



## Strengthening Tribunals in India

**For Prelims:** [Tribunals](#), [Supreme Court](#), High Court, Armed Forces Tribunal (AFT), Judge Advocate General.

**For Mains:** About Tribunals, Tribunals Reforms Act, 2021, Challenges Related to Tribunals.

[Source: HT](#)

### Why in News?

The **Supreme Court (SC)** is examining key issues affecting tribunals and reviewing the constitutional validity of the **Tribunal Reforms Act, 2021**.

- It underscored the importance of strengthening **tribunals** to ensure **efficient adjudication and maintain public confidence**

### What is the Tribunals Reforms Act, 2021?

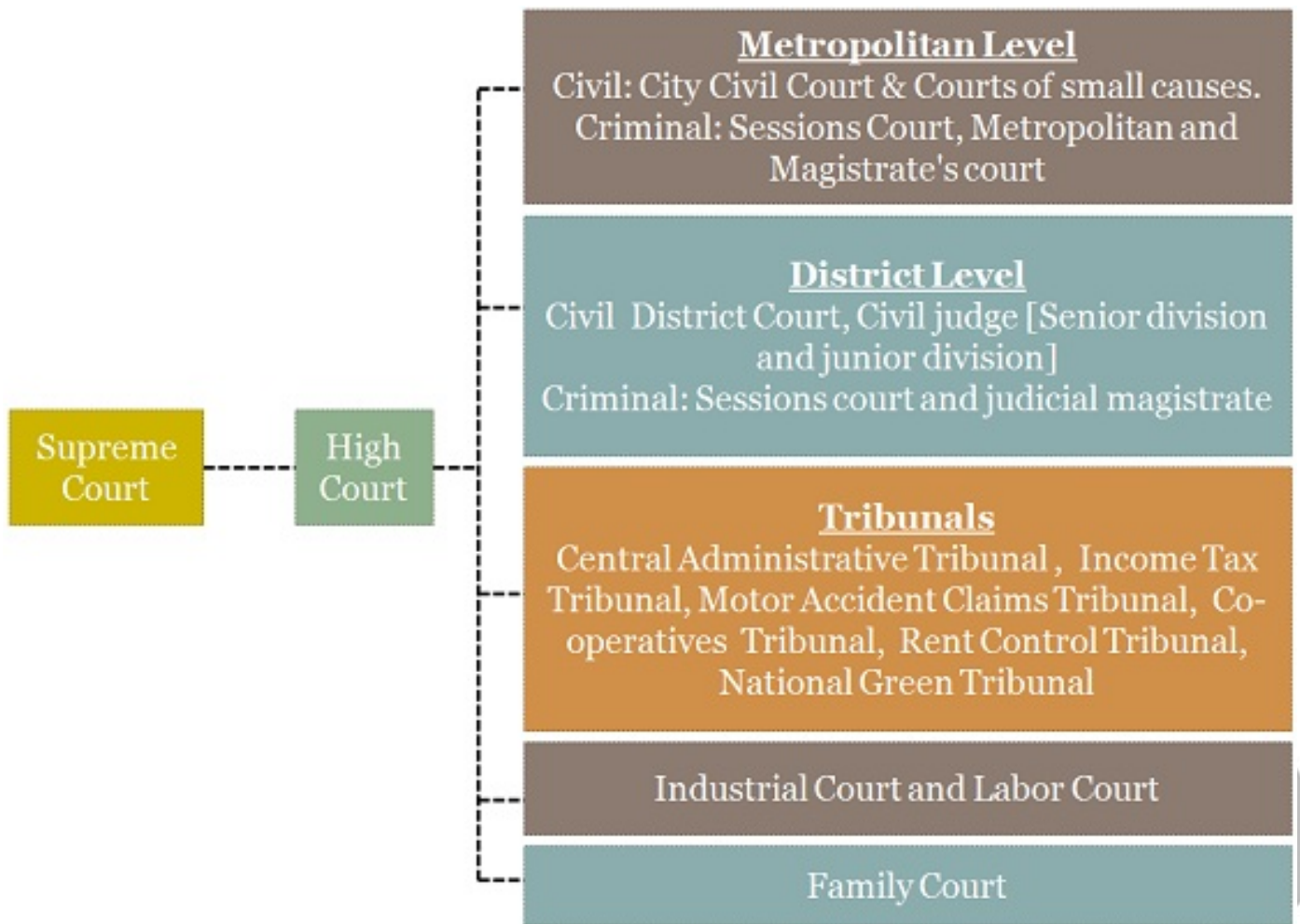
- **About:**
  - The **Act** was enacted to **streamline the functioning of tribunals** by **dissolving certain appellate tribunals** and transferring their functions to existing judicial bodies like the High Courts.
  - It was introduced in **response to the Supreme Court's ruling in the case of *Madras Bar Association vs. Union of India (2021)***, which struck down certain provisions of the [Tribunal Reforms \(Rationalisation and Conditions of Service\) Ordinance, 2021](#).
- **Key Provisions:**
  - **Abolition of Tribunal:** The Act dissolves multiple appellate tribunals and shifts their functions to High Courts and other judicial bodies. [//](#)

