

SC Struck Down Key Provisions of the Tribunal Reforms Act, 2021



For Prelims: Supreme Court of India , Judicial independence , Judicial review , Articles 323-A and 323-B.

For Mains: Doctrine of separation of powers and judicial independence in India, Role and reform of tribunals in reducing judicial backlog, **Separation of powers**

Source: TH

Why in News?

The **Supreme Court of India** has struck down key provisions of the **Tribunal Reforms Act, 2021** , ruling that they gave the Union government excessive control over the appointment, tenure and functioning of tribunals.

- The Court held that such provisions undermine **judicial independence** and violate constitutional principles.
- It also directed the Centre to set up a **National Tribunal Commission** within four months to ensure autonomy and transparency in tribunal administration.

What are the Key Provisions of the Tribunals Reforms Act, 2021 Struck Down by the SC?

- **Minimum Age of 50 Years for Appointment:** Struck down for being **arbitrary** and excluding competent younger advocates and experts.
 - It violated earlier SC rulings that allowed advocates with **10 years of practice** to be eligible.
- **Four-Year Tenure for Chairpersons and Members:** Invalidated it because short tenure undermines **judicial independence** and institutional continuity, and SC reinstated the **minimum five-year tenure** .
- **Panel of Two Names per Vacancy for Government :** SC struck down as it restored **executive dominance** over appointments.
 - The court directed that **only one name per post** must be recommended by the **Search-cum-Selection Committee (SCSC)** to curb excessive executive discretion in appointments.

- **Service Conditions Equated with Civil Servants** : Invalidated it because tribunal members perform **judicial functions** , not executive functions. Equating them with civil servants violated **separation of powers** .
- **Legislative Override of SC Judgments: The Act simply repackaged provisions from the 2021 Tribunal Ordinance , which the SC had already invalidated.**
 - The Court emphasised that **judicial review** is part of the Basic Structure , and Parliament cannot override a binding judgment by reenacting the same flawed law.
 - Parliament must remedy the defect, not restate invalidated provisions. This attempt to bypass judicial directions violated constitutional supremacy.

What are Tribunals?

- **About:** Tribunals are **quasi-judicial bodies** meant to reduce the burden on regular **courts** and bring technical expertise to specialised disputes.
- **Constitutional Provision:** The **42 nd Amendment Act of 1976** inserted **Part XIV-A** into the Constitution of India, which consists of **Articles 323A and 323B** , providing for the establishment of Tribunals.
 - Article 323A allows Parliament to set up **Administrative Tribunals** for **service matters of employees in the** Centre, states, local bodies, public corporations and other public authorities.
 - Article 323B permits Parliament and state legislatures to create tribunals on subjects like taxation, land reforms and industrial disputes.
 - In 2010, the SC clarified that legislatures can establish **tribunals for any subject listed in the Seventh Schedule** , not just those specified under Article 323B.
- **Importance:**
 - **Reduced Court Backlogs:** They take over domain-specific caseloads from regular courts.
 - **Greater Accessibility:** Benches are often spread across the country, easing access for litigants.
 - **Specialised Expertise:** Judges and technical members handle complex issues more effectively.
 - Bodies like the **Central Administrative Tribunal (CAT)** speed up resolution for government employees.

What are the Key Issues Associated with India's Tribunal System?

- **Threat to Judicial Independence: The Tribunals Reforms Act, 2021 gave the Union Government dominant control over appointments, tenure, salaries and service conditions of tribunal members.**
 - Since the government is the largest litigant before tribunals, this executive dominance destroys the requirement of impartial and independent adjudication and violates constitutional principles of judicial independence , a basic feature of the Constitution.
- **No Centralised Oversight Mechanism:** Unlike the courts (which have the **National Judicial Data Grid**), tribunals lack real-time performance statistics.
 - Absence of a supervisory body undermines transparency, reform, and evidence-based policymaking.

- **High Pendency:** Several tribunals are burdened with large backlogs. For instance, **Income Tax Appellate Tribunal** alone had Rs 6.7 trillion stuck in disputes (as of 2024), affecting revenue mobilisation and investor confidence.
 - **Chronic vacancies and slow appointments** worsen delays, undermining efficiency.
- **Short Tenure:** Tribunal members often **serve short with the possibility of reappointment**. This increases executive influence, as members may feel pressured to align with the government to secure extensions.
- **Non-Uniform Procedures:** Different tribunals follow different rules, formats and processes. This **lack of uniformity leads to inconsistency in justice delivery** and creates confusion for litigants.
- **Overlapping Jurisdictions:** In some cases, tribunal powers overlap with those of regular courts. This results in **jurisdictional conflicts, delays and confusion** about where certain matters should be heard.
- **Lack of Tribunals-Specific Data and Research:** Tribunals lack a dedicated data and research system, making reforms ad hoc and slow. This gap weakens planning, resource allocation, and evidence-based policy evaluation.

