Concerns with Tribunals

Why in news?

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The Law Commission of India in its recent report highlighted the issues with tribunals in India and has also made recommendations in this regard.

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What are the notable recommendations?

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- **Independence** - Presently, the government makes appointments to the tribunals which form a pillar of the country's justice delivery system.
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- The tribunals functioning under the very government department which may be a litigant before them, makes the tribunals subservient to the executive.
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- There is an apprehension that this could disturb the independent functioning of the tribunals.
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- Also, the provisions relating to the qualifications, appointment, tenure, etc do not conform to the standards laid down by the Supreme Court in its various decisions.
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- The Law Commission has thus suggested that a Committee led by the CJI should be in charge of the appointments to important posts.
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- These include the Chairman, Vice-Chairman and Judicial Members of the various central tribunals.
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- It has also suggested that tribunals be monitored by a single nodal agency under the aegis of the Ministry of Law and Justice to ensure uniformity in affairs.
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- **Functioning** - The disposal rates of tribunals in comparison to filing of cases per year is a welcoming 94%.
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- However, the tribunals are still burdened with high pendency of cases.
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- Also, the official data in respect of the working of some of the tribunals do not depict a satisfactory picture.
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- Lack of infrastructure, unsatisfactory service conditions, delays engineered by lawyers and parties before the forums have been persistent problems.
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- **Vacancy** - Another serious problem affecting the efficacy of tribunals is the large number of vacancies that are not filled for long periods.
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- The commission recommends that the procedure for filling up vacancies start six months before the seats fall vacant.
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What lies ahead?

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- The concept of tribunals was developed to overcome the crisis of delay and backlogs in courts.
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- However, over the years, the number of tribunals has increased and is estimated to be more than 30.
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- The government recently reduced this number by merging some tribunals with overlapping functions, and is working on further mergers.
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- But before trimming the number of tribunals, there should be earnest efforts to strengthen the high courts.
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- Also, the existing tribunals should be validated with proper measures to ensure their independence.
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Source: Business Standard, The Hindu

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