



# International Journal Research Publication Analysis

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## ADMINISTRATIVE TRIBUNALS VS. COURTS: AN EVALUATION OF THEIR JURISDICTIONAL OVERLAP

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**Article Received: 26 October 2025**

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**Article Revised: 14 November 2025**

4th year B.com LL.B. (Hons), Chettinad School Of Law, Kelambakkam, Tamil Nadu, India. DOI: <https://doi-doi.org/101555/ijrpa.9694>

**Published on: 05 December 2025**

### ABSTRACT

The establishment of administrative tribunals in India marked a significant development in the evolution of administrative justice, aimed at providing specialized, speedy, and less formal adjudication of disputes involving public administration. However, the proliferation of tribunals has led to ongoing debates about their jurisdictional overlap with regular courts, particularly the high courts and the Supreme Court. This research paper critically examines the functional and constitutional boundaries between administrative tribunals and courts, assessing the extent to which tribunals have achieved their purpose of reducing judicial burden while maintaining fairness and accountability. It exposes the implications of a landmark judgement like *L.Chandra kumar v. Union of India (1997)*, which reaffirmed the supremacy of judicial review under Article 32, 226 of the constitution. This study also analyses the challenges faced by the dual system of adjudication, including issues of accessibility, independence, and the equality of justice delivered by tribunals. Through a doctrinal and a comparative approach, this paper evaluated whether the current framework successfully balances administrative efficiency with constitutional principles of separation of power and rule of law. Ultimately, it argues that while administrative tribunals play an important role in enhancing the efficiency and specialization in the dispute related to governance, clearer demarcation of jurisdictional boundaries and a stronger institutional safeguards are essential to prevent conflict, ensure uniformity in justice delivery and preserve the integrity of India's judicial system.

**KEYWORDS:** Administrative tribunals, Judicial review, Jurisdictional Overlap, Separation of powers, Rule of Law, Constitutional Justice.

## **INTRODUCTION:**

The concept of administrative adjudication has gained a significant prominence in modern governance due to the growing complexity of the state functions and the need for specialized dispute resolution mechanism. In India, establishment of Administrative Tribunals was envisioned as a means to deliver speedy, expert, and efficient justice in matters related to public administration, service disputes, and other regulatory fields. The 42<sup>nd</sup> constitutional Amendment Act, 1976, introduced Article 323A and 323B, providing the constitutional foundation for tribunals as quasi-judicial bodies intend to reduce the burden on regular courts and ensure effective resolution of administrative dispute.

However, the expansion of tribunals has raised critical questions regarding their jurisdictional boundaries and relationship with constitutional courts, particularly the High Courts and Supreme Courts. Concerns have emerged about the extent to which tribunals can exercise judicial powers, the independent of their members, and whether their decisions are subject to judicial review. Landmark cases like *S.P.Sampath Kumar v. Union of India (1987)* and *L.Chandra Kumar v. Union of India (1997)* have significantly influenced the Constitutional disclosure by reaffirming the supremacy of judicial review as a basic feature of the constitution.

This research paper explores the jurisdictional overlap between Administrative Tribunals and courts, analysing whether tribunals have succeeded in achieving their original objectives without compromising the principle of separation of power, rule of law and judicial independence. This paper aims to evaluate the effectiveness, accountability and constitutional validity of the existing tribunal system in India and to give measures for ensuring harmonious coexistence between Tribunals and the regular judiciary

## **Statement of the Problem**

The establishment of administrative tribunals in India was majorly to provide specialized, efficient, and accessible justice in dispute involving public administration, therefore reducing the burden on regular courts. However, overtime, a significant jurisdictional overlap has emerged between tribunals and constitutional courts, this leads to raising concerns about the

clarity of their respective roles<sup>1</sup>. This overlap has resulted to issues such as conflicting decisions, delays due to appeals, and uncertainty in legal remedies, which may undermine the very objectives for which tribunals were created. Further, concerns about the independence, accountability, and procedural fairness of tribunals have grown more salient, particularly when their orders are open to judicial review by High Court and the Supreme Court<sup>2</sup>. Ineffective demarcation of powers and functions between tribunals and courts often generates potential tensions, impacting the efficacy in the resolution of disputes as well as public confidence in administrative justice.