What Measures can Strengthen India's Tribunal System?

- **National Tribunal Commission:** The Supreme Court directed the Centre to establish a **National Tribunal Commission as an essential structural safeguard to ensure autonomy, transparency, and uniformity in the appointment, administration, and functioning of tribunals**.
- **Leverage Technology:** Expand e-filing, virtual hearings, digitised records , and AI-based case management to enhance efficiency and transparency
- **Streamline Procedures:** Standardise procedural rules across tribunals to ensure uniformity, reduce delays, and improve user experience.
- **Clarify Jurisdictional Boundaries:** Avoid overlapping powers between tribunals and courts through clear legislative guidelines to reduce confusion and forum shopping.
- **Enhance Training & Capacity Building:** Provide regular legal and technical training for both judicial and expert members to improve quality and consistency of decisions.

Conclusion

- The Supreme Court's ruling reinforces that tribunals must function with genuine independence, free from executive influence. Strengthening autonomy through a National Tribunal Commission and standardised procedures is essential for restoring public trust. A reformed tribunal system can deliver faster, fairer and more efficient justice across specialised sectors.

Drishti Mains Question:

Q. Examine the constitutional and institutional challenges in India's tribunal system. How would a National Tribunal Commission address these issues?

Frequently Asked Questions (FAQs)

1. What constitutional provisions govern the establishment of tribunals in India?

Articles 323A and 323B (inserted by the 42nd Amendment) empower Parliament and state legislatures to create administrative and subject-specific tribunals for specialised adjudication.

2. Why did the Supreme Court strike down provisions of the Tribunal Reforms Act, 2021?

The Court found the Act granted excessive executive control over appointments, tenure and service conditions—undermining judicial independence and violating separation of powers.

3. What is the National Tribunal Commission recommended by the Court?

A proposed independent oversight body to ensure **autonomy, transparency and uniformity** in tribunal appointments, administration and functioning.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims :

Q. The National Green Tribunal Act, 2010 was enacted in consonance with which of the following provisions of the Constitution of India? (2012)

1. Right to healthy environment, construed as a part of Right to life under Article 21
2. Provision of grants for raising the level of administration in the Scheduled Areas for the welfare of Scheduled Tribes under Article 275(1)
3. Powers and functions of Gram Sabha as mentioned under Article 243(A)

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (a)

Mains

Q. How far do you agree with the view that tribunals curtail the jurisdiction of ordinary courts? In view of the above, discuss the constitutional validity and competency of the tribunals in India? (2018)

First-ever Individual Entitlement Survey for PVTGs



Source: ET

Why in News?

The Centre is set to conduct the **first-ever 'Individual Entitlement Survey'** of 10 lakh **Particularly Vulnerable Tribal Groups (PVTGs)** households to assess the reach of 39 government schemes at the grassroots level.

What is an Individual Entitlement Survey?

- **About:** The Ministry of Tribal Affairs has identified 39 schemes across 18 central government departments for monitoring.
 - These include the [MGNREGS](#) , social security for [unorganised workers](#) , pensions, financial assistance for meritorious [Scheduled Tribe](#) students , and various flagship programs.
 - The survey will be conducted with the **cooperation of state governments** , which may involve [NGOs](#) or panchayat officials to help carry out the process.
- **Scope and Coverage:** The survey will cover 10 lakh households across 1,000 blocks, predominantly inhabited by approximately 48 lakh PVTGs.
 - These groups are spread across 75 recognized PVTGs in 18 states and the Union Territory of Andaman and Nicobar.
- **Methodology:** Surveyors will input data directly into a mobile application developed by the [National e-Governance Division \(NeGD\)](#) .
 - Post survey completion, the government will issue a 'Universal Entitlement Card' to each tribal member from a vulnerable group, outlining their entitlement status for the tracked government schemes.

What is a Particularly Vulnerable Tribal Group (PVTG)?

