



## **Government of Tamilnadu**

### **Department of Employment and Training**

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# ADMINISTRATIVE REFORMS & TRIBUNALS

- ❖ 42nd Constitutional Amendment Act in 1976 added a new Part XIV-A to the Constitution. This part is entitled as 'Tribunals' and consists of only two Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.
- ❖ Many States are also provided with the State Administrative Tribunals.
- ❖ The Chairman and the Vice-Chairman of the tribunal enjoys the status of a High Court Judge and his/her retirement age is 65 years)
- ❖ The Chairman must be a Judge of the High Court or one who served for at least two years as the High Court Judge or the Vice-Chairman of Tribunal.

## ***Administrative Reforms:***

Generally, many areas of Indian administration are based on British legacy. At the time of independence, India inherited a colonial administration which was primarily designed for the performance of limited functions of an imperial government, and naturally unsuited to serve the needs of a secular, independent, democratic and socialistic republic of India. Hence, the founding fathers of India independence, took several steps to

reform Indian administration. Actually, the administrative reforms are the developments of administration in India. Here, let us discuss some committees which recommended for the reforms and development of Indian administration.

### **1. Ayyangar Committee, 1949:**

The first committee setup to undertake a comprehensive review of the machinery of central government towards the end of 1949 was Gopalaswami Ayyangar Committee, which dealt with organisational changes, improvement in calibre of personnel and improvement in methods of transaction of governmental business. The committee recommended a distinction between a Ministry and a Department. It recommended that the central secretariat should be divided into 37 primary units of organisation consisting of 28 departments, 8 central administrative offices and a cabinet secretariat. It also recommended for setting up of an organisation and methods division in each department.

### **Gorwala Committee, 1951:**

The government of India set up the planning commission in 1950. The

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commission felt that there were many problems in public administration. Hence, the commission requested Mr. Gorwala, a retired IAS officer to make a study and suggest measures for bringing about reforms in public administration, especially in relation to the implementation of the development programmes of the central and the state governments. He mainly recommended that parliamentary government with a cabinet system on the British model cannot be effective unless there is the standard of morality of the functionaries.

## **2. Appleby Report, 1953 and 1956:**

At the end of 1952, C.D. Deshmukh, then Finance Minister, invited Paul H. Appleby, a noted authority on public administration in USA, to make a survey of public administration in India. Appleby felt the government of India was making the best effort in the world to bring development through democracy. He analysed the factors making for unity and disunity. He suggested a strong central government for the administration of programmes.

He commented on the lack of action-mindedness in India administration and lack of capacity to take action in situations. He mainly recommended that there should be an all-India institute for training the personnel. He also recommended that the number of levels in hierarchy should be increased. As a result, an O & M Division was set up in the central

secretarial and the India Institute of public Administration was also established in New Delhi in 1954.

## **3. Administrative Reforms Commission (1966-70)**

The appointment of Administrative Reforms Commission (ARC) was an important landmark in the history of administrative reforms in India. The commission was setup on January 5, 1966, under the chairmanship of Morarji Desai, with five members. The Commission submitted its 20 reports containing 578 recommendations to the central Government.

### **Central Administrative Tribunal (CAT):**

- ❖ It was established in 1985 under the Administrative Tribunals Act (1985) of the Parliament. (Statutory body).
- ❖ The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it.
- ❖ Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defence services.
- ❖ However, the members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.
- ❖ Its objective is to provide speedy and inexpensive justice to the aggrieved Civil Servants.

- ❖ It is a multi-member body consisting of a Chairman, 16 Vice-Chairmen and 49 Members.
- ❖ They are not eligible for re-appointment
- ❖ The term of the Chairman and the Vice Chairman is 5 years or until they attain the age of 65 years, whichever is earlier.
- ❖ The term of the members is 5 years or until they attain the age of 62 years, (whichever is earlier).
- ❖ They are appointed by the President.
- ❖ They are drawn from both the Judicial and the Administrative streams.
- ❖ It is not bound by the procedure laid down in the Civil Procedure Code (1908).
- ❖ Its jurisdiction extends to the members of the All-India Services, Central Services and Posts.
- ❖ It works under the administrative control of Department of Personnel and Training - one of the three departments of Ministry of Personnel, Public Grievances, and Pensions.

**State Administrative Tribunal (SAT):**

- ❖ The Administrative Tribunals Act of 1985 empowers the Central government to establish the State Administrative Tribunals (SATs) on specific request of the concerned state governments.
- ❖ Like the CAT, the SATs exercise original jurisdiction in relation to

recruitment and all service, matters of state government employees.

- ❖ The chairman, vice-chairman and members of the SATs are appointed by the president after consultation with the governor of the state concerned.
- ❖ The act also makes a provision for setting up of joint administrative tribunal (JAT), for two or more states. The chairman, vice-chairman and members of a JAT are appointed by the president after consultation with the governors of the concerned states.

**Tribunals For Other Matters:**

Under Article 323 B, the parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following:

- a) Taxation,
- b) Foreign exchange, import and export
- c) Industrial and labour
- d) Land reforms
- e) Ceiling on urban property
- f) Elections to parliament and state legislatures
- g) Food stuffs
- h) Rent and tenancy rights

**Name And Jurisdiction Of Benches Of CAT**

Sl.No.	Bench	Territorial Jurisdiction of the Bench
1	Principal Bench, Delhi	Delhi
2	Allahabad Bench	Uttar Pradesh (except the districts covered by Lucknow Bench)
3	Lucknow Bench	Uttar Pradesh (except the districts covered by the Allahabad Bench)
4	Chuttak bench	Orissa
5	Hyderabad Bench	Andhra Pradesh
6	Bangalore Bench	Karnataka
7	Madras Bench	Tamil Nadu and Puducherry
8	Ernakulam Bench	Kerala and Lakshadweep
9	Bombay Bench	Maharashtra, Goa, Dadra and Nagar Haveli, and Daman and Diu
10	Ahmedabad Bench	Gujarat
11	Jodhpur Bench	Rajasthan (except the districts covered by the Jaipur Bench)
12	Jaipur Bench	Rajasthan (except the districts covered by the Jodhpur Bench)
13	Chandigarh Bench	J & K, Haryana, Himachal Pradesh, Punjab and Chandigarh
14	Jabalpur Bench	Madhya Pradesh
15	Patna Bench	Bihar
16	Calcutta Bench	West Bengal, Sikkim and Andaman and Nicobar Islands
17	Guwahati bench	Assam, Meghalaya, Manipur, Tripura, Nagaland, Mizoram and Arunachal Pradesh