

## 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 **42<sup>nd</sup> 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**

