
THE TRIBUNALS REFORM (RATIONALISATION AND CONDITIONS OF SERVICE) BILL, 2021

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Overview

- ❖ Introduction.
 - ❖ Implications of the Bill.
 - ❖ Major changes proposed in different Legislations
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INTRODUCTION

- ❖ The Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021 was introduced in the Lok Sabha by the Finance Minister, Ms. Nirmala Sitharaman on February 13, 2021. The said Bill was introduced to abolish certain Tribunals and Authorities and to provide a mechanism for **filing appeal directly to the Commercial Court or the High Court**, as the case may be.
 - ❖ Through this Ordinance, appellate authorities under **nine Acts have been done away** with and the right to hear appeals under the statute has been conferred upon the concerned High Courts.
 - ❖ Also, certain amendments have been introduced to the Finance Act, 2017 involving the qualifications of members, terms and conditions of their service, and composition of search-cum-selection committees for 19 tribunals (such as Customs, Excise, and Service Tax Appellate Tribunal).
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IMPLICATIONS OF THE BILL

- ❖ The present Tribunals Reforms Bill has successfully abolished certain tribunals and appellate bodies which failed to achieve objective of quick delivery of justice and turned out to be redundant.
 - ❖ The Tribunals Reforms Bill is a special law that aims to revamp and rationalize the contemporary tribunal structure in India. The objective to remove the ineffective tribunals is do away with the frivolous litigation, and also address the issue of shortage of staff and infrastructure at these tribunals.
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MAJOR CHANGES PROPOSED IN THE FOLLOWING LEGISLATION:

1. **The Cinematograph Act, 1952:** The introduction of the respective Bill has allowed for the dissolution of the Appellate Tribunal as defined under Section 2(h) of the Cinematograph Act, 1952. The appeals will now be referred and heard by the respective concerned *High Court*.
 2. **The Copyright Act, 1957:** The Appellate Board referred under Section 2(aa) of the Copyright Act will stand dissolved and be substituted by the *Commercial Court* or the *Commercial Division* of a High Court, which will entertain and hear all the appeals.
 3. **The Customs Act, 1962:** The Appellate Authority defined under Section 28E(ba) of the Customs Act, 1962 stands dissolved and is substituted by the respective *High Court*.
 4. **The Patent Act, 1970:** The Appellate Board defined under Section 2(a) of the Act stands dissolved and is substituted by the respective *High Court*.
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5. **The Trademarks Act, 1999:** The Appellant Board defined under Section 83 of the Act stands dissolved and substituted by the respective *High Court* to entertain and hear the appeals.
 6. **The Geographical Indications of Goods (Registration and Protection) Act, 1999:** As per section 19 of the Act, the word 'tribunal' to be substituted by the *Registrar* or the *High Court* as the case may be.
 7. **The Airport Authority of India Act, 1994:** The word 'tribunal' defined under Section 28-I sub-section (1) of the Airport Authority of India Act, 1994 stands abolished and all the existing appeals and thus arising, will now be referred to the *Central Government in case of disputes arising from the disposal of properties left on airport premises by unauthorized occupants and to the High Court, for appeals against orders of an eviction officer.*
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8. **The Control of National Highways (Land and Traffic) Act, 2002:** All the existing appeals and thus arising, or any action taken, excluding issuance of serving of notices, by the Highway Administration or an officer authorized on its behalf, as the case may be, shall now lie before a *Civil Court of original jurisdiction in a district (including the High Court in exercise of its ordinary original civil jurisdiction) rather than the tribunal as defined under Section 28A of the Airport Authority of India Act.*
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9. **The Finance Act, 2017:** Section 184 of the Finance Act, 2017 has been amended to empower the Central Government to make rules for qualifications, appointment, term of office, salaries and allowances, resignation, removal and other terms and conditions of service of Members of Tribunals.

The Ordinance provides that the Chairperson and Members of the Tribunals will be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee. Also, the ordinance brings the National Consumer Disputes Redressal Commission established under the Consumer Protection Act, 2019 within the purview of the Finance Act, 2017.

- **Other change : Search-cum-Selection Committees :** The Tribunals Reforms Bill, further mandates that the chairperson and members of the Tribunals will be appointed by the central government on the recommendation of a Search-cum-Selection Committee consisting 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 of a High Court, and (iv) the Secretary of the Ministry under which the Tribunal is constituted (with no voting right).
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OUR OPINION

The present Government since inception was hinting out at reforms of Tribunals and improvisation of justice delivery system which includes abolition of some of the Tribunals, merger of others based on their subject matter expertise, functions and powers. The present Bill aims to revamp and rationalize the present tribunal structure in the country. Data reflects that the very purpose for creation of such Tribunals i.e. subject expertise speedy dispensation of cases, could not be achieved as aimed at. On the contrary same proved to be an overheard expense on the public exchequer.

However, whether the ineffective working of such Tribunals can be said to be result of incompetence alone, or other factors like, non-appointment of members and various other such similar factors forced such institutions to collapse, because if these are actual the reasons then various other Tribunals and entire the justice delivery system, which are facing identical flaws are soon to face the same fate.

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