This study endeavours to critically analyzes the precision and consequences of administrative tribunals and courts' jurisdictional overlap, and whether the existing legal and institutional setup weighs specialization, efficiency, and constitutional protection appropriately. It also tries to list the potential reforms for strengthening the coherence, efficacy, and legitimacy of India's administrative judiciary

#### **Research questions:**

- (i) To what extend the Administrative Tribunal in India overlap with the jurisdiction of regular courts, and what are the constitutional implications of this overlap?
- (ii) How far have do the administrative tribunals succeeded in delivering speedy, specialized, and accessible justice compared to traditional courts?
- (iii) What are the steps that can be adopted to make sure a balance between tribunal efficiency and the constitutional principles of judicial review, separation of powers, and rule of law?

#### **Research objectives:**

- (i) To study the statutory and constitutional framework governing administrative tribunals and their interaction with regular courts.
- (ii) To evaluate the landmark judicial decisions/ruling that clearly defines the scope and limits of tribunal jurisdiction in India.
- (iii) To evaluate the effectiveness, independence, and accountability of administrative tribunals in resolving dispute.
- (iv) To propose recommendations for minimizing jurisdictional conflicts and enhancing the efficiency and fairness of India's tribunal system

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<sup>1</sup> *The Administrative Tribunals Act, 1985*, supra note 2.

<sup>2</sup> *Union of India v. R. Gandhi, President, Madras Bar Ass'n*, supra note 5.

## **Research Methodology**

This study uses a doctrinal and comparative legal research, to study the overlap of powers between the administrative tribunals and the courts in India. It is a qualitative study based on the constitutional law and the court judgements that explain the role of tribunals. This study mainly uses secondary sources like the constitution including Article 323 A and 323 B, Administrative Tribunals Act, 1985 and other related laws such as the National Green Tribunal Act, 2010 and the Income tax Appellate Tribunals Act, 1963. Important cases including S.P Sampath Kumar (1987), L.Chandra Kumar (1997), Union of India v. Madras bar association (2010) and Rojer Mathew (2019) are studied to understand how tribunals and courts share their powers. This research also compares the tribunal system of the UK and Canada to find the ideas for improving the Indian system. It uses data from books, journals and reports and also some legal websites like Indian Journal of Law and Legal Research. The method is descriptive and analytical, it means that it explains and analyzes laws to find the gaps and suggests reforms. This study also focuses on India with the foreign examples only for comparison, and it does not include field surveys or interviews. Finally overall, the main goal is to understand how well tribunals in India work while still protecting constitutional principles like the rule of law, judicial independence and the separation of powers.

## **Literature Review**

### **1) Abinaya.S, Growth of administrative Tribunals in India, Indian Journals of Law and Legal Research (2023)**

The paper written by Abinaya.S clearly explains on how the administrative tribunals started and developed in India. It tells about important laws including Article 323-A and 323-B of the constitution and major cases including *Chandra Kumar v. Union of India* and *S.P.Sampath Kumar v. Union of India*. The author shows why tribunals grew – because people needed faster, cheaper, and simpler justice. The paper also gives example of different tribunals and important judgements, which helps the readers understand on how tribunal system expanded in India.

But the research gap or drawback in this paper is that this paper mostly talks about how tribunals were formed and their advantages, but it does not discuss their problems. It does not examine whether tribunals are truly independent or how their rules and procedures differ from one another. It also does not explain the legal issues between the tribunals and the courts. And there is no real study on comparing “how well tribunals work as compared to the

regular courts" if the author covered these points means then this paper would be more complete and balance<sup>3</sup>.

**2) Yuvashree K. "Justice through tribunals: Assessing the role, challenge and reforms of India's tribunal System" (2025)**

The paper written by Yuvashree K. explains the good sides of tribunal's system. It shows that tribunals give faster, cheaper and more expert decisions than regular courts. They help to reduce the heavy case load in courts and make justice easier for the common people to access because their process is simpler and less formal. The author also points out that tribunals are very important part of India's legal system and handle special types of administrative and services disputes effectively.

The paper also points out some problems in the tribunal system. The drawback in this paper is that the author fails to tell that there are no common rules for how the tribunals work, and some members may not have enough legal knowledge. Sometimes the tribunals do not follow the same standards and procedure to that of courts, which affects transparency and trust. The author suggests that better training, clear procedures, and stronger accountability are needed to make sure that the tribunals are being more reliable and closer in quality to the regular courts<sup>4</sup>.

**3) ArthiK, Administrative Tribunal Under Administrative Law, Indian Journal Legal Rev (2024)**

The paper written by Arthi K, talks about the benefits of administrative tribunals. It explains that the tribunals are faster, cheaper and much more flexible than compared to the regular courts. This is because tribunal members often have special knowledge, they can handle complex issues more easily. Their simple process helps people get justice quickly and reduces the burden on regular courts. This makes tribunals an important and useful part of the legal system.

