

Examrace

Competitive Exams: Political Science Study Material Supreme Court Judgement

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Supreme Court Judgement on Administrative Tribunals

In March, 1997, a seven judge Supreme Court bench gave a landmark judgement on the administrative and other tribunals dealing with FERA, tax violations and other cases. The Court declared unconstitutional:

- Section 2D of Art. 332A and Section 3D of Art. 323 B, which excluded the jurisdiction of High Courts and Supreme Court, as judicial review is a part of the 'basic structure' of the Constitution
- Section 28 of the Administrative Tribunals Act for the same reason.

Verdict Features

The important features of the verdict are

- appeals can be made to the division bench of the High Courts on the validity of the rulings of the tribunals before approaching the Supreme Court.
- tribunals including the administrative tribunals are competent to hear cases questioning the validity of relevant legislation.
- when the validity of a law questioning the setting up of a tribunal is to be heard, it can be taken up only in a High Court and not in another tribunal.
- the tribunals are 'specialist bodies' in that they are constituted of trained administrators and also those with judicial experience.
- supervision of the tribunals is to be done by a body belonging to the law ministry at both the federal and state levels.

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