BLOGS

MCQ’s on Administrative Law for CLAT PG [Part 10]

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“The Constitution (Forty-Second Amendment) Act, 1976 paved the way for tribunalisation of the justice dispensation system by introducing Articles 323A and 323B. These provisions were intended to provide for the establishment of administrative tribunals and tribunals for other specified matters with the object of reducing the burden on constitutional courts and ensuring speedy adjudication. The creation of tribunals was premised on the belief that specialised adjudicatory bodies equipped with technical expertise would be better suited to deal with complex regulatory and service-related disputes.

However, the substitution of courts by tribunals raises serious constitutional concerns. Where tribunals assume the jurisdiction of High Courts, they must possess the same degree of independence, security of tenure and competence as the courts whose jurisdiction they replace. Judicial review under Articles 226 and 227 of the Constitution forms part of the basic structure and cannot be ousted. Tribunals may act as courts of first instance, but decisions of such tribunals are subject to scrutiny by the constitutional courts to preserve the rule of law.

Part XIV of the Finance Act, 2017 sought to introduce uniformity by amending twenty-five enactments governing tribunals and by conferring upon the Central Government the power to frame rules regarding qualifications, appointments, tenure and conditions of service of tribunal members under Section 184. Such a concentration of rule-making power in the executive raises the issue of excessive delegation. Delegated legislation must operate within clearly defined legislative policy and standards. Vesting unguided discretion in the executive, particularly where the executive is the largest litigant before tribunals, threatens institutional independence.

Independence of adjudicatory bodies is a facet of the separation of powers. Tribunals cannot be treated as extensions of the executive. The inclusion of non-judicial or technical members is permissible only when specialised expertise is demonstrably required, and even then, judicial members must dominate the composition. Security of tenure, protection against arbitrary removal and insulation from executive control are essential to maintain public confidence in tribunal

justice.

The Finance Act, 2017 was also challenged on the ground that it was enacted as a Money Bill, thereby bypassing the Rajya Sabha. Article 110 permits certification as a Money Bill only when a legislation contains *only* matters enumerated therein. The inclusion of substantive provisions restructuring tribunals raises a serious constitutional question regarding bicameralism and parliamentary accountability. The classification of a legislation as a Money Bill cannot be used as a constitutional shortcut to alter the balance of power or undermine judicial independence."

Extract adapted from Roger Mathew v. South Indian Bank Ltd.

Q1. The constitutional permissibility of replacing High Court jurisdiction with tribunals primarily depends upon:

A. Parliamentary competence under List I
B. Whether the tribunal follows principles of natural justice
C. Whether judicial review of tribunal decisions by constitutional courts is preserved
D. Whether technical expertise is required in the subject matter

Q2. The gravest constitutional objection to excessive executive control over tribunals arises because:

A. It violates the doctrine of res judicata
B. It undermines federal distribution of powers
C. It compromises adjudicatory independence, which is a facet of basic structure
D. It dilutes the efficiency of dispute resolution

Q3. Which of the following best explains why tribunals cannot be treated as mere "administrative substitutes" for courts?

A. Tribunals lack contempt powers
B. Tribunals exercise judicial power affecting rights and liabilities
C. Tribunals are staffed by non-judicial members
D. Tribunals are created by ordinary legislation

Q4. The requirement that judicial members must dominate tribunal composition is most closely linked to which constitutional principle?

A. Doctrine of pith and substance

B. Separation of powers

C. Rule against bias

D. Proportionality

Q5. Why is executive rule-making power over tribunal appointments constitutionally suspect?

A. Because delegated legislation is per se unconstitutional

B. Because the executive lacks expertise in judicial administration

C. Because the executive is often a litigant before tribunals

D. Because Parliament alone must control adjudicatory bodies

Q6. Which of the following most accurately captures the constitutional problem with unguided delegation in tribunal reform statutes?

A. It allows retrospective rule-making

B. It removes legislative accountability

C. It permits executive dominance without normative safeguards

D. It excludes judicial review entirely

Q7. The insistence on security of tenure for tribunal members primarily seeks to protect:

A. Procedural efficiency

B. Judicial discipline

C. Institutional independence from political pressure

D. Federal balance

Q8. Which reasoning best explains why tribunals can function only as courts of first instance and not as final arbiters?