The paper also points out some weakness in the tribunal system. Few problems includes uneven procedures, lack of proper legal training for members, and possible treats to independence. The tribunals members do not have the same protection or status as High

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<sup>3</sup> Abinaya S., *Growth of Administrative Tribunals in India*, 5 Indian J. L. & Legal Res. 1682 (2023)

<sup>4</sup> Yuvashree K., Justice Through Tribunals: Assessing the Role, Challenges and Reforms of India's Tribunal System, 5 Int'l J. Adv. Legal Res. (2025)

Court judges, which can raise doubts about fair decisions. The paper suggests that having uniform procedures, better training, and stronger safeguards<sup>5</sup>

#### **4) Warren H.Pillsbury, Administrative Tribunals, Hardvard Law Reviee Association**

The paper written by Warren H.Pillsburry explains that the administrative tribunals help modern governments work better by being more efficient, flexible, and specialized. They can handle more disputes faster, cheaper and less formal than compared to the regular courts especially in technical or regulatory matters. Tribunals also reduce the workload of courts by dealing with cases in areas like public utilities, labour and regulation, making justice more accessible.

However, the author also points out some problems. He wants that tribunals mix legislative, executive and, judicial powers, which can affect the separation of powers and judicial review. He raises concerns about possible unfair decisions because tribunals may not follow strict rules of evidence or procedures. There are also inconsistencies in defining on what these tribunals should do. The author suggests that clearer rules and better safeguards are needed to protect accountability and the rights of people that are involved. He calls for more research and reforms to make sure tribunals work fairly and follow proper standards<sup>6</sup>.

## **CHAPTER 1**

### **1.1) Background of study**

Administrative Tribunals were introduced in India as quasi-judicial bodies to ensure speedy and specialized adjudication of disputes arising of dispute arising in specific sectors, especially in matters relating to service conditions of public servants, taxation, and regulatory compliance<sup>7</sup>. Their creation stems from the recognition that traditional courts often face overburdening, procedural delays, and lack of technical expertise in specialized areas of law. The Administrative Tribunals Act, 1985, marked a significant step in institutionalizing this mechanism, with the aim of reducing the judicial workload and providing efficient dispute resolution<sup>8</sup>

In spite of their, planned efficiency, administrative tribunals tend to operate in a sphere of overlapping jurisdiction with ordinary courts, especially High Courts and the Supreme

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<sup>5</sup> Arthi K, Administrative Tribunal Under Administrative Law, Indian J. Legal Rev., 4(4) (2024), at 29-34.

<sup>6</sup> Warren H. Pillsbury, Administrative Tribunals, 36 Harv. L. Rev. 405, 407–09 (1923)

<sup>7</sup> *S. P. Sampath Kumar v. Union of India & Ors.*, (1987) 1 SCC 124 (India).

<sup>8</sup> The Administrative Tribunals Act, 1985, No. 13 of 1985, Acts of Parliament, 1985 (India)

Court<sup>9</sup>. This overlap occurs with respect to judicial review, constitutional review, and questions of procedure relating to the powers and limits of tribunals. Courts still have the powers to review whether tribunals are acting within their jurisdiction, following rules of natural justice, and obeying statutory requirements. This twinning can give rise to conflict, postponements and uncertainty, defeating the efficacy for which tribunals were first designed<sup>10</sup>. Over the last few years, a number of judicial rulings have sought to clarify limits of tribunal jurisdiction over courts<sup>11</sup>.

But issues remain as to the limits of quasi-judicial power that should be exercised independently by tribunals, the ambit of appellate supervision by courts, and procedural protection needed to reconcile efficiency with equity. It is thus important to assess the overlap of jurisdiction between tribunals and courts in order to grasp the operational dimensions of administrative justice, the governance challenges, and possible reforms to align these parallel adjudicatory mechanisms.

### **1.2) Comparative jurisdictional analysis of tribunals and courts**

This part of the research paper studies on how the powers and duties of the administrative tribunals and the courts are similar or different and where they overlap. Tribunals are very special bodies created to handle specific types of cases, such as service matters, tax disputes, or environmental issues. They also work faster and less formal as compared to the courts, they also include experts in the subject matters. While courts on the other hand, follows strict legal procedures and focuses on interpreting the law and protecting the people's rights.

