

Department of Legal Affairs
Convergence & merger of Tribunals

Disputes involving determination of rights between state and citizens to which the traditional judicial system was not equipped with to cope up the sudden outburst of a new and diverse form of litigation, led to the establishment of Tribunals as a stop gap arrangement. The Law Commission of India and Hon'ble Supreme Court had voiced on mushrooming of Tribunals in India which are reflected in various reports of the Law Commission and judgments of the Supreme Court.

INITIATIVES TAKEN BY THE DEPARTMENT OF LEGAL AFFAIRS

2. Considering the authoritative expert reports with and without India, judicial determinations and directions and first hand information in the nature of empirical experience from within the Government System, the matter has been under consideration in the Department of Legal Affairs with respect to convergence/merger of various tribunals, Uniform Service Terms and conditions of Presiding Officers and Members of various tribunals by taking various Legislative or administrative initiatives. The legislative proposal for uniform service conditions of the Presiding officers and members of the tribunals initiated by the Department of Legal Affairs was subsequently transferred to Department of Justice and a Bill in this respect is pending before Parliament.
3. The matter was discussed at various levels and exhaustive study was undertaken for better laws and better governance. Comments of the Ministries/Departments administering the various Tribunals have also been sought. Accordingly, a study was conducted by VIDHI, an NGO. Subsequently, it was felt that more clarity was required on the basis of research and empirical data and hence Indian Law Institute (ILI) was assigned the function for studying the issue further on the following Terms of Reference.
 - a. Exhaustive study of all the Acts under which existing 36 tribunals were created to work out amendments therein and to draft a new Legislation for merger /amalgamation of the Tribunals;
 - b. Further, deliberations on the Bill relating to the Uniform Service Conditions of Chairman and Members of various Tribunals;
 - c. Identifying one Ministry/Department to whom administrative control of all the Tribunals in the country can be entrusted.
4. The Indian Law Institute has prepared a report and has recommended that 36 Tribunals can be reconstructed through amalgamation to form the 17 Tribunals, Uniform Service Conditions of Tribunals and a single nodal Ministry can be entrusted to supervise the functioning of these Tribunals as directed by the Apex Court in L. Chandra Kumar case that in Ministry of Law & Justice, Department of Legal Affairs for many reasons be the nodal agency for all the administrative Tribunals.
5. The Inter-Ministerial Group (IMG), constituted under the chairmanship of Law Secretary has recommended to reduce the 36 identified Tribunals to 18 Tribunals and that Department of Legal Affairs shall be the nodal agency for administration of all the tribunals. Merger of Tribunals is being considered to implement in the phased manner.
