

## Indian Polity Notes Part 18 in English

### 18. Tribunals

- The original Constitution did not contain provisions with respect to tribunals.
- The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution.
- This part is entitled as 'Tribunals' and consists of only two Articles—Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

#### Article 323 A

- Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities.
- In other words, Article 323 A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.
- In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985.
- The act authorizes the Central government to establish one Central administrative tribunal and the state administrative tribunals.
- This act opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.

#### Central Administrative Tribunal (CAT)

- The Central Administrative Tribunal (CAT) was set up in 1985 with the principal bench at Delhi and additional benches in different states.
- At present, it has 17 regular benches, 15 of which operate at the principal seats of high courts and the remaining two at Jaipur and Lucknow. These benches also hold circuit sittings at other seats of high courts.
- The CAT is a multi-member body consisting of a chairman and members. Earlier, the CAT consisted of a Chairman, Vice-Chairmen and members.
- With the amendment in Administrative Tribunals Act, 1985 in 2006, the members have been given the status of judges of High Courts.
- At present (2016), the sanctioned strength of the Chairman is one and sanctioned strength of the Members is 65.
- They are drawn from both judicial and administrative streams and are appointed by the president.
- They hold office for a term of five years or until they attain the age of 65 years, in case of

chairman and 62 years in case of members, whichever is earlier.

- The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice.
- These principles keep the CAT flexible in approach. Only a nominal fee of 50 is to be paid by the applicant. The applicant may appear either in person or through a lawyer.
- Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts.
- However, in the Chandra Kumar case (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution.
- It laid down that appeals against the orders of the CAT shall lie before the division bench of the concerned high court.
- Consequently, now it is not possible for an aggrieved public servant to approach the Supreme Court directly against an order of the CAT, without first going to the concerned high court.

#### Article 323 B

- Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:
  - (a) Taxation
  - (b) Foreign exchange, import and export
  - (c) Industrial and labour
  - (d) Land reforms
  - (e) Ceiling on urban property
  - (f) Elections to Parliament and state legislatures
  - (g) Food stuffs
  - (h) Rent and tenancy rights