EIGHT TRIBUNALS DISSOLVED VIA BILL		
Act under which Tribunal was setup	Abolished tribunal	Where disputes are heard after abolition
The Cinematograph Act, 1952	Film Certification Appellate Tribunal	High Court
The Trade Marks Act, 1999	Intellectual Property Appellate Board	High Court
The Copyright Act, 1957	Intellectual Property Appellate Board	Commercial Division of High Court
The Customs Act, 1962	Customs, Excise and Service Tax Appellate Tribunal	High Court
The Patents Act, 1970	Intellectual Property Appellate Board	High Court
The Airports Authority of India Act, 1994	Airports Appellate Tribunal	<ul style="list-style-type: none"> <li>■ Central government (disposal of properties on airport premises left by unauthorised occupants)</li> <li>■ High Court (appeals against eviction orders)</li> </ul>
The Control of National Highways (Land & Traffic) Act, 2002	The National Highways Tribunal	Civil Court
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Intellectual Property Appellate Board	High Court

- **Search-cum-Selection Committee:** It has been established to recommend the appointment of tribunal chairpersons and members.
  - **For Central Tribunals:**
    - **Chairperson:** Chief Justice of India (CJI) or a Supreme Court judge nominated by the CJI (casting vote).
    - Two **Secretaries** nominated by the Central Government.
    - **Sitting/outgoing Chairperson of the tribunal**, or a retired Supreme Court judge, or a retired Chief Justice of a High Court.
    - **Non-voting member:** Secretary of the relevant Union Ministry.
  - **For State Administrative Tribunals:**
    - **Chairperson:** Chief Justice of the respective High Court (casting vote).
    - **Chief Secretary** of the State Government.
    - Chairman of the **State Public Service Commission**.
    - **Sitting/outgoing Chairperson of the Tribunal** or a retired High Court Judge.
- **Tenure and Age Limits:** Tenure for Chairperson and Members **4 years**, with a **minimum age of 50 years**.
  - The **maximum age limit** is **67 years for tribunal members** and **70 years for chairpersons**, or completion of the **4-year tenure, whichever is earlier**.
  - Tribunal **Chairpersons and Members are eligible for reappointment**, with preference given to their past service.
- **Removal of Tribunal Members:** Central government on the recommendation of the Search-cum-Selection Committee can remove Chairperson or a Member.

## What are Tribunals?

- **About:** A tribunal is a quasi-judicial body that deals with the resolution of disputes pertaining to **administration, taxation, environment, securities**, etc.
- **Functions:** It performs various functions, including **adjudicating disputes, determining rights between parties**, making administrative decisions, and reviewing existing administrative rulings.
- **Constitutional Provisions:** Tribunals were introduced in the Indian Constitution through the **42nd Amendment Act, 1976**, as they were **not part of the original Constitution**.
  - **Article 323-A:** Deals with Administrative Tribunals for public service matters.
  - **Article 323-B:** Provides for tribunals on various matters, including: Taxation, Foreign exchange, import and export, Industrial and labor disputes, Elections to Parliament and state legislatures, Food security.

