

Tribunals

- A Tribunal is a quasi-judicial institution set up to deal with resolving various issues like administrative and tax-related issues.
- It performs various functions like adjudicating disputes, determining rights between contesting parties, making an administrative decision, reviewing an existing administrative decision and so forth.
- Tribunals were constituted with the objective of reducing the workload of the courts keeping the rising pendency of cases in mind, to accelerate decision-making and create a forum which would be manned by lawyers and experts in the areas falling under the jurisdiction of the Tribunal.
- Tribunals are not originally mentioned in the Indian Constitution.
- However, **the 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution** following the recommendation of the Swaran Singh Committee.
- **This part is entitled “Tribunals” and consists of 2 Articles:**
 - **Article 323 A which deals with administrative tribunals.**
 - **Article 323 B which deals with tribunals for other matters.**
- While tribunals under Article 323 A can be established only by the Parliament, tribunals under Article 323 B can be established both by the Parliament and the State Legislatures.

Tribunals in India:

- Two categories of Tribunals exist in India.
- Under Administrative Tribunals Act, 1985
 - The Administrative Tribunals, for which the Administrative Tribunals Act provides for three types of tribunals:
 - The Central Government establishes the Central Administrative Tribunal (CAT).
- The Central Government may, on behalf of a recommendation made by any State government, establish an administrative tribunal for such state employees.

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- Two or more states may ask for a joint tribunal (Joint Administrative Tribunal) which will exercise powers of the administrative tribunals for such states.
- Tribunals for settling various administrative and tax-related disputes

Tribunals for other matters:

- **Income Tax Appellate Tribunal**
- **National Green Tribunal**
- **Competition Appellate Tribunal (COMPAT)**
- **Securities Appellate Tribunal (SAT), among others.**
- **Armed Forces Tribunal**

Tribunalisation of Justice:

- The tribunalisation of justice is driven by the belief that it would be cost-effective, accessible and give scope for utilising expertise in the respective fields.
- Central to this scheme is the principle that the experts appointed to these tribunals should bring in special knowledge and experience.

Characteristics of Tribunals:

- They are created through a statute, i.e. an act passed by the Government.
- They are required to act judicially and follow the principles of natural justice.
- They are not bound by the rules of procedure and evidence prescribed by the civil courts.
- They are required to act fairly and in an unbiased manner.

Important Tribunals:

Central Administrative Tribunal:

- It was set up in 1985 with the principal bench in Delhi and additional benches in different states. (Presently 17 regular benches).

- It is a multi-member body consisting of a chairman and members (current sanctioned strength is 65).
- The members have been conferred the status of High Court Judges and are drawn from both judicial and administrative fields.
- They are selected through a committee chaired by a sitting judge of the Supreme Court who is nominated by the CJI.
- It exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it.
- Its jurisdiction extends to All-India services, Central civil services, civil posts under the Centre and civilian employees in defense services.
- Appointed by President
- **Term of Office**
 - Chairman – 5 Years/ 65 Age
 - Members – 5 Years/ 62 Age

State Administrative Tribunal:

- The Administrative Tribunals Act under Article 323 B empowers the Central Government to establish the SAT on specific request of the concerned state government.
- Like the CATs, the SATs exercise original jurisdiction in matters related to recruitment and all services matters of the state government employees.
- Appointed by Governor
- JAT – Joint Administrative Tribunals for such States

Armed Forces Tribunal:

- It is a military tribunal established under the Armed Forces Tribunal Act, 2007.
- It has provided the power for the adjudication or trials in disputes and complaints with respect to commission, appointments, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950.

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- Besides the Principal Bench in New Delhi, it has regional benches at Chandigarh, Lucknow, Kolkata, Guwahati and other places.

National Green Tribunal:

- It is a special fast-track, quasi-judicial statutory body consisting of judges and environment experts.
- It was established on the recommendations of the Law Commission's 186th Report, in 2010 under the National Green Tribunal Act of 2010.
- It has been set up for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- It ensures enforcement of any legal right relating to the environment and giving relief/compensation for damages to persons and property.
- It is mandated to dispose of received applications and appeals within 6 months of their filing.
- It has benches in New Delhi (principal), Bhopal, Pune, Kolkata and Chennai

Drawbacks of Tribunals over courts:

- Tribunals have their separate laws and procedures which are defined by their members, sometimes leading to a serious neglect of the principle of the Rule of Law.
- A majority of the tribunals don't enjoy the same level of independence from the Executive as the courts and the judiciary.
- A uniform code of procedure is absent in the administrative tribunals, unlike the normal courts.
- Tribunals consist of a mixed membership; individuals belonging to categories like administrators and technical heads who may have no experience or training in judicial proceedings.
- Sometimes they adopt summary procedures to deal with cases under their jurisdiction.

Criticism of Tribunals:

- Tribunals have often been criticized by the Supreme Court as instruments of the Executive, since often the members appointed to them (such as the ITAT and the National Company Law Tribunal) have been cherry-picked by the Executive.
- No National Tribunals Commission (NTC) was constituted for supervising tribunals and supporting their uniform functioning.
- This idea was proposed in the L. Chandra Kumar v. Union of India (1997)
- Loyalty to the current government and lack of legal knowledge have led to further criticism.
- Often the sittings of the Tribunals are conducted in secrecy, which may lead to transparency issues.