- **About:** PVTGs is a **sub-classification of [Scheduled Tribes](#)** that are more vulnerable than regular [Scheduled Tribes](#) due to **their limited access to education, healthcare, and modern infrastructure**.
 - These groups are often referred to as "**primitive**" because of their traditional lifestyles and limited exposure to modern amenities.
 - [Article 342\(1\)](#) allows the President, after consulting the Governor (in the case of a state), to specify tribes or tribal communities as Scheduled Tribes in a State/UT.

- **Identification Timeline:** In 1973, the [Dhebar Commission](#) classified Primitive Tribal Groups (PTGs) as a distinct category for the least developed tribal groups , which were later renamed PVTGs by the Government of India in 2006.
 - In 1975, India began identifying the most vulnerable tribal groups as PVTGs, initially declaring 52 groups, with an additional 23 added in 1993, bringing the total to **75 PVTGs out of 705 Scheduled Tribes** .
- **Classification Criteria:** PVTGs are characterized by a **small, homogenous population, physical isolation, lack of written language** , simple technology, and slower social and economic development.
 - They often face stagnant or declining populations, **low literacy, and economic backwardness in remote areas** with limited infrastructure and administrative support.
- **Population:** Odisha has the highest **number** of PVTGs (13), followed by Andhra Pradesh and Telangana (12).

What are Key India's Initiatives Related to PVTGs?

- **PM-JANMAN:** PM JANMAN aims to protect and nurture tribal groups , especially those on the verge of extinction, by providing them with necessary support, development, and connectivity to mainstream services and opportunities.
 - The initiative **covers 75 PVTGs** residing in 18 states and union territories, spread across 22,544 villages in 220 districts.

PM JANMAN

(Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan)

A Visionary Initiative towards Tribal Welfare

11 Basic Amenities | 24,000 Crore Allocated | Convergence with 9 Ministries

	Sabko Pucca Ghar
	Har Ghar Nal Se Jal
	Gaon-Gaon Tak Sadak
	Har Ghar Bijli
	Shiksha Ke Liye Hostel
	Kaushal Vikas
	Door Daraz Gaon Tak Mobile Medical Unit
	Sabko Poshan
	Unnat Aajeevika
	Door Daraz Gaon Tak Mobile Network

- **Janjatiya Gaurav Divas:** The Janjatiya Gaurav Divas is celebrated every year on the [Birth Anniversary of Birsa Munda](#) , to recognize the efforts of the tribals in the preservation of cultural heritage and promotion of Indian values of national pride, valour, and hospitality.
 - These tribal communities include **Tamars, Santhals, Khasis**, Bhils, Mizos, and Kols to name a few.
- **PM PVTG Mission:** The PM-PVTG Development Mission program aims to improve the socio-economic status of **Vulnerable Tribal Groups (PVTGs)**.
 - The mission includes providing **basic facilities like safe housing**, clean drinking water and sanitation, education, health and nutrition, better access to roads in settlements for backward scheduled tribes.

Frequently Asked Questions(FAQs)

1. What is the purpose of the 'Individual Entitlement Survey'?

The survey aims to assess the reach of 39 government schemes and identify coverage gaps for 10 lakh PVTG households.

2. Which government schemes are being tracked in the survey? The survey tracks 39 schemes, including MGNREGS, social security for unorganised workers, and financial assistance for meritorious Scheduled Tribe students.

3. What is a Particularly Vulnerable Tribal Group (PVTG)?

PVTGs is a sub-classification of Scheduled Tribes that are more vulnerable than regular Scheduled Tribes due to their limited access to education, healthcare, and modern infrastructure.

[Watch Video on YouTube: [▶ https://www.youtube.com/embed/rjF8-UU1zAI](https://www.youtube.com/embed/rjF8-UU1zAI)]

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims :

Q.1 Consider the following statements about Particularly Vulnerable Tribal Groups (PVTGs) in India: (2019)

1. PVTGs reside in 18 States and one Union Territory.
2. A stagnant or declining population is one of the criteria for determining PVTG status.
3. There are 95 PVTGs officially notified in the country so far.
4. Irular and Konda Reddi tribes are included in the list of PVTGs.

Which of the statements given above are correct?