A. Tribunals lack constitutional status

B. Tribunals are created by delegated legislation

C. Judicial review under Articles 226/227 is part of basic structure

D. Tribunals do not follow the Civil Procedure Code

Q9. The critique of classifying tribunal reform laws as Money Bills is rooted in concern for:

A. Judicial federalism

B. Bicameralism and democratic accountability

C. Parliamentary privilege

D. Financial autonomy of the States

Q10. Which of the following most clearly distinguishes permissible tribunalisation from unconstitutional court-substitution?

A. Speed of adjudication

B. Technical complexity of disputes

C. Retention of constitutional court supervision

D. Uniformity in service conditions

Q11. The principle that tribunals must inspire "public confidence" flows most directly from:

A. Article 14

B. Article 21

C. The rule of law

D. Parliamentary sovereignty

Q12. Why does excessive tribunalisation risk transforming adjudication into an extension of the executive?

A. Because tribunals lack procedural safeguards

B. Because executive controls funding and appointments

C. Because tribunals decide policy matters

D. Because tribunals apply delegated legislation

Q13. Which judicial concern best explains resistance to executive-heavy tribunal frameworks?

A. Administrative inconvenience

B. Delay in justice delivery

C. Erosion of adjudicatory neutrality

D. Increased litigation

Q14. The constitutional validity of tribunal reforms ultimately turns on whether they:

A. Reduce pendency in courts

B. Enhance technical expertise

C. Preserve core judicial functions and independence

D. Are enacted through constitutional amendments

Q15. Which proposition most accurately reflects the constitutional position on tribunalisation after Roger Mathew?

A. Tribunals can fully replace High Courts if efficient

B. Tribunalisation is unconstitutional per se

C. Tribunalisation is permissible only with structural safeguards ensuring independence

D. Tribunals must be abolished in favour of courts

Answers

1. Correct Answer: C

Explanation: The core constitutional safeguard is preservation of judicial review. In *L. Chandra Kumar* and reaffirmed in *Roger Mathew*, the Court held that Articles 226 and 227 form part of the basic structure. Tribunals may replace courts at the initial level, but cannot oust constitutional supervision, irrespective of efficiency or expertise.

2. Correct Answer: C

Explanation: Adjudicatory independence is not merely an administrative value but a structural constitutional requirement. Executive dominance over tribunals erodes the separation of powers, which the Court has repeatedly held to be part of the basic structure doctrine.

3. Correct Answer: B

Explanation: Tribunals decide disputes affecting civil rights, service conditions, property and liabilities—all of which involve judicial power. Therefore, they cannot be treated as administrative conveniences; constitutional discipline must apply.

4. Correct Answer: B

Explanation: Dominance of judicial members ensures that adjudication remains judicial in character, not executive. This directly protects the separation of powers, preventing tribunals from becoming policy-driven bodies.

5. Correct Answer: C

Explanation: The executive is frequently the largest litigant before tribunals. Allowing it to control appointments, tenure, and service conditions creates a conflict of interest, undermining adjudicatory neutrality.

6. Correct Answer: C

Explanation: Delegation becomes unconstitutional when it lacks guiding principles and permits unchecked executive control—especially in sensitive areas like tribunal governance, where independence is essential.

7. Correct Answer: C

Explanation: Security of tenure shields adjudicators from political retaliation and executive influence, enabling fearless decision-making—an indispensable attribute of judicial independence.

8. Correct Answer: C

Explanation: The limitation is constitutional, not procedural. Since judicial review is basic structure, tribunals cannot be final authorities regardless of efficiency or subject expertise.

9. Correct Answer: B

Explanation: Misusing the Money Bill route bypasses the Rajya Sabha, weakening bicameral scrutiny. This threatens constitutional democracy, not merely legislative procedure.

10. Correct Answer: C

Explanation: The decisive factor is constitutional supervision, not speed or expertise. Tribunalisation is acceptable only if courts retain oversight.

11. Correct Answer: C

Explanation: Public confidence in adjudication is a core aspect of the rule of law. Justice must not only be done but appear to be done—especially when courts are replaced.

12. Correct Answer: B

Explanation: Control over appointments, tenure, salaries, and removal enables the executive to indirectly influence outcomes, transforming tribunals into executive extensions.

13. Correct Answer: C

Explanation: Judicial resistance is grounded in fear of institutional bias, not inconvenience. Neutral adjudication is non-negotiable in constitutional governance.

14. Correct Answer: C

Explanation: Efficiency cannot justify erosion of core judicial functions. Constitutional validity depends on structural independence, not legislative intent or outcome.

15. Correct Answer: C

Explanation: *Roger Mathew* does not reject tribunalisation but conditions it. Tribunals are constitutional only when independence, judicial dominance, tenure security, and judicial review are preserved.