

Bill Summary

The Tribunals Reforms Bill, 2021

- The Tribunals Reforms Bill, 2021 was introduced in Lok Sabha by the Finance Minister, Ms. Nirmala Sitharaman, on August 2, 2021. The Bill seeks to dissolve certain existing appellate bodies and transfer their functions (such as adjudication of appeals) to other existing judicial bodies (see Table 1). The Bill replaces a similar Ordinance promulgated in April 2021.

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

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 Bill, 2021; PRS.

- **Amendments to the Finance Act, 2017:** The Finance Act, 2017 merged tribunals based on domain. It also empowered the central government to notify rules on: (i) composition of search-cum-selection committees, (ii) qualifications of tribunal members, and (iii) their terms and conditions of service (such as their removal and salaries). The Bill removes these provisions from the Finance Act, 2017. Provisions on the composition of selection committees, and term of office have been included in the Bill. Qualification of members, and other terms and conditions of service will be notified by the central government.
- **Search-cum-selection committees:** The Chairperson and Members of the Tribunals will be appointed by the central government on the recommendation of a Search-cum-Selection Committee. The Committee 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).
- State administrative tribunals will have separate search-cum-selection committees. These Committees will consist of: (i) the Chief Justice of the High Court of the concerned state, as the Chairman (with a casting vote) (ii) the Chief Secretary of the state government and the Chairman of the Public Service Commission of the concerned state, (iii) the sitting or outgoing Chairperson, or a retired High Court Judge, and (iv) the Secretary or Principal Secretary of the state's general administrative department (with no voting right). The central government must decide on the recommendations of selection committees preferably within three months from date of the recommendation.
- **Eligibility and term of office:** The Bill provides for a four-year term of office (subject to the upper age limit of 70 years for the Chairperson, and 67 years for members). Further, it specifies a minimum age requirement of 50 years for appointment of a chairperson or a member.

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