

SC struck down provisions of Tribunals Reforms Act, 2021

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Why in news?

The Supreme Court has struck down several provisions of the Tribunals Reforms Act, 2021 related to the appointment, tenure, and service conditions of members of various tribunals.

- **Case Context** - The ***Tribunals Reforms Act, 2021*** sought to restructure tribunals, fix tenure of members, and alter appointment processes.
- **SC's Concern** - The provisions ***curtailed judicial independence*** by giving the executive excessive control over appointments and tenure.
- **Legislative Override** - The judgment stated the Act merely tried to “repackage” provisions from the *Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021*, already been struck down as unconstitutional earlier.
- **Struck Down Provisions** -
 - **Tenure of Tribunal Members** - The Act ***fixed the tenure*** to 4 years, with age limits for chairpersons (70) and members (67).
 - The SC ruled that members must serve at least 5 years, the longer tenure ensures stability, independence and shield from executive influence.
 - **Age Limits** - The Act mandated that no person below 50 years could be appointed as a tribunal chairperson or member, undermining experienced candidates and violated Article 14 of Constitution.
 - **Executive Dominance** - The Act made the ***Search-cum-Selection Committee (SCSC)*** to send two names for each vacancy, giving the executive the final say, which weakened judicial independence in appointments.
 - Earlier, the Court had ordered the SCSC to send only one name per post, ensuring that judicial wisdom, not executive preference, determined appointments.

- **National Tribunal Commission (NTC)** - The Court directed the Union Government to set up a ***permanent, independent body*** to oversee appointments, tenure, and functioning of tribunals.

To know about **NTC**, Click [here](#)

To know about **Tribunals**, click [here](#)

- **Constitutional Principles Invoked** - The Court emphasized that tribunals are an extension of the judiciary, and executive dominance violates the ***basic structure doctrine***—particularly the ***principles of separation of powers and judicial independence***.

References

1. [Indian Express | SC strikes down provisions of Tribunals Reforms Act](#)
2. [The Hindu | SC strikes down provisions of Tribunal Reforms Act](#)

