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

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1. Introduction

- 1.1 On 13th February, 2021, The Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021 (hereinafter referred to as 'Tribunals Reforms Bill') was introduced in Lok Sabha by the Finance Minister, Ms. Nirmala Sitharaman. The said Tribunals Reforms 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 Courts, as the case may be.
- 1.2 Noteworthy, the Government of India had begun the process of rationalisation of tribunals in 2015. And leading the path of revision, by the Finance Act, 2017, seven tribunals were abolished/merged based on their functional similarity, henceforth reducing the total number from 26 to 19.
- 1.3 The tribunals that are abolished in this phase were of a kind which handled cases in which either where public at large was not a litigant or those which neither took away any significant workload from High Courts and nor provide a speedy disposal. Based on statistical analysis of data of previous years, it was learnt that these tribunals only added additional layer of existing room-full of litigation.
- 1.4 The present Tribunals Reforms Bill has successfully abolished certain types of tribunals and appellate bodies which failed to achieve its objective of quick delivery of justice and turn out to be redundant. The Bill further introduced amendment in the tenure and eligibility of the Chairperson and Members of the Tribunal. The Tribunals Reforms Bill, moots for a specialised Search-cum-Selection committees which will now recommend the names of the Chairperson and the members of the existing tribunals. The Tribunals Reforms Bill has been notified and has come into force from 4th April, 2021.

2. Major changes proposed in the following legislation:

A. Intellectually Property

- 2.1 **The Cinematograph Act, 1952:** The introduction of the Tribunals Reforms Bill has allowed for dissolution of the Appellate Tribunal as defined under Section 2(h) of the Cinematograph Act, 1952. The appeals earlier referred to the Appellate Tribunal against the decision of the board constituted under the Cinematograph Act, 1952, will now be referred and heard by the respective High Court.¹
- 2.2 **The Copyright Act, 1957:** The Appellant Board referred under Section 2(aa) of the Copyright Act, 1957 will stand dissolved and be substituted by the Commercial Court or the Commercial Division of a High Court, which will entrain and hear all appeal earlier referred to the Appellant Board under the Copyright Act.²
- 2.3 **The Customs Act, 1962:** An authority to file an appeals before the Appellant Authority for Advance Rulings as defined under section 28E(ba) of the Customs Act,

¹ Amendment 3, Tribunals Reforms Bill.

² Amendment 4, Tribunals Reforms Bill.

- stands dissolved and substituted by the respective High Court to hear all the appeal earlier lies before the Appellant Authority for Advance Rulings.³
- 2.4 **The Patent Act, 1970:** An authority to filed an appeal before the Appellate Board as defined under Section 2 (a) of the Patent Act, 1970 stands dissolved hereafter and substituted by the respective High Court, to hear all the appeal earlier lies before the Appellant Authority.⁴
- 2.5 **The Trademarks Act, 1999:** Appellant Board defined under the Section 83 of the Trademark Act, stands dissolved and substituted by the respective High Court to hear all the appeal earlier lies before the Appellant Board. ⁵
- 2.6 **The Geographical Indications of Goods (Registration and Protection) Act, 1999:** **That** as per section 19 of the Geographical Indications of Goods (Registration and Protection Act), 1999, the word tribunal to be substituted by the Registrar or the High Court as case may be. However, for future sections of Geographical Indications of Goods (Registration and Protection Act), 1999, the world Appellant Board defined under the Section 83 of the Trademark Act, stands dissolved and substituted by the respective High Court to hear all the appeal earlier lies before the Appellant Board. ⁶
- 2.7 **The Protection of Plant Varieties & Farmers' Rights Act, 2001:** That the Appellant tribunal defined under Section 54 of The Protection of Plant Varieties & Farmers' Rights Act, 2001 stands dissolved and substituted by the respective High Court to hear all the appeal earlier lies before the Appellant Tribunal. ⁷
- 2.8 **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 dedicated Search-cum-Selection committees 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 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). ⁸

B. Other Changes

- 2.9 **The Airport Authority of India Act, 1994:** That the tribunal defined under section 28-I sub-section (1) of the Airport Authority of India Act, 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

³ Amendment 5, Tribunals Reforms Bill.

⁴ Amendment 6, Tribunals Reforms Bill.

⁵ Amendment 8, Tribunals Reforms Bill.

⁶ Amendment 9, Tribunals Reforms Bill.

⁷ Amendment 10, Tribunals Reforms Bill.

⁸ Amendment 12(i), Tribunals Reforms Bill.

unauthorised occupants⁹ and to the High Court, for appeals against orders of an eviction officer.¹⁰

- 2.10 **The Control of National Highways (Land and Traffic) Act, 2002:** All the existing appeals and thus arising, or any action taken, excluding issuance or serving of notices, by the Highway Administration or an officer authorised 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.¹¹
- 2.11 **The Finance Act, 2017:** The Tribunals Reforms Act has amended the 2017 Act to include provisions related to the composition of search-cum-selection committees, and revised the term of office of members. Additionally, it should be noted that the ordinance brings the National Consumer Disputes Redressal Commission established under the Consumer Protection Act, 2019 within the purview of the Finance Act, 2017.¹²

3. PSL Opinion

- 3.1 The Tribunals Reforms Bill can be perceived as a special law which aims to revamp and rationalize the contemporary tribunal structure in India. Since 2015, the Government of India has been undertaking complete overhaul exercise to increase the efficiency of the tribunals, which includes abolition of some, while merger of others based on their functions and powers. The figures from the last three years, has highlighted that tribunals from diverse sectors have not necessarily led to faster justice delivery, as expected, and it is also been learnt they are at a considerable expense to the exchequer. The demise of ineffective tribunals will rein the additional layer of futile litigation that was the case for all of these years, and will also address the issue of shortage of staff and infrastructure at these tribunals.
- 3.2 It should be noted that some legal professionals are of the view that abolishing these tribunals might prove beneficial in the long term, however, in the near foreseeable future this might lead to an increase in delays and increase in pendency of cases already listed before the High Courts and the Supreme Court.¹³

⁹ Amendment 7(b), Tribunals Reforms Bill.

¹⁰ Amendment 7(d), Tribunals Reforms Bill.

¹¹ Amendment 11, Tribunals Reforms Bill.

¹² Amendment 14, Tribunals Reforms Bill.

¹³ Ranjan Narula, *A Act to abolish IP Appellate Tribunal, Is it a case of one step forward, two steps backward*, LEXOLOGY (Feb. 15, 2021). Can be accessed at: <https://www.lexology.com/library/detail.aspx?g=1d5dc9ae-88b6-40ca-a06e-1e16a1970671>.