Tribunals Reforms Bill, 2021

Why in news?

The Lok Sabha recently passed the Tribunals Reforms Bill, 2021to dissolve at least eight tribunals.

What is the Bill about?

- It dissolves 8 tribunals that functioned as appellate bodies to hear disputes under various statutes, and
- Transfer their functions to existing judicial forums such as a civil court or a High Court
- The Chairpersons and Members of the tribunal being abolished shall cease to hold office, with compensation equivalent to 3 months' pay and allowances for their premature termination.



What are the key provisions?

- It amended **Finance Act, 2017** that merged the tribunals based on domain
- Earlier, the Finance Act, 2017 had empowered the central government to notify rules on search-cum-selection committees and term of office.
- Now, these provisions have been included in the Bill itself.
- However, the qualification of members and other terms and conditions of service will still be notified by the central government.
- The Chairperson and Members of the Tribunals will be appointed by the central government on the recommendation of a **Search-cum-Selection Committee** that will consist of:

    1. CJI, or a Supreme Court Judge nominated by him, as the Chairperson (with casting vote),
    2. two Secretaries nominated by the central government,
    3. the sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court, and
    4. the Secretary of the Ministry under which the Tribunal is constituted (with no voting right).

- The central government must decide on the recommendations of selection committees preferably within 3 months.
- **State administrative tribunals** will have separate search-cum-selection committees which will consist of:

    1. the Chief Justice of the High Court of the concerned state, as the Chairperson (with a casting vote),
    2. the Chief Secretary of the state government and the Chairperson of the Public Service Commission of the concerned state,
    3. the sitting or outgoing Chairperson, or a retired High Court Judge, and
    4. the Secretary or Principal Secretary of the state's general administrative department (with no voting right).

- Also, the central government shall, on the recommendation of the Search-cum-Selection

Committee, remove from office any Chairperson or a Member, who-

1. has been insolvent, or convicted of an offence involving moral turpitude; or
2. has become physically/mentally incapable
3. has acquired such financial or other interest, or abused the official position compromising public interest

- **Age criterion and tenure of office** -

1. Four-year term of office for Chairperson and Members
2. Upper age limit of 70 years for the Chairperson, and 67 years for members
3. Minimum age requirement of 50 years for appointment of a chairperson or a member

- The Supreme Court had earlier struck down the Minimum age and the four-year tenure provisions.
- The Court had suggested that advocates with a minimum of 10 years of experience should be entitled to be appointed as members.

Why did government dissolve the tribunals?

- Delay in justice delivery in Tribunals in several sectors
- Cases might get a faster hearing and disposal if taken to High Courts
- Considerable expense to the exchequer in running Tribunals
- Ensuring greater accountability on the functioning of the tribunals

What are the concerns?

- Questions arise over the independence of the Tribunals (given the changed new composition & government's influence in ita)
- Lack of specialization in regular courts, affecting the decision-making process. E.g., the Film Certification Appellate Tribunal required expertise in art and cinema
- Vacancies in existing Tribunals.
- **Legislature-Judiciary** - Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 that the bill replaces was earlier struck down by the Supreme Court.
- Legislations overriding the court's directions, in effect, undermine the Rule of Law.
- So, the Court has now challenged the government to produce materials justifying the reasons for introducing the new Tribunal Reforms Bill.

Sources: PRSIndia, The Indian Express, The Hindu

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