

TRIBUNAL REFORMS



Issue

Supreme Court has expressed its unhappiness over under-staffing of Tribunals. They are also not satisfied with the functioning of these quasi-judicial bodies.

Background

The CJI has asked government to explain if it plans to close down many existing tribunals as no new staff appointments have been made.

Details

- The Lok Sabha has recently passed a bill that will empower the government to dissolve atleast eight existing tribunals.
- The Tribunals Reforms Bill, 2021 introduced by the government will transfer the functions of existing appellate tribunals to judicial bodies such as civil courts or high courts.

Other features

- The bill, introduced by finance minister, was passed on August 3rd under protests by opposition regarding the Pegasus issue.
- The members and chairpersons of the abolished tribunals will cease to hold office. They will be entitled to three months of salary and allowances as their compensation for early termination.

New changes

- Uniform pay and rules will be framed for search and selection committee across different tribunals.
- Chairperson or a member of tribunal can be removed by the government on the recommendations of the Search-cum-Selection Committee.
- Former judges of the High court and the Supreme Court will be chosen as the chairpersons and members of the tribunals.
- For appointment in state tribunals, the Chairman of the Public Service Commission of the concerned state and Chief Secretary of the state will get a vote.
- The committee will also have Secretary or Principal Secretary of the state's General Administrative Department with no voting. The Chief Justice of the High Court as the head of the committee will not have a casting vote.

Key tribunals dissolved

The Customs Excise and Service Tax Appellate Tribunal, Film Certification Appellate Tribunal (FCAT) and the Intellectual Property Appellate Board.

Reasons for dissolving

The tribunals have not been successful in giving speedy justice and instead they have proven expensive on the exchequer.

Concerns

- It removes the independence in the nature of the working of the tribunals but it will bring greater accountability on the functioning of the tribunals.
- Lack of expertise in general courts may hamper adjudication in several cases. There is a fear of delay in cases further.

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