1. 1, 2 and 3
2. 2, 3 and 4
3. 1, 2 and 4
4. 1, 3 and 4

Ans: (c)

Mains :

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

Q. Why are the tribals in India referred to as 'the Scheduled Tribes'? Indicate the major provisions enshrined in the Constitution of India for their upliftment. **(2016)**

2nd Regional Open Digital Health Summit (RODHS) 2025



Source: PIB

India hosted the **2 nd Regional Open Digital Health Summit (RODHS) 2025** in New Delhi, bringing **South-East Asian countries** together to **advance Universal Health Coverage (UHC)** through **Digital Public Infrastructure (DPI)** and open standards.

- It was organised by **National e-Governance Division (NeGD)** under the Ministry of Electronics & IT, **National Health Authority (NHA)**, **World Health Organization South-East Asia Regional Office** and **UNICEF** .
- India highlighted the strength of its **DPI stack such as Aadhaar , Unified Payments Interface (UPI) , CoWIN , and Ayushman Bharat Digital Mission** showcasing their role in secure, scalable health systems.
- WHO and UNICEF underlined the need for **trust, skills, interoperability, and community-centric design** for successful digital health adoption.

RODHS

- It is a key regional platform to **advance open, interoperable, and people-centered digital health systems** across the **WHO South-East Asia Region**.
- It brings together policymakers, technologists, and health experts to discuss Digital Public Infrastructure, **WHO SMART** (Standards-based, Machine-readable, Adaptive, Requirements-based, and Testable) Guidelines, and AI-enabled innovation.
- The Summit aims to strengthen regional cooperation and develop country-specific roadmaps to build scalable digital health systems that support UHC, health security, and the **Sustainable Development Goals (SDGs)** , building on the momentum of the **inaugural summit held in Nairobi** .

Read more: [Pathways for AI-Enabled Healthcare Reform](#)

Gaps in Juvenile Justice System in India

Source: TH

Why in News?

A **first-of-its-kind study** by the **India Justice Report (IJR)** , titled “ *Juvenile Justice and Children in Conflict with the Law*, ” highlights significant challenges in India’s **juvenile justice system** , delaying justice for **children in conflict with the law** .

What are the Critical Gaps Highlighted by the India Justice Report in the Juvenile Justice System?

- **High Pendency of Cases:** Over **55%** of cases before **Juvenile Justice Boards (JJBs)** were pending as of October, 2023.
 - Pendency ranged from **83% in Odisha** to **35% in Karnataka** . On an average, 154 cases remained pending with each JJB annually.
- **Structural Gaps in JJB Constitution:** **24% of JJBs** were **not fully constituted** , affecting quorum, decision-making, and timely hearings. **30% of JJBs lack a legal services clinic** , weakening timely **legal representation** for children in conflict with law.
- **Weak RTI Response Culture:** Of the **500+ RTI responses** , **11% were rejected** , **24% received no reply** , and only **36%** provided complete information, revealing a **weak transparency ecosystem** .
- **Systemic Administrative Weaknesses:** Lack of **inter-agency coordination** , weak **data-sharing** , and poor **monitoring mechanisms** weaken the decentralised architecture of the **Juvenile Justice (Care and Protection of Children) Act, 2015** .
- **Absence of a Child-Centric Data Grid:** Experts highlighted the need for a **National Data Grid** for juvenile justice to ensure timely data flow and effective oversight across **police** , **Department of Women and Child Development**, **State Child Protection Society (SCPS)** and the **State Legal Services Authority (SLSA)** .

What is the Juvenile Justice (Care and Protection of Children) Act, 2015?

- **Background:** Enacted in **2015** , the Act replaced the **Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children Act) 2000** to create a **child-centric justice system** for both **children in conflict with the law (CICL)** and those **in need of care and protection (CNCP)** .
 - It replaces earlier adoption laws—the **Hindu Adoptions and Maintenance Act, 1956** and the **Guardians and Wards Act, 1890** —to establish a **uniform and accessible adoption system** for all communities.
- **Juvenile Justice Boards (JJBs):** JJBs, constituted under **Section 4 of JJ Act, 2015** , must be established by state governments in every district to handle all cases involving **children in conflict with the law** .
 - Each JJB includes a **Metropolitan or Judicial Magistrate** and **two social workers (one woman)** ,

ensuring child-friendly procedures focused on **rehabilitation over punishment**.

