

Tribunals

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Why in news?

The discord between Supreme Court (SC) and the Centre regarding the functioning, appointments, and independence of tribunals meant to reduce the burden on regular courts.

- **Tribunal** is a ***quasi-judicial body*** that deals with the resolution of disputes pertaining to administration, taxation, environment, securities, etc.
- **Objective** - To reduce case load of the judiciary or to bring in subject expertise for technical matters.

*Tribunals were **not mentioned** in the original constitution.*

Key Characteristics

- **Creation** - Under the ***Part XIV-A*** by the ***42nd constitutional amendment act, 1976***.
 - **Article 323A** - Empowered ***Parliament*** to constitute ***administrative Tribunals*** (both at central and state level) for adjudication of matters related to recruitment and conditions of service of public servants.
 - **Article 323B** - Specified certain subjects (such as taxation and land reforms) for which ***Parliament or state legislatures*** may constitute tribunals by enacting a law.
- **Function** - They exercise judicial power to determine claims or disputes and are bound by ***principles of natural justice***, though not always by the strict rules of evidence and procedure found in civil courts.
- **Composition** - Benches often include a mix of judicial members (retired high court judges or legal professionals) and technical or administrative

experts to ensure specialized knowledge in the relevant field.

- **Other Legal provisions -**

- **Administrative Tribunals Act, 1985** - In relation to Article 323 A, empowers the Central government to establish the Central Administrative Tribunal & state-level administrative tribunals.
- **Tribunals Reforms Act, 2021** - Consolidated various tribunal laws and restructured the tribunal system.

 Major Tribunals in India	
Tribunal Type	Jurisdiction Area
Central Administrative Tribunal (CAT)	Service matters of public servants
National Green Tribunal (NGT)	Environmental protection
Income Tax Appellate Tribunal (ITAT)	Direct tax disputes
National Company Law Tribunal (NCLT)	Corporate law and insolvency
Armed Forces Tribunal (AFT)	Military service matters
Telecom Disputes Settlement and Appellate Tribunal (TDSAT)	Telecom and broadcasting

Key differences from courts

- **Procedural rules** - Tribunals are not bound by the strict procedures of the Civil Procedure Code, unlike regular courts.
- **Independence** - While they are judicial or quasi-judicial bodies, they may have less full independence and procedural rigor compared to traditional courts.

Currently, tribunals have been created both as substitutes to High Courts and as subordinate to High Courts.

- **Structure** - They can consist of a single person or multiple members, and members may include lawyers and non-lawyers.

Quick Fact

Some SC's Judgment on Tribunals

- **S.P. Sampath Kumar v. Union of India (UoI) (1987)** - Upheld the constitutional validity of tribunals under Article 323-A.
- Introduced the alternative institutional mechanism doctrine—tribunals must be effective substitutes for High Courts.
- **L. Chandra Kumar v. UoI (1997)** - Declared that tribunals are subject to judicial review by High Courts under Articles 226/227, it struck down provisions excluding High Court jurisdiction.
- **Madras Bar Association v. UoI (2010, 2014, 2020, 2021)**
- Challenged provisions of Companies Act, Finance Act, and Tribunal Reforms Act.
- 2020 & 2021: Struck down rules that gave excessive control to the executive over appointments and tenure.
- The court reinforced judicial primacy in tribunal appointments and independence.

References

1. [Indian Express | Discord between SC and the Centre over tribunals](#)
2. [PRS India | Tribunal System in India](#)