

Constitutionality of 2021 Tribunal Reforms Act

By IASToppers | 2021-10-19 17:40:00



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The **Supreme Court** has criticized the **Central Government** on overruling the court's judgement on Tribunal Reforms Act 2021.



[Ref. Indian Express]

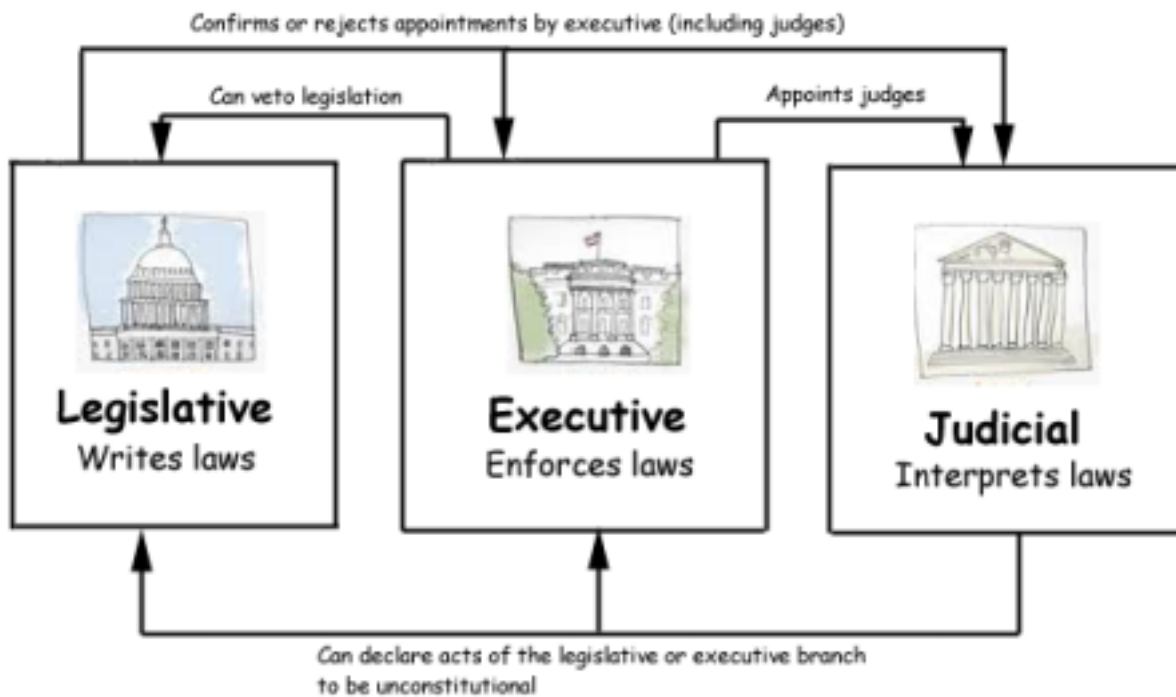
Background:

- In July 2021, the Supreme Court of India had **struck down** the old provisions for administration of tribunals relating to **tenure** and some other service conditions.
- However, the Central Government brought back the **very same provisions** for administration of tribunals in the **2021 Tribunal Reforms Act**, which were struck down in July.
- The SC in September **expressed its dissatisfaction** over Central Government for the move, terming it as an **overrule** the court's judgment.
- In response, the Union government has argued that the top court is violating the **constitutionally mandated separation of powers provision**, by quashing the laws already passed by the Parliament.

Separation of powers:

- The system of separation of powers divides the tasks of the state into three branches: **legislative, executive and judicial**.
- These tasks are assigned to different institutions in such a way that each of them can **check** the others.
- As a result, **no one institution can become so powerful in a democracy** as to destroy this system.
- The theory of separation of powers signifies mainly three formulations of Governmental powers:
 - The same person should not form part of more than one of the three organs of the state.
 - One organ should not interfere with any other organ of the state.
 - One organ should not exercise the functions assigned to any other organ.

- India follows **constitutional democracy** which offers a clear separation of powers.
 - **Judiciary** is independent of the other two branches with the power to interpret the constitution.
 - **Parliament** has the legislative powers.
 - **Executive** powers are vested in the President who is advised by the Union Council of Ministers headed by the Prime Minister.
- All three branches have "**checks and balances**" over each other to maintain the balance of power and not to exceed the constitutional limits.



[Ref: geopoliticraticus.wordpress.com]