- **Trial of Juveniles for Heinous Crimes:** Allows juveniles aged **16-18 years** to be **tried as adults** for **heinous offences** , after assessment by the **Juvenile Justice Board (JJB)** ensuring a balance between **child rights** and **public safety**.
- **Empowering CARA:** The Act makes the **Central Adoption Resource Authority (CARA)** a **statutory body** responsible for regulating and monitoring both **in-country and inter-country adoptions** .
- **Child Care Institutions (CCIs):** All **Child Care Institutions** , whether run by the government or NGOs, must be **compulsorily registered within six months** of the Act's commencement.
- **Juvenile Justice (Care and Protection) Amendment Act 2021:** Crimes against children under the **"Other Offences Against Children"** section of the JJ Act, 2015 that carry **3-7 years of imprisonment** will now be treated as **non-cognisable** .
 - To speed up adoption cases, the power to issue adoption orders has been shifted from courts to the **district magistrate** .

What Measures are Needed to Reform the Juvenile Justice System in India?

- **Strengthening Institutional Infrastructure:** Mandate **timely filling of vacancies** in **JJBs** and **CWCs** to ensure quorum, and link each **JJB** with a dedicated **Legal Services Clinic** to provide **free legal representation** from the start.
- **Focusing on Rehabilitation and Reintegration:** Shift focus from custody to rehabilitation through better **vocational training** , **education** , and **mental health support** in CCIs, and strengthen **post-care systems** to ensure successful reintegration and prevent recidivism.
- **Enhancing Data Transparency:** Create a centralized, public-facing data portal to track **JJB cases** , monitor **pendency** , and follow each child's progress, ensuring stronger **accountability** .

Conclusion

A decade after its enactment, systemic failures like **high pendency** , **infrastructural gaps** , and a lack of **data transparency** are crippling the **Juvenile Justice (Care and Protection of Children) Act, 2015** , undermining its **child-centric vision** .

Drishti Mains Question:

Q . The Juvenile Justice (Care and Protection of Children) Act, 2015, was a paradigm shift from a welfare-based to a rights-based approach. Critically examine the challenges that hinder the realization of its objectives.

Frequently Asked Questions (FAQs)

1. What is the primary function of a Juvenile Justice Board (JJB)?

JJBs, constituted under Section 4 of the JJ Act, 2015, are the principal authorities for handling all cases of children in conflict with law, focusing on rehabilitation and ensuring a child-friendly judicial

process.

2. What was the overall pendency rate reported by the IJR for JJB cases?

The IJR found 55% pendency in cases before Juvenile Justice Boards (as of 31 October 2023), with wide state variation (Odisha 83%, Karnataka 35%).

3. What are the main institutional deficits highlighted by the IJR?

Key deficits include 24% of JJBs not fully constituted, 30% lacking legal services clinics, staff vacancies in CCIs, and weak inter-agency coordination and data-sharing.

[Watch Video on YouTube: [▶ https://www.youtube.com/embed/n4r6ol_zwMc](https://www.youtube.com/embed/n4r6ol_zwMc)]

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. With reference to the Indian judiciary, consider the following statements:

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct? (2021)

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Mains

Q. Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. (2021)

Q. Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India. (2017)

Pharmacogenomics

Source: TH

Pharmacogenomics is revolutionizing healthcare by moving away from the traditional **one-size-fits-all** approach to using an individual's **genetic makeup** to predict **drug response** , enhance **efficacy** , and prevent **adverse reactions** .

- **About Pharmacogenomics:** It combines **pharmacology (study of drugs)** with **genomics (study of genes)** and studies how **genetic variations** affect an individual's **response to drugs** , determining if a medication will be **effective** , **ineffective** , or **harmful** .
- **Relevance & Benefits:** Approximately **90% of people** carry at least one **actionable pharmacogenetic variant** , making this a common issue, not a rare one.
 - Genetic testing now costs **USD 200-500** , making it more affordable, and is most cost-effective for **chronic disease management** .
 - Drugs will be tailored based on **proteins, enzymes, and RNA** linked to specific diseases, improving target precision for individual needs.
 - Genetic profiles enable doctors to **prescribe the most effective drug from the start**, reducing adverse reactions and speeding recovery.
- **Key Concerns Related to Pharmacogenomics: Millions of SNPs (Single Nucleotide Polymorphism) need analysis, and linking them to drug responses is challenging.**
 - Genetic variants may limit available treatments for certain conditions.
 - Developing drugs for smaller genetic groups is costly, deterring investment.
- **Proven Clinical Impact:** It is clinically proven to optimize treatments for drugs like Warfarin (Blood Thinner) and Clopidogrel (Heart Drug), and is critical in psychiatry and oncology to prevent adverse events and improve outcomes.

Read More: [Genome Sequencing](#)