This comparison shows that while both the tribunals and the courts aim to give justice, their methods and powers are not the same. Sometimes, both have the authority over the similar matters, which might cause confusion and delay. For example, when a person is unhappy with the decision of the tribunal then they may approach the High Court and Supreme Court through the process called Judicial Review. This overlap raises the question about the balance between the efficiency and the judicial control.

This analysis also looks at on how the other countries like the United Kingdom and Canada manage this overlap more clearly by defining boundaries between tribunals and courts. Better understanding on these differences helps suggests ways to make India's system more organized, and reduce the duplication of work and thus ensure that the justice remains fair, quick and consistent.

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<sup>9</sup> *L. Chandra Kumar v. Union of India & Ors.*, AIR 1997 SC 1125 (India).

<sup>10</sup> *Union of India v. R. Gandhi, President, Madras Bar Ass'n*, (2010) 11 SCC 1 (India).

<sup>11</sup> "The Tribunal System in India," PRS Legislative Research, Mar. 2021,

### **1.3) Role of Judicial Review in Maintaining the balance between Tribunals and Courts**

Judicial Review plays a very important role in ensuring that the tribunals act within their legal limits and do not misuse their powers. This part of the research paper explains on how the High Court and the Supreme Courts supervise the tribunals to protect fundamental rights and uphold the rule of law. Tribunals are meant to reduce the work of the regular courts and give a faster and quick justice, but they still have to follow the Indian Constitution. Courts can also check their decisions through judicial review to fix mistakes or unfair rulings.

This part also discusses important judgement such as *L.Chandra Kumar v. Union of India* (1997) and *Rojer Mathew v. South Indian Bank Ltd* (2019), in which it is confirmed that the judicial review is a basic feature of the Indian Constitution and cannot be taken away. These case laws shows that though tribunals perform a major judicial functions, the ultimate power to interpret the constitution is held in the hands on the higher judiciary. The section concludes that judicial review ensures accountability, protects citizens' rights, and keeps harmony between administrative efficiency and judicial independence.

## **CHAPTER 2 (Legal and Constitutional Framework)**

### **2.1) Constitutional Provision – Article 323A and 323B, Principles of Separation of Powers:**

In India Administrative tribunal derive their constitutional legitimacy initially from Article 323-A and 323 – B of the Constitution<sup>12</sup>. Article 323 – A, inserted by the 42<sup>nd</sup> Amendment Act of 1976, that empowers Parliament to establish tribunals for adjudicating disputes in matter related to public services<sup>13</sup>. It ensures that service-related disputes are resolved efficiently without overburdening ordinary courts. Article 323 – B extends this principle to a wider range of matters, including taxation, foreign exchange, land reforms, and other specialized areas, allowing both the parliament and state legislature to establish tribunals within their legislative competence<sup>14</sup>

The creation and functioning of tribunals also raised important questions concerning the principles of separation of powers. While the judiciary traditionally performing the role of interpretation of law and ensuring justice, tribunals on the other hand

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<sup>12</sup> India Const. art. 323A.

<sup>13</sup> India Const. art. 323A; see also Forty-Second Amendment Act, 1976, No. 61, Acts of Parliament 1976 (India).

<sup>14</sup> India Const. art. 323B.

exercise quasi-judicial functions<sup>15</sup>. But both Judiciary and tribunals function under the control of legislative that mandates but still remain subject to the judicial review to uphold legality, fairness, and constitutionality<sup>16</sup>. This dual framework reflects a delicate balance between the both: while tribunals aim to ease the burden on traditional courts, judicial oversight ensures that their actions do not become arbitrary or exceed their legal authority

## **2.2) Key legislations – Administrative Tribunals Act, 1985, and Sector Specific Tribunal Laws**

The Administrative Tribunals Act, 1985 is the cornerstone of India's tribunals. It provides for a formal setup of Central Administrative Tribunals (CAT) and similar institutions, specifying their composition, jurisdiction, standard procedures, and powers<sup>17</sup>. The Act also provides for specialization, where tribunals can handle disputes in an effective manner, especially cases involving service conditions of government servants, pensions, promotions, and transfers.

Apart from the core enactment, sectoral-specific tribunal legislations have been passed to resolve disputes in niche areas, e.g., the Income Tax Appellate Tribunal (ITAT), Customs, Excise, and Service Tax Appellate Tribunal (CESTAT), National Green Tribunal (NGT), and Securities Appellate Tribunals (SAT)<sup>18</sup>. These enactments mark the legislative direction of unifying technical acumen with quasi-judicial powers. Although these courts simplify the settlement of disagreements, their jurisdiction in certain cases overlaps with that of common courts, particularly in issues of procedural interpretation, challenges to constitutions, and enforcement of statutory rights.

