
CASE ANALYSIS: L CHANDRAKUMAR VS. UNION OF INDIA (AIR 1997 SC 1125)

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ABSTRACT

This paper presents a critical evaluation of the case, L. Chandra Kumar vs. Union of India¹ (1997), particularly the constitutionality of the Administrative Tribunals under articles 323A & 323B. This supports the Supreme Court's decision that while judicial review is woven into the very fabric of the Constitution, it means constant scrutiny of the tribunals' decisions by the High Courts. The discussion is taken further to include the effect in the Administrative Tribunals Act 1985 and provides a look at some appropriate cases. In addition, the requirements for changes to improve the work of tribunals while preserving the constitution are discussed.

Keywords: Administrative Tribunals, Judicial Review, Doctrine of Basic Structure, Precedent

¹ L. Chandra Kumar vs Union of India AIR 1997 SC 1125

INTRODUCTION

L. Chandrakumar Vs Union of India which was delivered on 18th day March 1997 by the Supreme Court of India is a case relating to constitutional law that deals with the administrative tribunals in India under Article 323A² and 323B³ of the Indian Constitution. These Tribunals were set to hear and decide certain cases that initially could be heard at the High Courts but in relation to service matters for example. However, questions started to emerge as to the efficiency of these Tribunals, particularly about the absence of proper legal scrutiny of their verdict. The petitioners claimed that the tribunals were not discharging their duty properly in the absence of desirable control by the High Courts and this may result in the denial of justice. The judgment of the Supreme Court upheld the principle of judicial review which is a basic tenet of the Indian legal order that serves to scrutinize the actions of the government or any branch of the government with regard to the constitutional frame. Original jurisdiction is vital in the determination of the fundamental rights of any country besides checking the excesses of the executive and legislative arms of government by the judicial arm as provided by Article 226⁴/High Courts and article 32⁵/Supreme Court.

The Supreme Court emphasized a little that while Tribunals serve as the forums for the resolution of disputes in alternative and efficient manner they cannot undermine the principle of judicial review and should continue to remain accessible to High Courts for protection of fundamental rights. But it has raised concerns on their independence, qualification and procedures despite the intention of easing on the burden of the High Courts. According to the L Chandra Kumar verdict judgment also stated that no tribunal can assume the status of the High Court as the final constitutional bodies. This was accurate in the instance where the focus was unnecessarily on the need for reforms so as to enhance operation of tribunals in a way that they offer independent judicial standards, as well as protect constitutionalism.

ANALYSIS

In L. Chandrakumar vs Union of India (1997), case the employees of CSIR including petitioner Chandrakumar contested against the orders passed by the CAT regarding the service conditions.

² INDIA CONST. art. 323A

³ NDIA CONST. art. 323B.

⁴ INDIA CONST. art. 226.

⁵ INDIA CONST. art.32 .

The CAT under the Administrative Tribunals Act of 1985⁶ provided that its decisions were final and non-appealable and thus Chandrakumar was deprived of an opportunity of a judicial review. He pointed out how this exclusion distorted the Constitution, especially the judicial review privilege mentioned under Articles 32 and 226 of the Supreme Court and High Courts. The Supreme court held in his favour stating that the judicial review is the part of the constitutional structure which cannot be negated by other legislation. This is because even though tribunals are capable of decongesting the court load, all the decisions made by the tribunals have to be challenged before the constitutional courts. The case can be analyzed in two components: The case can be analyzed in two components: The case can be analyzed in two components:

A. Judicial review

Judicial review has its origins in the historical legal systems where this notion has been developed but set out after the case of *Marbury V Madison*⁷ in the United States. Based on the constitutional provisions spelt in Supreme Court Justice John Marshall, the judiciary's role is to interpret the law, alongside declaring any act of congress violating the constitution null and void. In Marshall's reasoning, constitutionalism was affirmed to the extent of declaring it as a highest legal authority and that judiciary plays a vital role in upholding and preserving the United States of America's Constitution.

