

Ordinance Summary

The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021

- The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 was promulgated on April 4, 2021. It dissolves certain existing appellate bodies and transfers their functions (such as adjudication of appeals) to other existing judicial bodies (see Table 1). A Bill with similar provisions was introduced in Lok Sabha on February 13, 2021 and is currently pending.
- The Finance Act, 2017 empowered the central government to notify rules on: (i) qualifications of members of tribunals, (ii) terms and conditions of their service, and (iii) composition of search-cum-selection committees for 19 tribunals (such as the Customs, Excise, and Service Tax Appellate Tribunals). The Ordinance amends the 2017 Act to include provisions related to the composition of search-cum-selection committees and term of office of tribunal members in the Act itself.

Table 1: Transfer of functions of key appellate bodies as proposed under the Ordinance

Acts	Appellate body	Proposed entity
The Cinematograph Act, 1952	Appellate Tribunal	High Court
The Trade Marks Act, 1999	Appellate Board	High Court
The Copyright Act, 1957	Appellate Board	Commercial Court or the Commercial Division of a High Court*
The Customs Act, 1962	Authority for Advance Rulings	High Court
The Patents Act, 1970	Appellate Board	High Court
The Airports Authority of India Act, 1994	Airport Appellate Tribunal	<ul style="list-style-type: none"> ▪ Central government, for disputes arising from the disposal of properties left on airport premises by unauthorised occupants. ▪ High Court, for appeals against orders of an eviction officer.
The Control of National Highways (Land and Traffic) Act, 2002	Airport Appellate Tribunal	Civil Court#
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Appellate Board	High Court

Note: * Constituted under the Commercial Courts Act, 2015; # Refers to a Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction.
Sources: The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021; PRS.

- **Search-cum-selection committees:** The 2017 Act specifies that the Chairperson and Members of the Tribunals will be appointed by the central government on the recommendation of a Search-cum-Selection Committee. The Ordinance specifies that these Committees will consist of: (i) the Chief Justice of India, or a Supreme Court Judge nominated by him, as the Chairperson (with casting vote), (ii) two Secretaries nominated by the central government, (iii) the sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court, and (iv) the Secretary of the Ministry under which the Tribunal is constituted (with no voting right).
- **Term of office:** The Ordinance specifies that the term of office for the Chairperson of the tribunals will be of four years or till the attainment of the age of seventy years, whichever is earlier. For other members of the tribunals, the term will be of four years or till the age of sixty-seven years, whichever is earlier.
- Further, the Ordinance includes the National Consumer Disputes Redressal Commission established under the Consumer Protection Act, 2019 within the purview of the Finance Act, 2017. The Ordinance removes the following bodies from the purview of the Finance Act, 2017: (i) the Airport Appellate Tribunal established under the Airports Authority of India Act, 1994, (ii) the Appellate Board established under the Trade Marks Act, 1999, (iii) the Authority of Advanced Ruling established under the Income Tax Act, 1961, and (iv) the Film Certification Appellate Authority established under the Cinematograph Act, 1952.

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