

1. POLITY AND GOVERNANCE

1.1. TRIBUNALS

Why in news?

Recently, Centre promulgated the **Tribunals Reforms (Rationalization and Conditions of Service) Ordinance, 2021** which **abolished several appellate tribunals and authorities** and transferred their jurisdiction to other existing judicial bodies.

More about news

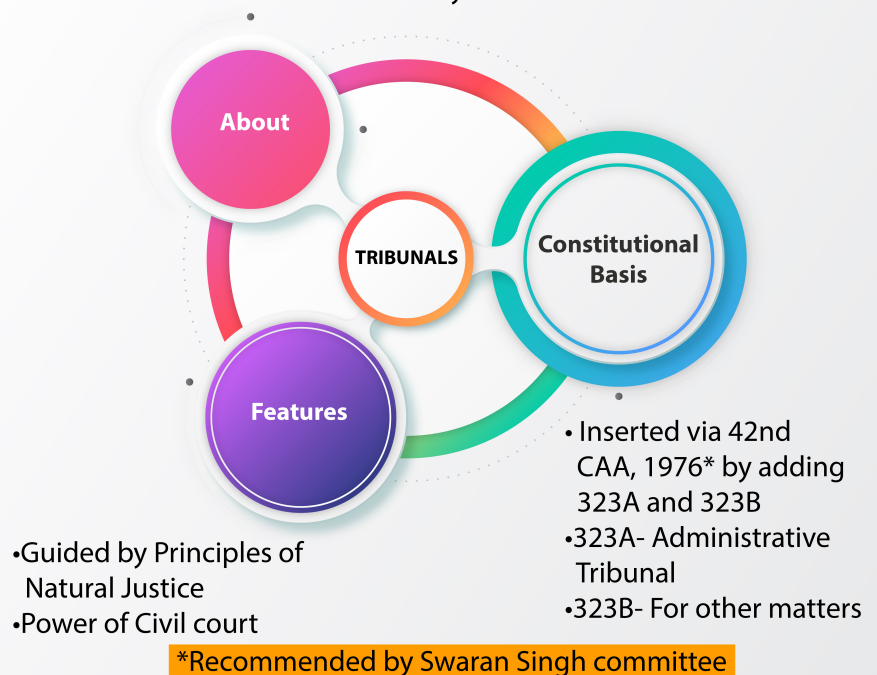
The **Ordinance has amended the Finance Act 2017** to include provisions related to the composition of search-cum-selection committees, and term of office of members in the Act itself. **This Ordinance has currently been challenged in the Supreme Court.**

- **Search-cum-Selection Committee:** Chairperson and Members of the Tribunals will be appointed on the recommendation of a Search-cum-Selection Committee which is **headed by the Chief Justice of India** or a **Judge of Supreme Court** nominated by him as the Chairperson. The **Committee will consist of:**
 - Two Secretaries nominated by the central government.
 - The sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court.
 - The Secretary of the Ministry under which the Tribunal is constituted (with no voting right).
- **Term of office:** The Ordinance specifies that the **Chairperson of a Tribunal** will hold office for a **term of 4 years or till he attains the age of 70 years**, whichever is earlier.
 - Other Members will hold office for a term of 4 years or till he attains the age of 67 years, whichever is earlier.
 - It also states that a person who has not completed the **age of fifty years shall not be eligible** for appointment as a Chairperson or Member.

Issues with the ordinance

- **Consultation with stakeholders:** The **decision of abolition** of several tribunals such as Film Certification Appellate Tribunal (FCAT) was taken **without any consultation** with the stakeholders.
- **Impact assessment:** **No judicial impact assessment** was conducted prior to abolishing the tribunals through this ordinance which may affect independence of judiciary, despite the Supreme Court's (SC) direction in **Rojer Mathew vs. South Indian Bank case (2019)**.
- **Tenure of office:** The Supreme Court in **Madras Bar Association case (2020)** had **fixed the term of five years** for the Chairpersons, Vice-Chairpersons and members of the Tribunal. In violation of the verdict, the tenure of **four years is now fixed** by the ordinance.

- Quasi-judicial administrative body
- Neither court nor executive body



Need of Tribunals in India

- **Pending cases:** Pendency of cases in various courts has increased over the years. To overcome this situation, tribunals have been established under different Statutes.
- **Faster delivery of justice:** Tribunals tend to streamline the delivery of justice by adopting their own procedure, employing domain experts and making quicker decisions.
- **Cost efficient and more effective in certain areas:** Resolution is more affordable and more suited than court in certain areas such as effective hearing of technical matters, disputes related to environment, armed forces, tax and administrative issues.