In India⁸ the concept of Judicial Review is given in articles 13⁹, 32, 226 & 368¹⁰ of the constitution. At the federal level, the Supreme Court and at the State level, the High Courts have the power to scrutinize laws and/or actions of the executive. Judicial review is a very important value that forms the basis under the rule of law and democratic governance. They uphold constitutionalism by empowering the judiciary to protect rights of people, balance of power and rule of law.

The *Kesavananda Bharati v. State of Kerala*¹¹ established the "basic structure doctrine," which

⁶ Administrative Tribunals Act, 1985, No. 13, Acts of Parliament, 1985 (India)

⁷ *Marbury v. Madison* 5 US 137 (1803)

⁸ V. Nageswara Rao, G.B. Reddy, "DOCTRINE OF JUDICIAL REVIEW AND TRIBUNALS : SPEED BREAKERS AHEAD," *Journal of the Indian Law Institute* 39, no.2/4 (1997): 411-423, <https://www.jstor.org/stable/43953285>

⁹ INDIA CONST. art. 13.

¹⁰ INDIA CONST. art. 368.

¹¹ *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461

stated that although the Parliament has power to amend, it cannot alter the Constitution's structure, emphasizing the basis of legislative sovereignty and constitutional supremacy through judicial review.

In the case of *Indira Nehru Gandhi v. Raj Narain*¹², the propriety of this concept of judicial review having been written in the Constitution was further legalized in the recent *L. Chandrakumar* case where the Supreme Court of India held that the judicial review by constitutional courts namely the Supreme Courts and the High Courts won't be taken by any tribunals or legislations.

It is important to note that the basic structure doctrine has been affirmed in India by the Supreme Court while deciding *Minerva Mills Ltd. v. Union of India*¹³. This was followed by the highlighting of the fact that the claimed doctrine of the court's right of judicial review is in the catalogue of the basic structure of the constitution. According to the court, such power is important for preserving the checks and balances between two branches of government, namely the legislative and the judiciary.

In *Chandrakumar's* case, the Supreme Court even enlarged the judicial review jurisdiction to the High Court and other appellate and reviewing authority. This means that these bodies can now determine the constitutionality of all legislative measures, thereby extending the possibility of the application of judicial review beyond the present potentially uneven and inconsistent fashion across the jurisdictions.

B. The Administrative Tribunals Act, 1985

Administrative Tribunals Act, 1985 lays out the setting up of administrative tribunals to hear the complaints and matters in relation to the recruitment and service terms of the public employees. It is intended to afford a specialized medium of prompt and efficient redress of grievances. It was the British Parliament that passed the Tribunals and the Inquiries Act in 1958 through which the concept of administrative adjudication was likely to spread to India and later on the Indian constitution allowed similar tribunals to be formed.

The Chandra Kumar case played an important role concerning India's administrative tribunal

¹² *Indira Nehru Gandhi v. Raj Narain* AIR 1975 SC 2299

¹³ *Minerva Mills Ltd. v. Union of India* 1980 AIR 1789

system by legalizing that the High court review is a constitutional provision that partakes of the basic structure.

This concern to set up administrative tribunals under this Act in India referred by K. I. Vibhute¹⁴ in his article where the then Law Minister was Shri A.R. Antulay. In the course of the parliamentary debates and discussions on the Act, the Law Minister was very clear to state that the purpose of the establishment of the administrative tribunals was not to create an additional judicial structure that was to be beyond the power of the High Courts. Rather the notion was to offer an exclusive platform of the resolution of service matters and other administrative issues which would be more effective and reasonable as compared to the judicial procedures. The key points made by the Law Minister included Specialized Jurisdiction, not a Replacement for High Courts and Judicial Review. The Law Minister when clarifying the status of tribunals gave a reiteration that although they would have the powers stated, they would be under the judicial review by the apex court and high courts given in the Constitution.

Following are previous judicial decisions that paved the way for the 1997 decision:

The Supreme Court referred to many U.S. Supreme Court cases that defined the role of a constitutional court in the legal landscape of America.

