supreme Court under Article 32, serves as a vital mechanism to ensure legality, fairness, and accountability in State action. This power is not merely procedural but substantive in nature, operating as a safeguard against excesses of legislative and executive authority. Any attempt to exclude or curtail this power must therefore be examined with heightened constitutional scrutiny.

Tribunals, though vested with adjudicatory authority, are creations of statute and function within the bounds prescribed by their enabling legislation. They do not enjoy the same constitutional status or independence as the High Courts. While tribunals may be entrusted with the task of determining questions of fact and law within their specialised domain, they cannot be equated with constitutional courts in terms of their position within the judicial hierarchy. Consequently, a statutory provision that seeks to exclude the jurisdiction of High Courts over decisions of tribunals risks disrupting the constitutional balance.

The exclusion of judicial review by constitutional courts would have serious implications for the rule of law. Tribunals are subject to the same risks of error, arbitrariness, and jurisdictional overreach as any other adjudicatory body. Without the supervisory jurisdiction of the High Courts, there would be no effective constitutional forum to correct such errors. Judicial review ensures

not only uniformity in the interpretation of law but also coherence in the development of legal principles across jurisdictions.

At the same time, the constitutional scheme does not prohibit the creation of tribunals or the assignment of substantial adjudicatory functions to them. Tribunals play an important role in reducing the burden on regular courts and in providing expertise-driven adjudication. Their decisions may be accorded finality at the first instance, subject to scrutiny by constitutional courts. This model preserves both efficiency and constitutional supremacy.

The appropriate constitutional position, therefore, is one where tribunals function as courts of first instance in their respective fields, while the High Courts retain the power of judicial review over tribunal decisions. Such review is not intended to convert High Courts into appellate bodies on facts, but to ensure that tribunals act within jurisdiction, follow principles of natural justice, and adhere to constitutional norms. The supervisory jurisdiction under Articles 226 and 227 operates as a safety valve, preventing administrative adjudication from becoming insulated from constitutional accountability.

In this framework, judicial review is not an obstacle to tribunalisation but its constitutional complement. Tribunals supplement the judicial system; they do not supplant it. The Constitution does not envisage a parallel system of justice operating beyond the reach of constitutional courts. Any statutory attempt to completely oust the jurisdiction of High Courts and the Supreme Court would be inconsistent with the basic structure of the Constitution, of which judicial review forms an integral part.

Extract adapted from L. Chandra Kumar v. Union of India (1997)

Q1. The constitutional objection to excluding High Court jurisdiction over tribunal decisions is primarily grounded in:

a. Federal supremacy

b. Parliamentary sovereignty

c. The basic structure doctrine

d. Legislative incompetence

Q2. According to the passage, tribunals differ from constitutional courts mainly because they:

a. Lack adjudicatory authority

b. Are bound by executive directions

c. Derive their powers solely from statute

d. Cannot decide questions of law

Q3. The supervisory jurisdiction of High Courts under Articles 226 and 227 is best characterised as:

a. A discretionary appellate power

b. A constitutional safeguard against jurisdictional error

c. An administrative oversight mechanism

d. A substitute for statutory appeals

Q4. Which of the following best explains why efficiency alone cannot justify tribunalisation?

a. Efficiency is constitutionally irrelevant

b. Tribunals lack technical expertise

c. Constitutional accountability cannot be compromised

d. Parliament lacks power to create tribunals

Q5. The passage suggests that tribunals may constitutionally function as:

a. Substitutes for High Courts

b. Parallel constitutional courts

c. Courts of first instance subject to judicial review

d. Executive bodies with adjudicatory powers

Q6. Judicial review is described in the passage as substantive rather than procedural because it:

a. Operates only in appellate jurisdiction

b. Ensures legality and limits State power

c. Depends on statutory conferment

d. Applies only to administrative action

Q7. A statutory clause completely barring High Court review of tribunal decisions would most directly violate:

a. Separation of powers

b. Rule of law

c. Parliamentary privilege

d. Doctrine of repugnancy

Q8. The role of High Courts in reviewing tribunal decisions is not intended to:

a. Correct jurisdictional excess

b. Enforce natural justice

c. Ensure constitutional compliance

d. Reappreciate factual findings as an appellate court

Q9. The passage views tribunalisation as constitutionally acceptable only if:

a. Tribunal members are former judges

b. Decisions are final and binding

c. Judicial review remains intact

d. Appeals lie directly to the Supreme Court

Q10. Which constitutional principle is most threatened by insulating tribunals from judicial review?

a. Popular sovereignty

b. Democratic accountability

c. Uniformity and coherence of law

d. Collective responsibility

Q11. The idea that tribunals "supplement but do not supplant" courts reflects which constitutional balance?

a. Efficiency and decentralisation

b. Expertise and judicial hierarchy

c. Executive convenience and speed

d. Autonomy and absolutism

Q12. Why does the passage reject the equation of tribunals with constitutional courts?