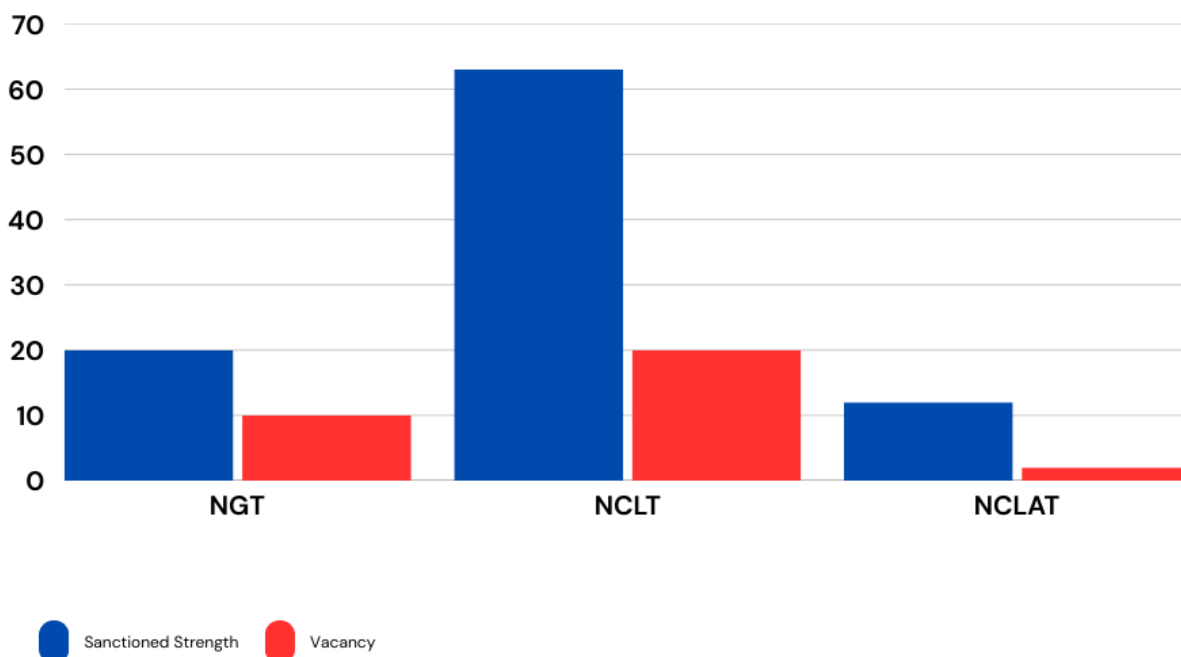


Click Here to Read More: [What is the Difference Between Tribunal and Court?](#)

## What are the Key Challenges Related to Tribunals?

- **Staff Shortage:** The **lack of presiding officers, judicial, and technical members** has increased case pendency and reduced tribunal effectiveness, such as in **Insolvency and Bankruptcy Code (IBC) cases**, as noted by the SC.

## Vacancy of Members across Tribunal(s)



Source: MCA, Government of India answered on Tuesday, December 17, 2024/26 on a question titled "IBC cases in NCLT courts."; and NGT and NCLAT Vacancy Circular dated June 14 and September 30, 2024, respectively.

- **Infrastructure Deficiencies:** Many tribunals, including the **NGT**, face inadequate **courtrooms, digital case management, and technical support**, affecting case efficiency. The **NGT's limited reach** in urban areas also **restricts access to justice for marginalized communities in environmental disputes**.
- **Procedural Inefficiencies:** **Frequent adjournments, missed deadlines, and weak enforcement** hinder tribunals' efficiency, **leading litigants to higher courts**.
  - For instance, the **NCLT and NCLAT** face **severe delays**, with **67% of insolvency cases exceeding the 330-day timeline** under the IBC.
- **Political and Administrative Indifference:** **Lack of commitment, budget constraints, and cost-cutting measures by the Finance Ministry** hinder tribunal efficiency, affecting infrastructure and timely appointments.

## Way Forward

- **Accelerated Appointments:** **Timely appointment of judicial and technical members** is essential to ensure tribunals function efficiently.
  - Additionally, **structured induction training** should be provided to enhance their **domain expertise and decision-making capabilities**.
- **Investment in Technology:** Enhancing tribunal efficiency through **electronic case management**, digitization, e-court integration, and **regional benches** can streamline **case tracking, reduce delays**, and improve accessibility.
- **Procedural and Administrative Reforms:** Tribunals should **enforce strict limits on adjournments, impose cost penalties** for delays, and **mandate pre-litigation mediation** to reduce case backlog.
  - **Strengthening registry and administrative staff** will ensure efficient case scheduling

and management.

- **Autonomy and Accountability:** Tribunals should be **granted greater autonomy to function independently**, with robust oversight mechanisms to enhance **transparency, minimize government interference**, and ensure **adequate resource allocation** for efficient functioning.

**Drishti Mains Question:**

Highlight the significance of tribunals in the Indian judicial system. Also, discuss the impact of the tribunalisation of justice on the traditional judiciary.

**UPSC Civil Services Examination Previous Year Question (PYQ)**

**Prelims:**

**Q. The National Green Tribunal Act, 2010 was enacted in consonance with which of the following provisions of the Constitution of India? (2012)**

1. Right to healthy environment, construed as a part of Right to life under Article 21
2. Provision of grants for raising the level of administration in the Scheduled Areas for the welfare of Scheduled Tribes under Article 275(1)
3. Powers and functions of Gram Sabha as mentioned under Article 243(A)

**Select the correct answer using the codes given below:**

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Ans: (a)**

**Mains**

**Q. How far do you agree with the view that tribunals curtail the jurisdiction of ordinary courts? In view of the above, discuss the constitutional validity and competency of the tribunals in India? (2018)**