The one important case which made such provisions was *National Mutual Insurance Co. v. Tidewater Transfer Co.*¹⁵, where only the courts were created under U. S. Constitution Article 3 can have jurisdiction over the cases related to federal laws and constitutional issues. Likewise, in *Thomas S. Williams v. United States*¹⁶ The U.S Supreme Court reiterated that the legislative courts established by the congress can not do Judicial Review as this power is vested in the Article III courts only.

The Indian Court also relied on *Northern Pipeline Construction Co. v. Marathon Pipeline Co.*¹⁷, where the US Supreme court repealed; the creation of bankruptcy courts by congress as these legislative courts were outside the constitutional framework to decide the basic matter of

¹⁴ K.I. Vibhute, "ADMINISTRATIVE TRIBUNALS AND THE HIGH COURTS: A PLEA FOR JUDICIAL REVIEW," *Journal of the Indian Law Institute* 29, no.4 (1987): 524-546, <https://www.jstor.org/stable/43951124>

¹⁵ *National Mutual Insurance Co. v. Tidewater Transfer Co* 337 US 582 (1949)

¹⁶ *Thomas S. Williams v. United States* 289 US 553 (1933)

¹⁷ *Northern Pipeline Construction Co. v. Marathon Pipeline Co.* 458 US 50 (1982)

bankruptcy laws. The judgment of the U.S. Court also affirmed a thought that only those courts which are constitutional courts can conduct judicial review.

In *S. P. Sampath Kumar v. Union of India*¹⁸ through the Constitution Bench the Supreme Court had to answer whether Administrative Tribunals created under the Administrative Tribunals Act, 1985 were unconstitutional or not. While interpreting Article 323- A of the Constitution the Court observed that these tribunals which function as appellate authority pertaining to decisions made by the High Court in service matters have been established under section 42-A of the Railway Act and thus are legally tenable. But Sampath Kumar has not elaborated as to whether the Tribunals possessed the authority to declare the statutory provisions unconstitutional. The concept of judicial review as much as it concerned the validity of laws was not provided for.

Through *M. B. Majumdar v. Union of India*¹⁹, the Apex Court quashed stating that CAT members cannot be paid salaries at par with High Court judges. The Court made a confirmation that while CAT deals with service issues it is not a judicial body like the High Court partly because it does not have the service requirement as that of High Courts. This verdict along with *J.B. Chopra and Anr v Union of India*²⁰ which provides that the three-tiers of the tribunal structure²¹ are not free from judicial review.

The legal doctrines and principles enshrined in the L Chandrakumar case ruling in 1997 are:

1. In this case, the ratio decidendi was majorly focused on the doctrine of ‘basic structure’ as seen in *Kesavananda Bharati v. State of Kerala*. The court held that the doctrine of judicial review is an essential aspect of the Constitution which cannot be removed or lessened by any amendment, law or any other tribunal. The constitutional powers²² Judicial review conferred under articles 226/227 on the High Courts and under Article 32 on Supreme Court is important to ensure the checks and balances among the branches of government. Even though

¹⁸ *S.P. Sampath Kumar v. Union of India* AIR 1987 SC 386

¹⁹ *M.B. Majumdar v. Union of India*, (1990) 4 SCC 501

²⁰ *J.B. Chopra v. Union of India* AIR 1987 SC 357

²¹ P. Leelakrishnan, “REVIEWING DECISIONS OF ADMINISTRATIVE TRIBUNAL; PATERNALISTIC APPROACH OF THE INDIAN SUPREME COURT AND NEED FOR INSTITUTIONAL REFORMS,” *Journal of*

the Indian Law Institute 54, no.1 (2012): 1-26, <https://www.jstor.org/stable/43953523>

²² K.C. Joshi, “CONSTITUTIONAL STATUS OF TRIBUNALS,” *Journal of the Indian Law Institute* 41, no.1 (1999): 116-119, <https://www.jstor.org/stable/43951702>

administrative tribunals have jurisdiction to entertain certain matters as lower courts of original jurisdiction, their decisions are subject to review by the High Court.

