

## Law panel wants more autonomy for tribunals

In a strong message to the government that appointments to tribunals and their functioning should remain independent of the executive's influence, the Law Commission of India has recommended that a Committee led by the Chief Justice of India should be in charge of the appointments of Chairman, Vice-Chairman and Judicial Members of the various central tribunals, which form a pillar of the country's justice delivery system.

"While making the appointments to the Tribunal, it must be ensured that independence in working is maintained," the report of the Commission, led by former Supreme Court judge, Justice (retired) B.S. Chauhan, said in its report to the government.

### Specialised role

The tribunals perform an important and specialised role in justice mechanism. They take a load off the already over-burdened courts. They hear disputes related to the environment, armed forces, tax and administrative issues

The Commission has suggested a common nodal agency, possibly under the Law Ministry, to both monitor the working of the tribunals and to ensure uniformity in the appointment, tenure and service conditions for the Chairman, Vice-Chairman and members. As of now, tribunals function under the very government department which may be a litigant before them, and probably, against which they may have to pass orders.

Every order emanating from the tribunal or its appellate forum, wherever it exists, attains finality, the Commission recommended.

### HC power to review

In a marked departure from its earlier stand, the Commission recommended the restoration of the High Courts' power of judicial review over the decisions of the tribunals.

"The power of judicial review conferred on the High Courts is same as that of the Supreme Court, which is a basic feature of the Constitution and tinkered with only by amending of the Constitution," the report said.

It said parties should be allowed to challenge a tribunal order before the Division Bench of the high court having territorial jurisdiction over the tribunal or its appellate forum. Presently, parties are deprived of an opportunity to move high courts concerned against the orders of some tribunals and have to move the Supreme Court directly.

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