

courts and the Supreme Court under Articles 226/227 and Article 32 of the Constitution, are unconstitutional. Section 28 of the Act and the “exclusion of jurisdiction” clauses in all other legislations enacted under the aegis of Articles 323A and 323B would, to the same extent, be unconstitutional. The Court held that the jurisdiction conferred upon the high courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. All decisions of the Administrative Tribunals are subject to scrutiny before a Division Bench of the high court within whose jurisdiction the Tribunal concerned falls. As a result, orders of the Administrative Tribunals are being routinely appealed against in high courts, whereas this was not the position prior to the *L Chandra Kumar*’s case. On 18 March 2006, the Administrative Tribunals (Amendment) Bill, 2006 (Bill No XXVIII of 2006) was introduced in Rajya Sabha to amend the Act by incorporating therein, *inter alia*, provisions empowering the Central Government to abolish Administrative Tribunals, and for appeal to high court to bring the Act in line with *L Chandra Kumar*.

Jurisdiction over Armed Forces Tribunal. In 2007 the Armed Forces Tribunal was constituted whose appeal also lies directly to the Supreme Court. The Supreme Court in the matter of “*UOI v Brig PS Gill*”²⁶ observed that:

A conjoint reading of Sections 30 and 31 can lead to only one conclusion viz. there is no vested right of appeal against a final order or decision of the Tribunal to this Court other than those falling under Section 30(2) of the Act. The only mode to bring up the matter to this Court in appeal is either by way of certificate obtained from the Tribunal that decided the matter or by obtaining leave of this Court under Section 31 for filing an appeal depending upon whether this Court considers the point involved in the case to be one that ought to be considered by this Court.

However, the Supreme Court in “*Madras Bar Association v UOI*”²⁷ held (per majority) that the jurisdiction to adjudicate upon questions of law/substantial questions of law of the high court under any ordinary law may be transferred to an appropriately constituted tribunal. Therefore, the validity of the Constitution (Forty-Second Amendment) Act, 1976 insofar as it inserts Article 323B is reaffirmed. However, the National Tax Tribunal (NTT) Act, 2005 is unconstitutional, as in transferring the above-said power from a traditional court to an alternative court/tribunal, the salient characteristics of the court were sought to be replaced and not incorporated in the court/tribunal created. Especially the provisions in the NTT Act, 2005, *viz.* sections 5, 6, 7, 8 and 13 dealing with the constitution of Benches of NTT, qualifications, appointment, terms of office of Chairperson and Members, are thus unconstitutional. Since the aforesaid provisions, constitute the edifice of the NTT Act, and without these provisions the remaining provisions are rendered ineffective and inconsequential, the entire enactment is declared as unconstitutional.

The Supreme Court in *Vellore Citizens’ Welfare Forum v UOI*,²⁸ requested the Madras High Court to constitute “Green Bench” to deal with the case and other environmental matters, since the right to clean environment has been construed as a part of the right to life under Article 21 of the Constitution. In 2010, the Parliament enacted the National Green Tribunal Act, 2010 to constitute the National Green Tribunal. The tribunal has original jurisdiction on matters of “substantial question relating to environment”. The appellate jurisdiction of the National Green Tribunal is under (i) under section 28 of the Water (Prevention and Control of Pollution) Act, 1974; (ii) under section 29 of the Water (Prevention and Control of Pollution) Act, 1974; (iii) under section 33A of the Water (Prevention and Control of Pollution) Act, 1974; (iv) under section 13 of the Water (Prevention and Control

Jurisdiction over National Green Tribunal.