



Standing Committee Report Summary

The Administrative Tribunals (Amendment) Bill, 2006

- The Standing Committee on Personnel, Public Grievances, Law and Justice presented its Seventeenth Report on the Administrative Tribunals (Amendment) Bill on 5th December 2006. The Chairperson of the Committee is Dr. E.M. Sudarsana Natchiappan.
- This Bill aims to amend the Administrative Tribunals Bill, 1985 (Principal Act).
- The Bill proposes three main amendments; first, it allows the central government to abolish the Central Administrative Tribunal (CAT), any of its benches or State Administrative Tribunals (SAT); secondly, it removes the power of contempt from the CAT and SAT; lastly, it permits appeals to the High Court against decisions made by the Administrative Tribunals.
- The Committee notes that the CAT has disposed approximately 95% of the cases since 1985, and thus sees no justification in the abolition of CAT. It also points out that the government is an interested party in cases that come before the Administrative Tribunals. Therefore, it would be “subversive of the principle of justice” to grant the government the power to abolish Administrative Tribunals; any such action, the Committee felt, should require legislative action.
- Since separate rules for execution are unavailable, the Committee feels that Administrative Tribunals should have “Civil Contempt” powers to ensure the implementation of judgements/orders passed by them.
- Article 323(A)(2) of the Constitution states that an Act on Administrative Tribunals may exclude jurisdiction of all courts (excluding the Supreme Court) on decisions made by the Administrative Tribunals. The Committee recommends that appeals should go straight to the Supreme Court. However, if a statutory provision of appeal to the Apex Court is not possible, a clarifying amendment making an order of the Tribunal final, except by way of a special leave petition in the Supreme Court, needs to be made.
- The Committee suggests that when a legislation is made, the Judicial Impact Statement and financial commitment need anticipation and measurement. (The Bill did not have a financial memorandum.)
- The Committee suggests the Ministry of Law and Justice as the nodal ministry for the Administrative Tribunals, in place of the Ministry of Personnel, Public Grievances and Pensions.
- The Committee feels that employees of all organisations, whose service conditions are at par with those of the central government employees, should be eligible for coverage under the Principal Act. In addition, the Committee suggests for the provision of legal aid, at least, for all Class IV employees and workers of temporary status etc. in all benches of the tribunal.
- The Committee does not approve granting retrospective effect to the notification of Government of India abolishing the Tamil Nadu SAT as the issue is pending with the Supreme Court.
- The Committee feels the establishment of SAT be made mandatory; thereby making the erring officer liable to the aggrieved party by personally paying fine per day of his default in compliance with the orders of the Tribunal.

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