

Supreme Court Strikes Down Provisions of Tribunal Reforms Act

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Tribunal Reforms Latest News

- The **Supreme Court** has struck down multiple provisions of the **Tribunal Reforms Act, 2021**, ruling that they violate the **principles of judicial independence and separation of powers**.
- The Court also directed the **Union Government** to establish the long-pending **National Tribunal Commission** within four months to ensure transparency and independence in tribunal appointments and administration.

Overview of the Tribunal Reforms Act, 2021

- The **Tribunal Reforms Act, 2021** sought to restructure the functioning of tribunals, alter appointment procedures, and allow the government a greater say in fixing **tenure, salary, service conditions, and administrative control** over tribunal members.
- **Key provisions included:**

- Minimum age of **50 years** for appointment of tribunal members,
- A **four-year tenure**, which could be renewed,
- A **search-cum-selection committee** that included **two central government secretaries**, whose ministries often appear as litigants before tribunals,
- Powers given to the Centre to frame rules regarding appointments and service conditions.
- These provisions were previously challenged and **struck down in a 2021 judgment**, yet were reintroduced with minor tweaks in the new legislation.

Supreme Court's Core Findings

- The Bench of **Chief Justice B.R. Gavai** and **Justice K. Vinod Chandran** held that the 2021 Act was an attempt to **"repackage" the very provisions earlier invalidated**.
- The Court noted that Parliament cannot **circumvent** judicial directions by re-enacting an unconstitutional provision in slightly modified form. The Court anchored its reasoning in three pillars:
- **Judicial Independence**
 - Tribunals discharge judicial functions, and executive dominance over appointments undermines impartiality. The Court reiterated that **executive involvement must be minimal**, especially as the government is a litigant in most tribunal cases.
- **Separation of Powers**
 - Any law affecting the structure or functioning of the judiciary must respect the **constitutional limits** placed on legislative power. Parliament cannot "override" or "contradict" judicial pronouncements.
- **Constitutional Supremacy**
 - The Bench emphasised that **the Constitution, not Parliament or the executive, is supreme**, and judicial review is a **basic feature** safeguarding constitutionalism.
- "The Constitution is what the Court says it is, Parliament cannot merely restate or repackage the invalidated provision," the Court observed.
- The Court found the 2021 Act to be a **"legislative override"** that consciously defied earlier judgments relating to tribunal autonomy.

Key Provisions Struck Down

- The Supreme Court invalidated provisions that:
 - Allowed the Centre to control **tenure and age limits** of tribunal members,
 - Included **government secretaries** on the selection committee,
 - Limited tenure to **four years**, undermining institutional stability,
 - Granted excessive rule-making powers to the executive over tribunals.
- These provisions collectively weakened tribunal independence by giving the government disproportionate control over adjudicatory bodies.

Direction to Establish National Tribunal Commission

- The Court reiterated its earlier order to create a **National Tribunal Commission (NTC)**, an independent body envisioned to:

- Oversee the **appointments** of tribunal members,
- Regulate **service conditions**,
- Ensure **institutional autonomy**,
- Oversee **administration and infrastructure**,
- Standardise functioning of tribunals across India.
- The Court stressed that the NTC is an **“essential structural safeguard”**, especially given the government’s repeated attempts to influence tribunal design.

Issues with the 2021 Act Highlighted by Petitioners

- The petitions argued that the Act:
 - Attempted a **“sly revival”** of provisions already struck down,
 - Allowed government dominance over tribunals, where the Centre is often the biggest litigant,
 - Was passed without **adequate parliamentary debate**,
 - Abolished **nine specialised tribunals** and transferred their workloads to already overburdened High Courts.
- These arguments were largely accepted by the Supreme Court.

Significance of the Judgment

- The ruling strengthens the architecture of **tribunal independence**, which has been the subject of multiple landmark decisions since 2010. Its key implications include:
 - Reinforcing **judicial checks** on legislative overreach,
 - Ensuring tribunals remain **neutral adjudicatory bodies**,
 - Avoiding conflict of interest arising from executive involvement,
 - Protecting citizens’ access to independent and efficient justice.
- The judgment also sends a strong message to Parliament that **non-compliance with constitutional judgments** is unacceptable.

Challenges Ahead

- Even as the judgment lays down clear constitutional limits, several challenges remain:
 - Establishing the **National Tribunal Commission** may require extensive coordination between ministries,
 - High Courts may face increasing burdens until tribunal vacancies are filled through a constitutionally valid process,
 - Ensuring that future amendments align fully with judicial precedent will require strict legislative discipline.
- Nonetheless, the ruling marks a major step toward **restoring institutional balance** between the three branches of government.

Source: **TH | IE**