2. In its obiter dicta, the court observed that the role of tribunals is to work as supplementary bodies who counsel and subordinate to help reduce the workload of the High Courts and Supreme Courts. The court said that there is a need for reforms to improve the efficiency and functioning of tribunals and it also emphasized that the composition should consist of a delicate balance between judicial and administrative expertise. It recommended a single ministry to oversee the conduct of the tribunals for better management and independence of judiciary.

3. The court took these precedents with the help of the Kesavananda Bharati case which introduced the basic structure doctrine and declared the power of judicial review as unamendable. Thus, in *S. P. Sampath Kumar v. Union of India*, while the Apex Court had upheld the constitutionality of tribunals in public service matters, it had also given their substitutivity of High Courts in certain aspect while at the same time recognizing the need for overseeing the role of judiciary. Still, in *L. Chandra Kumar v. Union of India* the Court reversed this position reminding that, although the tribunals can decide the cases, their decision can be reviewed by the High Courts; judicial review is the part of the Constitution's basic structure. This case became a precedent to many future cases that have been discussed in the next part.

4. The court in its stare decisis relied on the decision of Kesavananda Bharati by restating this basic structure doctrine, and holding that any provision which alters the basic structure is unconstitutional and the same applies to the exclusion of judicial review's power. Thus, the decision in *L. Chandra Kumar* re-affirmed Judicial review as a constitutional reality of the Indian system.

Recent court judgments after 1997

In the case of *Union of India vs. Kali Dass Batish*²³ and Another, Supreme Court of India elaborated on the extent of its power of judicial review regarding appointments to CAT. Even though a preference of the K.D. Batish was endorsed through India's Chief Justice, nevertheless the Union of India turned down the candidature of applicant because of a negative Intelligence Bureau report. The Himachal Pradesh High Court stepped in into the matter but the National

²³ *Union of India v. Kali Dass Batish*, (2006) 1 SCC 779

Court of appeal said that the high court's intervention was not called for since 'judicial control in such matters is not very wide'. This ruling stands in line with the ruling in *L Chandra Kumar vs. Union of India* whereby the Court upheld the system of judicial review as being constitutional while at the same time recognizing that the court has no business interfering with the affairs of the administrative branch of government where there is no violation of law.

In India's *Union vs R. Gandhi*²⁴ The basis arose from *L. Chandra Kumar*, who challenged the constitutional validity of the Companies Act, 2002, which transferred company law proceedings to the National Company Law Tribunal and the National Company Law Appellate Tribunal. On the said note, Chandra Kumar upheld that the judicial review under Articles 226 and 227, and a considerable portion of it cannot be referred to Tribunals. Consequently, Tribunals were decreed to be competent to special cases but they have to continue to operate under the superintendence of High Courts for the purview of judicial independence and balance of powers. Therefore, they should protect the key High Courts' judicial review by Tribunals, so that the correct division of powers between branches of government is kept.

In *Maruthi Traders vs Commercial Tax Officer Perur Assessment Circle Coimbatore*²⁵ the court followed *L. Chandrakumar*, saying that the statutory forums or tribunals having its base through the laws (For Section the tax matters in this case) do not encroach on the powers of the High Court under Article 226 but where an effective prayer of alternative remedy is given it should be a rule of equity that the parties should approach the This decision enhances the recognition that although statutory remedies need to be exhausted the constitutional courts remain on supervisory authority

In *Swiss Ribbons Pvt. Ltd. vs. Union of India*²⁶ While dealing with the Insolvency and Bankruptcy Code (IBC) the Court stressed the role of the tribunals as efficient as it is but nevertheless submissive to judicial review by the High Court and the Supreme Court upholding articles 32 and 226/227.