a. Tribunals lack independence

b. Tribunals are temporary bodies

c. Tribunals do not occupy a constitutionally entrenched position

d. Tribunals cannot enforce Fundamental Rights

Q13. The continued relevance of Articles 226 and 227 in a tribunal-based system underscores:

a. Judicial supremacy over Parliament

b. The primacy of constitutional courts

c. The redundancy of tribunals

d. Centralisation of judicial power

Q14. Which of the following best captures the passage's approach to separation of powers?

a. Strict compartmentalisation

b. Functional overlap with constitutional control

c. Executive dominance

d. Legislative finality

Q15. The insistence on retaining judicial review over tribunals primarily serves to:

a. Reduce tribunal caseload

b. Ensure uniform statutory interpretation

c. Preserve constitutional supremacy

d. Strengthen executive adjudication

Answers

1. Correct Answer: C – The basic structure doctrine

Explanation: The exclusion of High Court jurisdiction over tribunal decisions directly affects judicial review, which has been recognised as part of the basic structure of the Constitution. Even though Parliament has wide powers to create tribunals, it cannot abrogate the constitutional role of High Courts. This limitation flows from the basic structure doctrine, not merely from legislative incompetence or federal concerns.

2. Correct Answer: C – Derive their powers solely from statute

Explanation: Tribunals owe their existence, jurisdiction, and powers entirely to **statutory enactments**, unlike High Courts whose authority flows directly from the Constitution. This distinction is crucial because statutory bodies cannot be placed on the same constitutional pedestal as courts established under Articles 214 and 226.

3. Correct Answer: B – A constitutional safeguard against jurisdictional error

Explanation: Articles 226 and 227 are not appellate provisions. Their purpose is to ensure that subordinate courts and tribunals act within jurisdiction, follow natural justice, and comply with constitutional norms. This supervisory role protects citizens against arbitrary or ultra vires decisions.

4. Correct Answer: C – Constitutional accountability cannot be compromised

Explanation: While tribunals may enhance speed and expertise, administrative convenience cannot justify diluting constitutional guarantees. Efficiency is subordinate to legality, fairness, and accountability, which are safeguarded through judicial review by constitutional courts.

5. Correct Answer: C – Courts of first instance subject to judicial review

Explanation: The constitutional scheme permits tribunals to function as initial adjudicatory forums. However, their decisions must remain open to scrutiny by High Courts to ensure legality and constitutionality. This prevents tribunals from becoming insulated power centres.

6. Correct Answer: B – Ensures legality and limits State power

Explanation: Judicial review is not a mere procedural formality. It substantively controls the exercise of State power by examining legality, proportionality, reasonableness, and adherence to constitutional limits. This makes it a core feature of constitutional governance.

7. Correct Answer: B – Rule of law

Explanation: The rule of law requires that all public power be subject to legal control. A statutory bar on judicial review would create unchecked authority, allowing tribunals to operate without constitutional supervision, thereby undermining legality and accountability.

8. Correct Answer: D – Reappreciate factual findings as an appellate court

Explanation: High Courts do not sit in appeal over tribunal decisions. Their role is limited to correcting jurisdictional errors, procedural unfairness, or constitutional violations, not reassessing evidence or substituting factual conclusions.

9. Correct Answer: C – Judicial review remains intact

Explanation: Tribunalisation is constitutionally acceptable only when judicial review by High Courts is preserved. This ensures that tribunals remain part of the constitutional justice delivery system rather than autonomous adjudicatory islands.

10. Correct Answer: C – Uniformity and coherence of law

Explanation: High Courts ensure consistency in legal interpretation across tribunals. Without judicial review, divergent tribunal rulings could fragment legal doctrine, undermining predictability and coherence in the legal system.

11. Correct Answer: B – Expertise and judicial hierarchy

Explanation: Tribunals bring subject-matter expertise, while constitutional courts maintain

hierarchical oversight. This balance allows efficiency without sacrificing constitutional discipline or judicial uniformity.

12. Correct Answer: C – Tribunals do not occupy a constitutionally entrenched position

Explanation: Constitutional courts derive authority directly from the Constitution, whereas tribunals are creatures of statute. This lack of constitutional entrenchment prevents tribunals from replacing High Courts in the judicial hierarchy.

13. Correct Answer: B – The primacy of constitutional courts

Explanation: The continued operation of Articles 226 and 227 affirms that High Courts remain the ultimate guardians of legality and constitutionality, even in a tribunal-based adjudicatory framework.

14. Correct Answer: B – Functional overlap with constitutional control

Explanation: The Constitution allows overlapping functions between institutions but insists on checks and balances. Tribunals may adjudicate disputes, but constitutional courts must supervise them to prevent abuse of power.

15. Correct Answer: C – Preserve constitutional supremacy

Explanation: Judicial review over tribunals ensures that statutory bodies operate within constitutional limits. This preserves the supremacy of the Constitution over all forms of adjudicatory power, whether judicial or quasi-judicial.