

## **Case name**

Tribunals' Competence to Test Constitutional Validity of Statutory Provisions/Rules (1997)

## **Case**

The case deals with the competence of Tribunals, constituted under Article 323-A and 323-B of the Constitution of India, to test constitutional validity of statutory provisions/rules.

## **Brief Summary**

The Supreme Court has held that the Tribunals, constituted under Article 323-A and 323-B of the Constitution of India, possess the competence to test constitutional validity of statutory provisions/rules. The court has also observed that the Central Administrative Tribunal (CAT) and the State Administrative Tribunals (SATs) created under the Administrative Tribunals Act, 1985 are not substitutes for the High Courts under Article 226 and Article 227 of the Constitution of India.

## **Main Arguments**

- The Tribunals possess the competence to test constitutional validity of statutory provisions/rules.
- The constitutional validity of statutory provisions/rules can only be tested by the High Courts or the Supreme Court.
- The CAT and the SATs are not substitutes for the High Courts under Article 226 and Article 227 of the Constitution of India.

## **Legal Precedents or Statutes Cited**

- Article 323-A and 323-B of the Constitution of India.
- Administrative Tribunals Act, 1985.

## **Quotations from the court**

- "The Tribunals, constituted under Articles 323-A or 323-B, have the competence to test the constitutionality of a statutory provision or a rule."
- "The Tribunals have the power of judicial review. The Tribunals have the jurisdiction to test the constitutional validity of the statutory provisions or rules."

## **Present Court's Verdict**

- The Supreme Court has held that the Tribunals possess the competence to test constitutional validity of statutory provisions/rules.
- The court has also observed that the CAT and the SATs are not substitutes for the High Courts under Article 226 and Article 227 of the Constitution of India.

## **Conclusion**

The Supreme Court has held that the Tribunals possess the competence to test constitutional validity of statutory provisions/rules, and the CAT and the SATs are not substitutes for the High Courts under Article 226 and Article 227 of the Constitution of India.