

THE TRIBUNALS REFORMS (RATIONALISATION AND CONDITIONS OF SERVICE) ORDINANCE, 2021

UNION OF INDIA

India

THE TRIBUNALS REFORMS (RATIONALISATION AND CONDITIONS OF SERVICE) ORDINANCE, 2021

Proclamation 2 of 2021

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Promulgated by the President in the Seventy-Second Year of the Republic of India. An Ordinance further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001. and certain other Acts. WHEREAS The Tribunal Reforms (Rationalisation and Conditions of Service) Bill, 2021 has been introduced in the House of the People on the 13th day of February, 2021; AND WHEREAS the aforesaid Bill could not be taken up for consideration and passing in the House of the People; AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action; NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Chapter I PRELIMINARY

(1) This Ordinance may be called the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021. (Short title and commencement) (2) It shall come into force at once. (Definitions) 2. In this Ordinance, unless the context otherwise requires,—(a) “notified date” means the date of commencement of this Ordinance; (b) “Schedule” means the Schedule appended to this Ordinance;

Chapter II AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

(Amendment of Act 37 of 1952)

3. In the Cinematograph Act, 1952, —

(a)in section 2, clause (h) shall be omitted;(b)in section 5C,—(i)for the word “Tribunal”, at both the places where it occurs, the words “High Court” shall be substituted;(ii)sub-section (2) shall be omitted;(c)sections 5D and 5DD shall be omitted;(d)in section 6, the words “or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)” shall be omitted;(e)in sections 7A and 7C, for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;(f)in sections 7D, 7E and 7F, the words “the Tribunal,”, wherever they occur, shall be omitted;(g)in section 8, in sub-section (2), clauses (h), (i),(j)and(k)shall be omitted.

Chapter III

AMENDMENTS TO THE COPYRIGHT ACT, 1957

(Amendment of Act 14 of 1957.)

3. In the Copyright Act, 1957,—

(a)in section 2,—(i)clause (aa) shall be omitted;(A)in relation to proceedings before a High Court, prescribed by rules made by the High Court; and(B)in other cases, prescribed by rules made under this Act;’(ii)clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:— ‘(fa) “Commercial Court”, for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;’; 4 of 2016.(iii)for clause (u), the following clause shall be substituted, namely:—(u)“prescribed” means,—(b)in section 6,—(i)for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;(ii)the words “constituted under section 11 whose decision thereon shall be final” shall be omitted;(c)in Chapter II, in the Chapter heading, the words “AND APPELLATE BOARD” shall be omitted;(d)sections 11 and 12 shall be omitted;(e)in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;(f)in section 50, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(g)in section 53A,—(i)for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;(ii)in sub-section (2), the words “and the decision of the Appellate Board in this behalf shall be final” shall be omitted;(h)in section 54, for the words “Appellate Board”, the words “Commercial Court” shall be substituted;(i)for section 72, the following section shall be substituted, namely:— “72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court. Appeals against orders of Registrar of Copyrights.(2)Every such appeal shall be heard by a single Judge of the High Court:Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.(3)Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.(4)In calculating the period of three months provided for an

appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.”; (j) in sections 74 and 75, the words “and the Appellate Board”, wherever they occur, shall be omitted; (k) in section 77, the words “and every member of the Appellate Board” shall be omitted; (l) in section 78, in sub-section (2),—(i) clauses (cA) and (ccB) shall be omitted; (ii) in clause (f), the words “and the Appellate Board” shall be omitted.

Chapter IV

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment of Act 52 of 1962. 5. In the Customs Act, 1962,—(a) in section 28E, clauses (ba), (f) and (g) shall be omitted; (b) in section 28EA, the proviso shall be omitted; (c) in section 28F, sub-section (1) shall be omitted; (d) in section 28KA,—(i) in sub-section (1), for the word “Appellate Authority”, at both the places where they occur, the words “High Court” shall be substituted; (ii) sub-section (2) shall be omitted; (e) in section 28L, the words “or Appellate Authority”, wherever they occur, shall be omitted; (f) in section 28M,—(i) in the marginal heading, the words “and Appellate Authority” shall be omitted; (ii) sub-section (2) shall be omitted.

Chapter V

A MENDMENT S TO THE PATENTS ACT , 1970

Amendment of Act 39 of 1970.

6. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—(i) clause (a) shall be omitted; (ii) in clause (u), sub-clause (B) shall be omitted; (b) in section 52, the words “Appellate Board or”, wherever they occur, shall be omitted; (c) in section 58,—(i) the words “the Appellate Board or”, wherever they occur, shall be omitted; (ii) the words “as the case may be” shall be omitted; (d) in section 59, the words “the Appellate Board or” shall be omitted; (e) in section 64, in sub-section (1), the words “by the Appellate Board” shall be omitted; (f) in section 71, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted; (g) in section 76, the words “or Appellate Board” shall be omitted; (h) in section 113,—(i) in sub-section (1),—(A) the words “the Appellate Board or”, wherever they occur, shall be omitted; (B) the words “as the case may be” shall be omitted; (ii) in sub-section (3), the words “or the Appellate Board” shall be omitted; (i) in Chapter XIX, for the Chapter heading, the

Chapter heading

“APPEALS” shall be substituted;

(j) sections 116 and 117 shall be omitted; (k) in section 117A, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted; (l) sections 117B, 117C and 117D

shall be omitted;(m)in section 117E, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(n)sections 117F, 117G and 117H shall be omitted;(o)in section 151,—(A)in sub-section (1), the words “or the Appellate Board”, at both the places where they occur, shall be omitted;(B)in sub-section (3), for the words “the Appellate Board or the courts, as the case may be”, the words “the courts” shall be substituted;(p)in section 159, in sub-section (2), clauses (xiia),(xiib)and (xiic) shall be omitted.

Chapter VI

AMENDMENT S TO THE AIRPORT AUTHORITY OF INDIA ACT, 1994

7. In the Airports Authority of India Act, 1994,— Amendment of Act 55 of 1994.

(a)in section 28A, clause (e) shall be omitted;(b)in section 28E, for the word “Tribunal”, at both the places where it occurs, the words “Central Government” shall be substituted;(c)sections 28I, 28J and 28JA shall be omitted;(d)in section 28K,—(i)in sub-section (1),—(A)for the words “Tribunal in such form as may be prescribed”, the words “High Court” shall be substituted;(B)in the proviso, for the word “Tribunal”, the words “High Court” shall be substituted;(ii)sub-sections (2), (3), (4) and (5) shall be omitted;(e)section 28L shall be omitted;(f)in section 28M, the words “or the Tribunal” shall be omitted;(g)in section 28N, in sub-section (2), for the word “Tribunal”, the words “High Court” shall be substituted;(h)in section 33, the words “or the Chairperson of the Tribunal” shall be omitted;(i)in section 41, in sub-section (2), clauses (gvi),(gvii), (gviii) and (gix) shall be omitted.

Chapter VII

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment of Act 47 of 1999. 8. In the Trade Marks Act, 1999,—(a)in section 2, in sub-section (1), —(i)clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;(ii)for clause (s), the following clause shall be substituted, namely:—(s)“prescribed” means,—(i)in relation to proceedings before a High Court, prescribed by rules made by the High Court; and(ii)in other cases, prescribed by rules made under this Act;’(b)in section 10, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(c)in section 26, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(d)in section 46, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(e)in section 47, —(i)for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;(ii)for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;(f)in section 55, in sub-section (1), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(g)in section 57, —(i)for the words “Appellate Board”, wherever it occurs, the words “High Court” shall be substituted;(ii)for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;(h)in section 71, in

sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(i)in Chapter XI, for the Chapter heading, the

Chapter heading

“APPEALS” shall be substituted;

(j)sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;(k)in section 91,for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(l)sections 92 and 93 shall be omitted;(m)for section 94, the following section shall be substituted, namely:—Bar to appear before Registrar.On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members, shall not appear before the Registrar.”;(l)sections 95 and 96 shall be omitted;(m)in section 97, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(n)in section 98, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted;(o)sections 99 and 100 shall be omitted;(p)in section 113, —(i)for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;(ii)for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(q)in section 123, the words “and every Member of the Appellate Board” shall be omitted;(r)in sections 124 and 125, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(s)in section 130, the words “the Appellate Board or” shall be omitted;(t)in section 141, for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;(u)in section 144, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(v)in section 157, in sub-section (2),—(i)clauses (xxxi) and (xxxii) shall be omitted;(ii)in clause (xxxiii), for the words “Appellate Board”, the words “High Court” shall be substituted.

