

Tribunal reforms ordinance, 2021

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In news : The government has issued the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021, recently

About the ordinance

- It dissolves certain existing appellate bodies and transfers their functions (such as adjudication of appeals) to other existing judicial bodies
- It does away with certain appellate tribunals, including the Film Certification Appellate Tribunal (FCAT) set up to hear appeals of filmmakers, and transfers their functions to other existing judicial bodies.
- The ordinance was issued by the Ministry of Law and Justice
- In February 2021, With a view to streamline tribunals, the Tribunals Reforms Bill, 2021 was proposed to be enacted to abolish certain tribunals and authorities and to provide a mechanism for filing appeal directly to the commercial court or the High Court
- Since the bill could not get parliamentary nod, an ordinance was issued.

Key amendments

- The ordinance has made amendments to the Cinematograph Act, Copyright Act, Customs Act, Patents Act, Airports Authority of India Act, Trade Marks Act, Geographical Indications of Goods (registration and protection) Act, Protection of Plant Varieties and Farmers Rights Act, Control of National Highways (land and traffic) Act, and Finance Act. In the Cinematograph Act, the appellate body will now be the high court

- The Finance Act, 2017 empowered the central government to notify rules on:
 - Qualifications of members of tribunals
 - Terms and conditions of their service, and
 - 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
- **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:
 - the Chief Justice of India, or a Supreme Court Judge nominated by him, as the Chairperson (with casting vote)
 - two Secretaries nominated by the central government
 - the sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court, and
 - 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.

- The Ordinance also **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:
 - The Airport Appellate Tribunal established under the Airports Authority of India Act, 1994
 - The Appellate Board established under the Trade Marks Act, 1999
 - The Authority of Advanced Ruling established under the Income Tax Act, 1961, and
 - The Film Certification Appellate Authority established under the Cinematograph Act, 1952.

Timeline of the process of rationalisation of tribunals

The Government of India began the process of rationalisation of tribunals in 2015. By the Finance Act, 2017, seven tribunals were abolished or merged based on functional similarity and their total number was reduced to 19 from 26.