Concerns with Tribunals

Why in news?

Parliament enacted the Tribunals Reforms Act, 2021 which contained provisions that had been struck down by the Supreme Court in an ordinance issued earlier.

What are constitutional provisions regarding tribunals?

Tribunals are quasi-judicial institutions established by law that intend to provide faster adjudication.

- Tribunals were not mentioned in the original constitution.
- They have been added by the **42nd constitutional amendment act** based on the recommendations of Swaran Singh Committee.
- **Part XIV-A** has been added to the constitution with respect to tribunals.
- **Article 323A** deals with administrative tribunals which can be established only by the Parliament.
- **Article 323B** deals with other types of tribunals which can be established by both the Parliament and the State Legislature.

What are the issues?

- Government pushing the earlier struck provision on selection and tenure of Tribunal members through the new act were against the judgements of the court.
- Unusual delay in filling up vacancies among judicial and administrative members.
- Choosing the members from the waiting list before exhausting the names in the selection list in appointments.
- Reducing the tenure of the Acting Chairperson of National Company Law Appellate Tribunal (NCLAT) by 10 days.
- Disagreements between the government and judiciary on the eligibility

criteria and conditions of service of members of tribunal
- Undermining the independence of tribunals.

What is the Supreme Court's view?

- The court wants to ensure the independence of tribunals by providing reasonable tenure.
- It has warned that it will suo moto stay the legislation and could consider initiating the contempt of court proceedings.
- The Supreme Court has been repeatedly calling for the establishment of a National Tribunals Commission to make suitable appointments and evaluate the functioning of tribunals.

Source: The Hindu, The Indian Express

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