

SC raises query on Tribunal Reforms Bill

Court asks Centre to give reasons for introducing Bill

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The Supreme Court on Monday challenged the government to produce material showing its reasons for introducing the Tribunal Reforms Bill, 2021, which abolishes nine appellate tribunals and revives provisions of an ordinance struck down by the Supreme Court, in Parliament.

A three-judge Bench, led by Chief Justice of India N.V. Ramana, put the government in the dock about the complete absence of material justifying the Bill and the lack of proper debate in Parliament before it was made into law.

The Bill replaced the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021. The provisions in the ordinance regarding conditions of service and tenure of Tribunal Members and Chairpersons were struck down by the Supreme Court. However, the provisions re-appeared in the Tribunal Reforms Bill introduced by Finance Minis-



ter Nirmala Sitharaman on August 2 in the Lok Sabha.

The Bill was passed in the Lok Sabha by voice vote without a debate amid protests over the Pegasus controversy and other laws. The Rajya Sabha cleared the Bill on August 9.

“In spite of the ordinance being struck down by the court, the Bill has been passed. There was no debate. We did not see any. We are not questioning the wisdom of the Parliament... We are not saying anything about the Parliament’s power... But at least we must know the reasons of the government in introducing the Bill... the Honourable Minister has but just one word... Please show us the debate

which took place on the Bill. This is a serious issue,” Chief Justice Ramana said.

Solicitor-General Tushar Mehta submitted that the Bill had matured into an Act. It was passed by Parliament in its wisdom.

“Can you show us the records giving the reasons for which the Bill was placed in the Parliament? Can you show us what was discussed about the Bill before it was passed,” Chief Justice Ramana asked.

The CJJ said that despite the Supreme Court’s observations in an August 6 hearing and production of a note showing over 240 vacancies in key tribunals where thousands of cases were pending, not a single appointment had been made.

Mr. Mehta insisted that some appointments had been made to the Central Administrative Tribunal. The rest of the appointments were “under process”.

“Show us one appointment that you have made... Whenever we ask the Ministry about tribunal appointments, you say it is ‘under process’... If you want to make appointments, nothing prevents you from appointing... Till yesterday, we did not hear anything about any appointments to tribunals,” the CJJ voiced the court’s scepticism.

The CJJ repeated his question whether the government was moving towards closing down the tribunals.

The court scheduled the hearing on August 31.