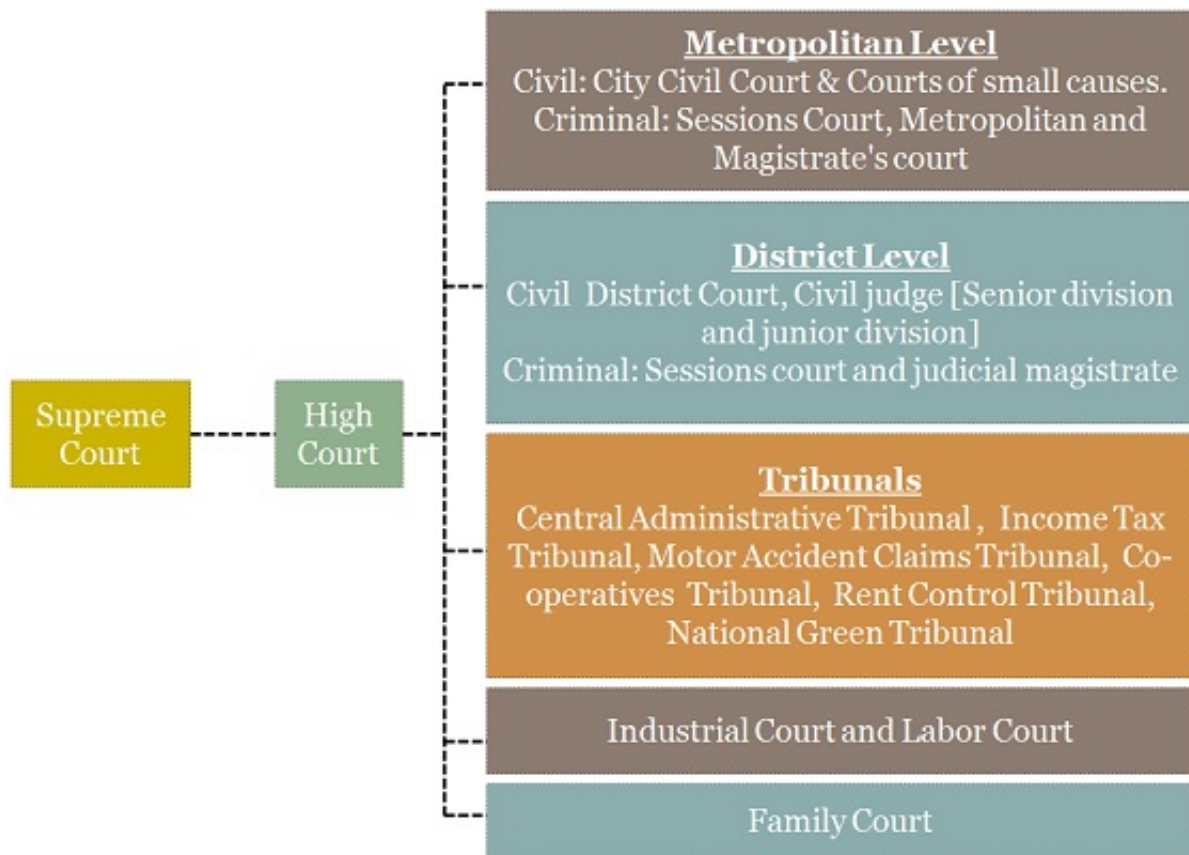




Sorry State of Tribunals

Why in News

Recently, the [Supreme Court](#) (SC) expressed displeasure against the Central government by asking whether it intends to “close” [tribunals](#) across the country by not filling up vacancies that have been pending for years.



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Key Points

▪ About Tribunals:

- Tribunal is a **quasi-judicial institution** that is set up to deal with problems such as resolving administrative or tax-related disputes.
- It performs a number of **functions like adjudicating disputes, determining rights between contesting parties, making an administrative decision, reviewing an existing administrative decision** and so forth.
- Tribunals were not part of the original constitution, it was incorporated in the Indian Constitution by **42nd Amendment Act, 1976**.

- **Article 323-A** deals with Administrative Tribunals.
- **Article 323-B** deals with tribunals for other matters.
- The Tribunals were set up to reduce the workload of courts, to expedite decisions and to provide a forum which would be manned by lawyers and experts in the areas falling under the jurisdiction of the Tribunal.
- **Issues Concerning Tribunals:**
 - **Persisting Vacancies:** The SC noted that, the **vacancies of 20 presiding officers, 110 judicial members and 111 technical members** were pending across the country in various tribunals.
 - For example, in the [National Green Tribunal, Income Tax Appellate Tribunal, Central Administrative Tribunal](#).
 - These persisting vacancies make them redundant.
 - **Ignoring Recommendations:** Recommendations of names by the selection committees led by sitting Supreme Court judges to fill up the vacancies have been largely ignored by the government.
 - **Denying Right of the People to Access Justice:** The Court pointed out that with tribunals defunct and High Courts having no jurisdiction over the areas of law wielded by tribunals, litigants have nowhere to go for justice.
 - **Problem of Non-Uniformity:** Added to this is the problem of non-uniformity across tribunals with respect to service conditions, tenure of members, varying nodal ministries in charge of different tribunals.
 - These factors contribute significantly to malfunctioning in the managing and administration of tribunals.
- **Related Development:**
 - [The Tribunals Reforms \(Rationalisation and Conditions of Service\) Bill, 2021](#) has been introduced in Lok Sabha.
 - The Bill **dissolves certain existing appellate bodies** and transfers their functions to other existing judicial bodies.
 - The **term of office for the Chairperson and members of a Tribunals will be four years**, subject to an upper age limit of seventy years for the Chairperson, and sixty-seven years for other members.
 - The Bill specifies that a person should be at least 50 years of age to be eligible for appointment as a Chairperson or member.

Way Forward

- Reforming the tribunals system in India may as well be one of the keys to remedy the age-old problem that still cripples the Indian judicial system - **the problem of judicial delay and backlog**.
- To regulate the matters of tribunals without compromising their independence is the establishment of the [National Tribunals Commission \(NTC\)](#).

Source: [TH](#)