## **2.3) Judicial oversight and review- Role of High Court and Supreme Court in Reviewing Tribunals Decisions**

Despite the quasi-judicial authority given to the tribunals, Indian courts continue to have an essential check function. Supreme Court and High Court are free to review decisions of the high courts under Article 226 and 227<sup>19</sup>, respectively, and enforce compliance with the rule of natural justice and legislative limitations. Judicial check is particularly necessary in jurisdictional mistakes, partiality, or violation of the fundamental rights cases, where the courts intervene to correct legal frailties.

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<sup>15</sup> L. Chandra Kumar v. Union of India & Ors., AIR 1997 SC 1125, 1133 (India).

<sup>16</sup> S. P. Sampath Kumar v. Union of India & Ors., (1987) 1 SCC 124, 132–33 (India).

<sup>17</sup> The Administrative Tribunals Act, 1985, No. 13, Acts of Parliament 1985 (India).

<sup>18</sup> Income Tax Appellate Tribunal Act, 1963, No. 25, Acts of Parliament 1963 (India); Customs, Excise and Service Tax Appellate Tribunal Act, 1982, No. 35, Acts of Parliament 1982 (India); National Green Tribunal Act, 2010, No. 19, Acts of Parliament 2010 (India).

<sup>19</sup> India Const. arts. 226, 227.

Landmark judicial decisions have sought to establish the limits of the Tribunals' jurisdiction. For example, in *L. Chandra Kumar v. Union of India* 1997, the Supreme Court reiterated that tribunals are subject to judicial review in order to guarantee the supremacy of the Constitution and at the same time recognize the imperatives of expert determination of disputes<sup>20</sup>. The supervisory role by courts would bring about accountability, prevent abuse of discretion, and coordinate concurrent jurisdiction between tribunals and regular courts.

### **CHAPTER 3 (Jurisdictional Overlap between Tribunals and Courts)**

#### **3.1) Types of Jurisdiction – Original, Appellate, and Supervisory Jurisdiction of Tribunals and Courts**

Both the courts and as well as the tribunals can hear cases for the first time, handle appeals and supervise lower bodies, which sometimes leads to overlapping functions. Tribunals including Central Administrative Tribunals (CAT) or National Company Law Tribunals (NCLT) deal directly with the service or company-related disputes. But if any case involves the question of constitutional validity (a question about the constitution or fair procedure), then cases can be reviewed by the High Courts or Supreme Courts<sup>21</sup> (this is known as judicial review)

Though tribunals were at first designed to take some of the pressure off the courts, the Supreme Court in *L. Chandra Kumar v. Union of India* 1997, maintained that constitutional review cannot be excluded. Decisions of the tribunals are thus now subject to appellate and supervisory control of the High Courts. This dualistic organization clouds jurisdictional lines and thins out the ideal of expert, final, and effective adjudication.

#### **3.2) Causes of Overlap – Ambiguous Laws, Procedural Gaps, and Legislative Lacunae**

Jurisdictional overlap majorly happens due to unclear laws, inconsistency procedures, and weaknesses in the institution. For example, many tribunal laws, like Administrative Tribunals Act, 1985 do not clearly prevent High Court from hearing the same cases, thus allowing multiple proceedings to take place at the same time. Jurisdictional overlap primarily arises from legislative imprecision, procedural Overlapping subject matters—e.g., between the NCLT<sup>22</sup> and Debt Recovery Tribunals—also contribute to ambiguity<sup>23</sup>.

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<sup>20</sup> *L. Chandra Kumar v. Union of India & Ors.*, AIR 1997 SC 1125, 1133–34 (India).

<sup>21</sup> Central Administrative Tribunal Act, 1985, *supra* note 6; National Company Law Tribunal Rules, 2016, No. 1/2016 (India).

<sup>22</sup> NCLT Rules, 2016, *supra* note 10; Debt Recovery Tribunals Act, 1993, No. 51, Acts of Parliament 1993 (India).

<sup>23</sup> The Administrative Tribunals Act, 1985, *supra* note 6.