Chapter VIII

AMENDMENTS TO THE GEOGRAPHICAL

INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999Amendment of Act 48 of 1999. 9. In the Geographical Indications of Goods(Registration and Protection) Act, 1999,—(a)in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;(b)in section 19, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(c)in section 23, for the words “and before the Appellate Board before which”, the words “before whom” shall be substituted;(d)in section 27, —(i)for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(ii)for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;(e)in Chapter VII, for the Chapter heading, the

Chapter heading

“APPEALS” shall be substituted;

(f)in section 31,—(i)for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(ii)sub-section (3) shall be omitted;(g)sections 32 and 33 shall be omitted;(h)in sections 34 and 35, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(i)section 36 shall be omitted;(j)in sections 48,—(i)for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;(ii)for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(k)in sections 57 and 58, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(l)in section 63, the words “the Appellate Board or” shall be omitted;(m)in section 72, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;(n)in section 75, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;(o)in section 87, in sub-section (2), clause (n) shall be omitted.

Chapter IX

AMENDMENTS TO THE PROTECTION OF

PLANT VARIETIES AND FARMERS’ RIGHTS ACT, 2001Amendment of Act 53 of 2001. 10. In the Protection of Plant Varieties and Farmers’ Rights Act, 2001,—(a)in section 2, —(i)clauses (d), (n) and (o) shall be omitted;(ii)for clause (q), the following clause shall be substituted, namely:—(q)“prescribed” means,—(a)in relation to proceedings before a High Court, prescribed by rules made by the High Court; and(b)in other cases, prescribed by rules made under this Act;’(iii)clauses (y) and (z) shall be omitted;(b)in section 44, the words “or the Tribunal” shall be omitted;(c)in Chapter VIII, for the Chapter heading, the

Chapter heading

“APPEALS” shall be substituted;

(d)sections 54 and 55 shall be omitted;(e)in section 56,—(i)for the word “Tribunal”, wherever they occur, the words “High Court” shall be substituted;(ii)sub-section (3) shall be omitted;(f)in section 57,—(i)for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;(ii)sub-section (5) shall be omitted;(g)sections 58 and 59 shall be omitted;(h)in section 89, the words “or the Tribunal” shall be omitted.

Chapter X

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

11. In the Control of National Highways (Land and Traffic) Act, 2002,—

Amendment of Act 13 of 2003. (a) in section 2,—(i) clause (a) shall be omitted; (ii) after clause (d), the following clause shall be inserted, namely:—“(da) ‘Court’ means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;”; (iii) clause (l) shall be omitted; (b) in Chapter II, in the Chapter heading, the words “AND TRIBUNALS, ETC.” shall be omitted; (c) section 5 shall be omitted; (d) for section 14, the following section shall be substituted, namely:—Appeals. “14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.”; (e) sections 15 and 16 shall be omitted; (f) in section 17, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted; (g) section 18 shall be omitted; (h) in section 19, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted; (i) section 40 shall be omitted; (j) in section 41,—(i) the words “or every order passed or decision made on appeal under this Act by the Tribunal” shall be omitted; (ii) the words “or Tribunal” shall be omitted; (k) in section 50, in sub-section (2), clause (f) shall be omitted.

Chapter XI

AMENDMENTS TO THE FINANCE ACT, 2017

Amendment of Act 7 of 2017. 12. In the Finance Act, 2017 (hereinafter referred to as the Finance Act),—(i) for section 184, the following section shall be substituted, namely:—Qualifications, appointment, etc., of Chairperson and Members of Tribunal. “184. (1) The Central Government may, by notification, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and the other conditions of service of the Chairperson and Members of the Tribunal as specified in the Eighth Schedule: Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member: Provided further that the allowances and benefits so payable shall be to the extent as are admissible to a Central Government officer holding the post carrying the same pay: Provided also that where the Chairperson or Member takes a house on rent, he may be reimbursed a house rent subject to such limits and conditions as may be provided by rules. [Supreme Court in the case of Madras Bar Association vs. Union of India [2021] Strikes Down Minimum Age Limit Of 50 Years For Appointment As Tribunal. "Prescribing 50 years as a minimum age limit for consideration of advocates has the devastating effect of entirely excluding successful young advocates." The Supreme Court has held by 2:1 majority that the minimum age limit of 50 years prescribed by the Tribunals Reforms (Rationalization and Conditions of Service) Ordinance 2021 for appointment as members in various tribunals to be "arbitrary and discriminatory". The majority comprising Justices L Nageswara Rao and S Ravindra Bhat observed that this minimum age stipulation of 50 years introduced by the Ordinance violated the earlier direction given by the Court in the 2020 Madras Bar Association case that advocates with minimum experience of 10 years should be made eligible for appointment. Holding this provision to be unconstitutional, the judgment authored by Justice Nageswara Rao said : "Fixing a minimum age for recruitment of Members to 50 years would act as a deterrent for competent advocates to seek appointment. Practically, it would be difficult for an