In *The Administrator, Union Territory of Lakshadweep Vs Naderkoya & Ors*²⁷ The Tribunal went a step further and issued directions which are beyond its power such as it directed the administration to implement casual employment on the basis of the 1993 Casual Labourer

²⁴ *Union of India v. R. Gandhi*, 2009 SCC OnLine SC 18

²⁵ *Maruthi Traders v. Commercial Tax Officer*, 2016 SCC OnLine Mad 13510

²⁶ *Swiss Ribbons Pvt. Ltd. vs. Union of India* AIR 2019 SC 739

²⁷ *Administrator, Union Territory of Lakshadweep Vs Naderkoya & Ors* 2004 SCC OnLine Ker 238

Scheme. This is in consonance with the ruling in Chandra Kumar case in view of the Act wherein it is specified that Tribunals cannot perform functions beyond the one prescribed under the Act and has to refer matters to High Court if required.

In Orissa Administrative Tribunal Bar Association v. Union of India²⁸ The abolition of its tribunal and the shifting of service related cases to the High Court did provoke the question concerning whether such Tribunals are necessary for the justice delivery system. Judicial review was held in the Orissa Administrative Tribunal and the Court made it clear that High courts have that ultimate jurisdictional say in takeover judicial review from matters previously considered in Tribunals.

In Union of India v. Delhi Bar Association²⁹, the Supreme Court upheld the constitutional validity of the RBBDFI act with important notice that decisions of Debt Recovery Tribunals are not beyond the power of judicial review. This decision ensured that while specialised tribunals can make debt collection faster, they will still operate under the supervision of high courts under articles 226 and 227, hereby protecting the rights of individuals to seek judicial redress.

In the cases Union of India v. Central Administrative Tribunal³⁰, Public Services Tribunal Bar Association v. State of U.P.³¹ and Amrik Singh Lyallpuri v. Union of India³², the Supreme Court reaffirmed the power of judicial review in tribunals and that their rulings would be under scrutiny by the high courts under the articles of 226 and 227 which are a part of Basic structure of the constitution.

In Gujarat Urja Vikas Nigam Ltd v. Essar Power Ltd³³, the Supreme Court observed concerns regarding the functioning of the tribunals with emphasis on the appointment and tenure of members. The court said that there is a need for transparency in the appointment process, judicial oversight and availability of justice. It was also stated that acts of the tribunals should not compromise the role of the Apex Court or limit the access of justice to the citizens.

²⁸ Orissa Administrative Tribunal Bar Assn. v. Union of India, 2023 SCC OnLine SC 309

²⁹ Union of India v. Delhi Bar Association AIR 2002 SC 1479

³⁰ Union of India v. Central Administrative Tribunal 2002 SCC OnLine Cal 597

³¹ Public Services Tribunal Bar Association v. State of U.P AIR 2003 SC 1115

³² Amrik Singh Lyallpuri v. Union of India 2011 AIR SCW 2709

³³ Gujarat Urja Vikas Nigam Ltd v. Essar Power Ltd 2016 (9) SCC 103

In the case of *T. Sudhakar Prasad v. Government of Andhra Pradesh*³⁴, the apex court held that tribunals like the Andhra Pradesh Administrative Tribunal have the same power as the High Courts to penalise for contempt, which are also subject to judicial review. The court also limited the intervention of high courts in such proceedings, making the Supreme Court the appropriate forum to challenge tribunal decisions.

CASE COMMENT

The landmark case of *L. Chandra Kumar v. Union of India* serves as a crucial moment in the development of administrative law in India with emphasis concerning the powers and role of Administrative Tribunals. The decision of the Apex Court reaffirmed the principle of judicial review as an essential element of the basic structure of the Constitution with the judiciary maintaining an oversight over the tribunals decisions. This judgment highlights the concerns for potential arbitrary decisions which the tribunals might make while the initial need of the tribunals was to reduce the burden on High Courts.

This decision builds mainly on the doctrine developed in *Kesavananda Bharati v. State of Kerala* in which it set a limit to the amendment of the Constitution by Parliament regarding its basic structure. In the similar manner, while deciding *Minerva Mills v. Union of India* and *Indira Nehru Gandhi v. Raj Narain* the court reaffirmed the locus standi of judiciary in the form of judicial review as basic to Indian democracy.