Procedural flexibility in tribunals, while aimed at bringing about efficiency, results in irregularities inviting judicial review. Lack of a standardized procedural code and indefinite adherence to principles of natural justice make matters worse. Frequent reorganizing of tribunals, executive dominance over appointments, and uncertainty about appellate hierarchies also create uncertainty, prompting litigants to opt for courts rather than tribunals.

### **3.3) Impact of Overlap – Delays, Duplication, Forum Shopping, and Litigant Confusion**

Jurisdictional overlap is mostly the byproduct of legislative vagueness, procedural incoherence, and institutional deficits. Most of the tribunal legislation, including the Administrative Tribunals Act, 1985, does not distinctly include High Court jurisdiction, making concurrent proceedings possible. Overlapping subject matters—e.g., between the NCLT and Debt Recovery Tribunals—also add to uncertainty<sup>24</sup>.

Procedural flexibility in courts, even aimed at ensuring efficiency, tends to create irregularities inviting interference by the judiciary. Lack of a uniform procedure and incoherent application of principles of natural justice contribute further to these conflicts. Constant reorganisation of tribunals, executive dominance in the matter of appointments, and incoherent appellate hierarchies introduce uncertainty, motivating the litigant to opt for courts rather than tribunals.

## **CHAPTER 4 (Case Studies / Empirical Analysis)**

### **4.1) Selected case studies-Services, Tax, and Environmental Tribunals.**

The Central Administrative Tribunal (CAT), created under the Administrative Tribunals Act, created under the Administrative Tribunals Act, 1985, handles service disputes of public servants. Despite its exclusive jurisdiction, its orders are often challenged before High Courts under Article 226 and 227, diminishing its finality and adding procedural delay<sup>25</sup>.

The Income Tax Appellate Tribunal (ITAT) has achieved relative efficiency handling tax appeals but still faces challenges before High Court and Supreme Court. This appellate layering weakens the purpose of quick, and expert resolution.

The National Green tribunal (NGT), was established in 2020. It has been proactive in environment protection but its expensive jurisdiction has sometimes conflicted with High Court. These examples show that even specialized tribunals face overlapping judicial scrutiny that reduced their independence and efficiency.

### **4.2) Judicial decision Analysis – Court’s Review of Tribunal Rulings**

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<sup>24</sup> PRS Legislative Research, *The Tribunal System in India* 3–5 (Mar. 2021),

<sup>25</sup> India Const. arts. 226, 227; Central Administrative Tribunal Act, 1985, *supra* note 6.

Judicial pronouncement have defined the balance of power between tribunals and courts. In *L.Chandra Kumar v. Union of India (1997)*, the Supreme Court held that tribunal decisions are subject to judicial review<sup>26</sup> by High Court and the Supreme Court, ensuring constitutional supremacy but reintroducing appellate overlap.

In *Union of India v. Madras Bar Association (2010)* and *Royer Mathew v. South Indian Bank Ltd. (2019)*, the court held that tribunals must remain independent and cannot replace High Courts. These decisions, While protecting judicial oversight, have made tribunals ruling preliminary rather than final, leading to prolonged litigation and institutional friction<sup>27</sup>.

#### **4.3) Empirical Insight – pendency, Disposal Rates, and Efficiency.**

Empirical data shows that the tribunal pendency remains high due to vacancies, limited infrastructure, and frequent judicial interference<sup>28</sup>. The tribunal including CAT continues to face backlog across benches, while the Tribunals performs better in disposal but loses efficiency once these appeals reach the higher courts. The NGT demonstrates speedy decision-making but encounters jurisdictional challenges that stall enforcement.

Comparatively, tribunals often deliver first-stage adjudication but lose this advantage through appellate duplication. The overlap with courts increase costs, delays, and uncertainty, limiting the effectiveness of tribunalisation as a reform.

### **CHAPTER 5 (Comparative Perspective and lessons)**

#### **5.1) UK Tribunal System – Structure, Appeals and Coordination with Courts.**

United Kingdom had a well-established tribunal system, which had evolved under Tribunals, Courts and Enforcement Act, 2007. Tribunals have a two-tier structure. First, the tier tribunal is responsible for taking the first cases or disputes that come to them, while upper tribunals take appeals. Specialized tribunals, like employment, tax, and immigration tribunals, exist to provide technical and quicker disposal<sup>29</sup>.

Essentially, there are only appeals from first-tier tribunals on the grounds of profits of law, and judicial review by the High Court will be available only in exceptional circumstances. This tightly drawn appellate hierarchy, together with the limitation upon full rehearing, ensures the least possible overlap with the ordinary courts. Coordination between tribunals

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<sup>26</sup> *L. Chandra Kumar v. Union of India & Ors.*, supra note 9.

