



Mains Practice Question

Q. Establishing the National Tribunal Commission will definitely entail a radical restructuring of the present tribunal system. Discuss.

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Approach

- Start the answer by briefly mentioning about the National Tribunal Commission.
- Discuss the current state of tribunals in India and how establishing the National Tribunal Commission can help.
- Conclude Suitably.

Introduction

The idea of a National Tribunal Commission (NTC) was first mooted by the Supreme Court in *L. Chandra Kumar v. Union of India* (1997). NTC is envisaged to be an independent umbrella body to supervise the functioning of tribunals, appointment of and disciplinary proceedings against members.

Apart from it, NTC sought to rectify the administrative and infrastructural issues that currently affect the tribunal system in India.

Body

Current State of Tribunals in India

- **Lack of Independence:** According to the Vidhi Centre for Legal Policy report (*Reforming The Tribunals Framework in India*) the lack of independence is one of the key issues plaguing tribunals in India.
- **Problem of Non-Uniformity:** Added to this is the problem of non-uniformity across tribunals with respect to service conditions, tenure of members, varying nodal ministries in charge of different tribunals.
- **Institutional Issues:** Executive interference in the functioning of tribunals is often seen in provision of finances, infrastructure, personnel and other resources required for day-to-day functioning of the tribunals.

Positive Impact of NTC

- **Uniformity:** NTC will support uniform administration across all tribunals. It could set performance standards for the efficiency of tribunals and their own administrative processes.
- **Ensuring Separation of Powers:** Giving the NTC the authority to set members' salaries, allowances, and other service conditions, subject to regulations, would help maintain tribunals' independence.
- **Expansion of Services:** A 'corporatised' structure of NTC with a Board, a CEO and a Secretariat will allow it to scale up its services and provide requisite administrative support to all tribunals across the country.
- **Autonomous Oversight:** NTC could function as an independent recruitment body to develop and

operationalise the procedure for disciplinary proceedings and appointment of tribunal members.

Conclusion

It is important to understand that the tribunals were set up to reduce the burden of cases from regular courts. A reform to the tribunals system in India may as well be one of the keys to remedy the age-old problem that still cripples the Indian judicial system – the problem of judicial delay and backlog.

In this context, establishing the NTC will definitely entail a radical restructuring of the present tribunals system.

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