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Q2

Comment on the need of administrative tribunals as compared to the court system. Assess the impact of the recent tribunal reforms through rationalization of tribunals made in 2021.

UPSC Civil Services Mains 2025 · GS II · 10 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- State why administrative tribunals exist beside ordinary courts
- **Assess the 2021 rationalisation:** what was merged or abolished, and why
- Use the **Madras Bar Association** line of cases on independence
- Give a balanced view of speed versus judicial review

Revision summary

Articles 323A and 323B create tribunals for mass specialised disputes; **L. Chandra Kumar** keeps High Court judicial review.

The need is expertise and volume, not ouster of courts.

The **Tribunals Reforms Act, 2021**, abolished several appellate bodies and restated short tenure and a high minimum age.

Madras Bar Association cases (2020-21) insisted on CJI-linked selection and real tenure for judicial members.

Rationalisation reduced forums; it did not, by itself, produce independent or faster justice.

Introduction

Administrative tribunals exist because some disputes are **mass, technical and repetitive** - service, tax, environment, armed forces - and the regular court docket cannot give them first attention. They are not a parallel Supreme Court. After **L. Chandra Kumar**, they sit **under** High Court review. The 2021 reforms tested how far the Union can shrink that specialised tier in the name of efficiency.

Body

Why tribunals rather than only courts

Articles 323A and 323B authorise tribunals for Union and other disputes. The **Central Administrative Tribunal** was meant to spare High Courts a mountain of service cases. Tax, company, debt recovery, armed forces and environmental tribunals promised **domain knowledge, fewer adjournments, and cheaper access**. **S.P. Sampath Kumar** once spoke of them as effective substitutes. **L. Chandra Kumar v. Union of India (1997)** restored **judicial review** under **Articles 226 and 32**: a tribunal can be the court of first instance, not the last.

The need remains where the subject is specialised and the volume is high. The failure has been **vacancies, short tenures, executive-heavy selection, and poor infrastructure**, which recreate delay with less independence.

The 2021 rationalisation

The **Tribunals Reforms Act, 2021**, following an ordinance, **abolished several appellate tribunals** (including film certification appellate, airports, and others named in the schedule) and sent their work to High Courts. It also restated **search-cum-selection, four-year tenure**, and a **minimum age of 50** for many posts, in the teeth of earlier **Madras Bar Association** directions.

The Supreme Court in **Madras Bar Association v. Union of India (2020 and 2021)** had **already struck or read down similar rules: short tenure and a high entry age shrink the pool of independent members; the Chief Justice's writ in selection** is not ornamental; tribunals discharging judicial work need **security of tenure** close to that of courts. The 2021 Act was a **legislative second try** at the same design. Parts of it were again invalidated. Rationalisation therefore achieved two different things at once: a **smaller tribunal map**, which High Courts must now absorb, and a **running battle over who controls appointments**.

Impact on the citizen is mixed. Some exotic appellate layers were little used and their death is no loss. Service and tax litigants still need a working CAT and tax tribunals. Dumping specialised appeals on already strained High Courts is not, by itself, access to justice.

The **2nd Administrative Reforms Commission** wanted **tribunals that look like courts in independence and like departments in efficiency**. 2021 leaned toward the department.

Flow diagram

Specialist disputes -> Tribunal first instance
Tribunal first instance -> High Court review
High Court review -> Supreme Court
2021 Act -> Abolish some forums
2021 Act -> Executive-leaning tenure
Executive-leaning tenure -> MBA judgments

Conclusion

Tribunals are justified as specialist first forums, not as islands beyond High Courts. The 2021 rationalisation thinned the map and revived the tenure-and-selection fight the Madras Bar cases had settled. Speed without independent members is only a faster executive.

Facts & figures

L. Chandra Kumar (1997)

Held that judicial review by High Courts and the Supreme Court is part of the basic structure; tribunal orders remain open to **Article 226**.

Tribunals Reforms Act, 2021

Abolished specified appellate tribunals and transferred cases to High Courts, while restating selection and four-year tenure rules.

Madras Bar Association

Supreme Court line of cases on tribunal independence: tenure, age, and a selection process in which the judiciary is not a guest.

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