<sup>27</sup> *Union of India v. Madras Bar Ass'n*, (2010) 11 SCC 1, 15 (India); *Royer Mathew v. South Indian Bank Ltd.*, (2019) 4 SCC 177, 182 (India).

<sup>28</sup> PRS Legislative Research, supra note 13.

<sup>29</sup> *Tribunals, Courts and Enforcement Act, 2007*, c. 15 (UK).

and courts is formalized, tribunals operate under substantial independence, and efficiency is maintained without compromising judicial oversight.

## **5.2) Canadian Tribunal System – Administrative Justice Framework and Judicial Review**

Canada's administrative justice system is decentralized, with federal and provincial tribunals handling diverse subject areas including labour, immigration, taxation, and professional regulation. Tribunals work based on the principle of natural justice and fairness and does not follow procedural codified laws.

Higher court has the power to review the decision of tribunals, but they interfere only when a tribunal goes beyond its power (Doctrine of Ultravirius), breaks fair procedure or makes a legal mistake<sup>30</sup>. This system ensure a balance between courts and tribunals, by balancing the expert decision-making by tribunals as well as supervision by the courts. This helps in avoiding the repetition of cases while protecting the rights of the parties involved. Tribunal itself have an internal appeals system as well, while reduce the need to take every matter to the courts, thus reducing the burden of the courts.

## **5.3 Applicability to India – Lessons and Potential Reforms**

The UK and Canadian experiences can provide important lessons for the Indian tribunal system<sup>31</sup>. First, a well-defined multi-tier structure with clear pathways of appeal could avoid the problems of overlapping jurisdiction and forum shopping that beset the Indian tribunals, following the example of the UK first-tier and upper tribunals. Appeals on points of law alone with restrictions on full judicial rehearing would enhance tribunal finality.

Besides, Canada's model of deferential judicial review grants both tribunal autonomy and protection for the principles of procedural fairness. Borrowing a similar principle in the Indian system would ensure that disputes are concluded at the level of tribunals efficiently without finding their way to High Courts in endless litigation.

There is also the possibility of enhancement in terms of institutional independence, clarity of statutory mandates, and a coherent procedural framework in tribunals. Such reform would remove duplication, accelerate dispute resolution, and cement public confidence in specialist adjudication, thus creating a better balance between tribunals and the courts.

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<sup>30</sup> David Mullan, *Canadian Administrative Law* 145–50 (2d ed. 2018).

<sup>31</sup>L. Chandra Kumar v. Union of India & Ors., *supra* note 9; PRS Legislative Research, *supra* note 13.

## CHAPTER 6 (Suggestion and Recommendations)

### 6.1) Clarification of Jurisdiction – Legislative and Procedural Reforms

One of the major contributors to overlap is that the lack of precise statutory delineation of tribunal powers: Legislative reforms should clearly define the exclusive jurisdiction of each tribunal,<sup>32</sup> clearly specifying subject areas, scope of powers, and limits on judicial interference. For example, service tribunal like the Central Administrative Tribunal (CAT) should have unambiguous authority over service dispute, with limited exceptions for constitutional questions. Similarly, tax or environmental tribunals must have clear mandates to reduce uncertainty and conflicting claims of authority by courts.

Finally, tribunals can make their own set of rules, as tribunals use the principle of natural justice instead of just following the existing laws like (CPC, BNSS, etc,..) which has a clear set of rules and along with punishment for breach, hearing, presenting evidence, filling appeals, etc. making the rules uniform for all tribunals will help reduce delays and increase people's trust in the tribunal system.

### 6.2) Strengthening Tribunal Autonomy – Balancing Judicial Oversight with Independence

Tribunals can work effectively if they are independent. The appointment of members of the tribunal should be free from government ie. insulated from undue influence by the executive, with clear selection criteria, fixed tenures, and secure conditions of service. Their administrative control and funding mechanisms should allow them to function with autonomy without compromising accountability.

In tandem, judicial review should be meaningful yet circumscribed: the courts' interventionist role should be confined to matters touching on questions of law, jurisdictional excess, or breach of natural justice, and not an appeal-like factual review. Lessons learned from the Canadian model, where tribunals enjoy quite broad autonomy with deferential judicial review, suggest this strikes a balance between efficiency and constitutional safeguards. It would also add to the credibility of tribunals as expert and speedy forums<sup>33</sup>.