The above ruling conforms alongside the international trends of judicial review as seen in *Marine v Madison*, a US case that formed the basis of the judiciary annulment of the unconstitutional laws. In Indians cases such as *S. P. Sampath Kumar & Another Vs State of Kerala* and *R. K. Jain Vs Union of India* the supremacy of administrative tribunal had been challenged and delivered this 1997 judgment in function of constitutional powers for specifying constitutional courts oversight on tribunals.

The reliance on the previous decisions including *State of Madras v. V. G. Row* and *Bidi Supply Co. v. Union of India* made the court give importance to judicial review as part of the checks and balances of the three forms of the government. It also leaned on other decisions from the

³⁴ *T. Sudhakar Prasad v. Government of Andhra Pradesh* (2001) 1 SCC 516

U. S. including Northern Pipeline Construction Co. V Marathon Pipeline Co where it stated that legislative courts do not possess the scope of judicial review.

In my opinion, the judgment presents a noteworthy balance between the need for judicial oversight and the efficiency of administrative justice. The Court said that for the protection of the rights of the citizens and for the supremacy of rule of law the High Courts have authority to review the decisions of the tribunals. It also highlights one of the essential components of a democratic society where the separation of powers is to be supreme to make sure that no branch of the government oversteps its authority.

The need for reforms in the tribunal system was highlighted in the judgement. One important suggestion was to establish an independent agency for the selection and management of tribunal members which led to reduced influence of the executive and strengthen the tribunals credibility. Moreover, constant training for members of the tribunals on administrative and constitutional law is vital for ensurance of making informed and fair decisions by them.

The decision made a major impact on the administrative tribunal system in India as it reasserted the jurisdiction in High Courts over the decisions of the tribunals. Subsequently, other similar cases such as Union of India vs. Kali Dass Batish, the above-stated principle was mentioned so that the authority was retained for control by the courts over tribunals.

In my view, this judgment makes sure that the checks and balances by the Judiciary makes certain that no tribunal will be able to act beyond the Constitution in protecting the rights of citizens and ensuring that it plays its role as watch-dog of the Constitution.

CONCLUSION

The L. Chandra Kumar judgment is a landmark judgment in this context as far as the administrative law's growth in the country is concerned with establishing a balance between efficiency of administrative justice and the judiciary. The judgment reaffirms the principle of tribunals as separate jurisdictions for the resolution of conflicts but with the concurrent regulation by the general structure of judiciaries particularly the high courts. In that sense, Chandra Kumar reaffirms the Constitution's basic structure by ensuring that tribunals do not work independently and ensures that the judiciary protects the citizens' constitutional rights and accountability in administrative justice. The decision also underscores the need for

tribunals to respect the tenet of law and administrative fairness as well as stating that fundamental equity is an relevant principle of working within tribunals. It remains a mile-post in the annals of these tribunals; the rules have made provisions and reassured that tribunals work differently, but effectively, and fairly.

SUGGESTIONS

1. Establish an independent agency for selecting, managing and punishing the tribunals, to avoid paring the influence from the executive department.
2. Ensure that members of the tribunals undergo constant refresher courses on constitutional and or administrative law to enable the making of sound decisions.
3. The legal proceedings should be made more open and release the decisions of the tribunals; enhance the online platforms that track cases in real-time.
4. Make possible the disposal of cases in a shorter time than traditional methods without inconsistent the provision of natural justice.
5. Ensure that tribunals possess the necessary resources to address new legal³⁵ and social issues which arise bearing in mind they deal with emerging challenges such as technological advances, Environmental Law Challenges and Public Health among others.
6. Minimize delays by establishing a time framework for case disposal as well as ensuring efficient judicial scrutiny of the decisions made by the tribunals.

³⁵ Milton A. Kallis, "The Problem of Judicial Review of Administrative Action," *Chiago-Kent Law Review* 17, no.4 (1939): 324-360, <https://scholarship.kentlaw.iit.edu/cklawreview/vol17/iss4/2>