### 6.3) Improving Coordination – Procedural Uniformity, Appeals Mechanism, and Timelines

An Efficient and good coordination between tribunals and courts is essential to prevent repeating work and causing delay. A uniform procedural framework across all tribunals, such

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<sup>32</sup> Central Administrative Tribunal Act, 1985, *supra* note 6; Income Tax Appellate Tribunal Act, 1963, *supra* note 7; National Green Tribunal Act, 2010, *supra* note 7.

<sup>33</sup> Rojer Mathew v. South Indian Bank Ltd., *supra* note 16; L. Chandra Kumar v. Union of India & Ors., *supra* note 9.

as standardized and uniform filing formats, ways of evidence handling and hearing schedules, will make the system a streamline processes<sup>34</sup>. Clearly defined appellate hierarchies, possibly adopting the UK two-tier model, can ensure that only substantial points of law reach higher courts, reducing unnecessary litigation.

Cases should be finished within fixed time frame, along with periodic monitoring of pendency and disposal rates. Setting up internal appellate mechanisms within tribunals, coupled with structure reporting system, can help identify systematic delays and improve accountability. Finally, clear rules and guidelines for interaction between the tribunals and courts-regarding jurisdiction, power to review, and enforcement orders will reduce the conflicts between them and promote better functioning.

## **CHAPTER 7 (Conclusion)**

### **7.1) summary of findings**

The study reveals that administration tribunals have significantly to specialized adjudication and helped reduce the burden on traditional courts, particularly in technical and administrative matters. Tribunals like the Central Administrative Tribunals (CAT), Income Tax Appellate Tribunals (ITAT), and National Green Tribunal (NGT) have provided faster resolution at the initial stage compared to conventional courts, highlighting the value of expertise-based adjudication<sup>35</sup>.

However, several challenges persist. Jurisdictional overlaps with courts remain a recurring issue, stemming from ambiguous legislative provision, incomplete procedural framework, and insufficiently defined appellate structure. Judicial intervention, while necessary to safeguard constitutional principle, have sometimes weakened the finality of tribunal decision, leading to delays, duplication and forum shopping. Empirical data shows that while tribunals generally expertise first-instances adjudication, the efficiency advantage diminishes when decisions are challenged in higher courts. The study of the UK and Canadian tribunal system shows that having a clear level of authority, limited interference and consistent procedures makes tribunals work better and stay responsible and fair.

### **7.2) Implications for law and policy**

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<sup>34</sup> Tribunals, Courts and Enforcement Act, 2007, *supra* note 18; PRS Legislative Research, *supra* note 13.

<sup>35</sup> Central Administrative Tribunal Act, 1985, *supra* note 6; Income Tax Appellate Tribunal Act, 1963, *supra* note 7; National Green Tribunal Act, 2010, *supra* note 7.

The findings have an important implications for legal practice, administrative governance and policy making in India. Legislative reforms are necessary to clearly demarcate tribunal jurisdiction, specify the limits of judicial oversight and establish uniform procedural rules. By clarifying powers and appellate pathways, tribunals can function with greater autonomy while reducing duplicative litigation and forum shopping.

Strengthening institutional independence – including transparent member appointments, secure tenure, and administrative control – is crucial to ensuring that tribunals operate free from executive influence. Judicial review should remain focused on question of law, procedural fairness, and constitutional compliance, rather than routine re-examination of factual findings. Drawing lessons from the UK and Canada, India could implement a two – tier tribunals structure with internal appellate mechanisms to streamline case disposal and enhance efficiency. Such reforms would not only improve the performance of tribunals but also strengthen public confidence in administrative justice.

### **7.3) Suggestions**

Administrative tribunals represent a critical innovation in the justice delivery system in India. They offer an expert driven, accessible dispute resolution, particularly in technical areas where ordinary courts may lack specialized knowledge. However, persistent judicial overlap and structural ambiguities have limited their effectiveness.

There should be a proper balance between the tribunals and courts. The tribunals must be independent enough so that they can use their expert knowledge to decide cases, at the same time the courts still has the power to protect and enforce constitutional principles. Further, clarity in legislation (clear laws), coherence in procedures (simple procedure), a structured appellate framework (a proper appeal system), and strong institutional safeguards will ensure that this balancing act is achieved. With these efforts, tribunals in India can work together with the courts rather than competing with them. This helps in delivery justice faster, fair and more reliable. After all, the ultimate test of the success of the tribunal system will lie in the reduction of burden on the judiciary.

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