advocate appointed after attaining the age of 50 years to resume legal practice after completion of one term in case he is not reappointed. Security of tenure and conditions of service are recognised as core components of independence of the judiciary. Therefore, the first proviso to Section 184(1) is in violation of the doctrine of separation of powers. Resultantly, the first proviso to Section 184 (1) is declared as unconstitutional as it is violative of Article 14 of the Constitution. The majority also held the following conditions laid down by the Tribunals Ordinance 2021 through its amendment to the Finance Act 2017 as unconstitutional: The provisions fixing the term of Tribunal Members as 4 years struck down being contrary to the direction in earlier cases that the term should be 5 years. The provision prescribing that the Search cum Selection Committee will recommend two names for each post struck down being contrary to the direction in previous judgments that the committee should only recommend one name for each post. The provision prescribing that the Union Government should make appointments "preferably within three months" of recommendation by the Search-cum-Selection committee struck down as the earlier judgment in Madras Bar Association Case had issued a mandatory direction that the appointments should be made within 3 months of recommendation by the Search-cum-Selection

Committee. (<https://indiankanoon.org/doc/105716048/>,

<https://prsindia.org/billtrack/the-tribunals-reforms-rationalisation-and-conditions-of-service-ordinance-2021>

Chairperson and Members of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee (hereinafter referred to as the Committee) constituted under sub-section (3), in such manner as the Central Government may, by rules, provide. (3) The Search-cum-Selection Committee shall consist of—(a) the Chief Justice of India or a Judge of Supreme Court nominated by him— Chairperson of the Committee; (b) two Secretaries nominated by the Government of India — Members; (c) one Member, who—(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of the Tribunal; or (ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of the Tribunal; or (iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India: Provided that, in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India, namely:—(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947; 14 of 1947. (ii) Tribunals and Appellate Tribunals constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; 51 of 1993. (iii) Tribunals where the Chairperson or the outgoing Chairperson, as the case may be, of the Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and (iv) such other Tribunals as may be notified by the Central Government in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and (d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established — Member-Secretary. (4) The Chairperson of the Committee shall have the casting vote. (5) The Member-Secretary of the Committee shall not have any vote. (6) The Committee shall determine its procedure for making its recommendations. (7) Notwithstanding anything contained in any judgment, order or decree of any court or in any law for the time being in force, the Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations of the Committee preferably within three months from the date on which the Committee makes its

recommendations to the Government.(8)No appointment shall be invalid merely by reason of any vacancy or absence in the Committee.(9)The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this section:Provided that in making such re-appointment, preference shall be given to the service rendered by such person.(10)The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Member, who—(a)has been adjudged as an insolvent; or(b)has been convicted of an offence which involves moral turpitude; or(c)has become physically or mentally incapable of acting as such a Member; or(d)has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or(e)has so abused his position as to render his continuance in office prejudicial to the public interest:Provided that where a Member is proposed to be removed on any ground specified in clauses(b)to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.Explanation.— For the purposes of this section, the expressions —(i)“Tribunal” means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the Eighth(ii)“Chairperson” includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;(iii)“Member” includes Vice-Chairman, Vice- Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member, as the case may be, of a Tribunal.”;(ii)in section 184 as so substituted, after sub-section(10)and before the Explanation, the following sub- section shall be inserted and shall be deemed to have been inserted with effect from the 26th May, 2017, namely:—(11)Notwithstanding anything contained in any judgment, order, or decree of any court or any law for the time being in force, —(i)the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;(ii)the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty- seven years, whichever is earlier:Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment subject to a maximum term of office of five years.”.Amendment of section 186. 13. Section 186 of the Finance Act shall be renumbered as sub-section (1) thereof, and after sub- section (1) as so renumbered, the following sub-section shall be inserted, namely:—(2)Subject to the provisions of sections 184 and 185, neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice- Chairperson, Chairman, Vice-Chairman, President, Vice- President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment.”.

14. In the Finance Act, in the Eighth Schedule, — Amendment of Eighth

(i)items 10, 12, 14, and 15 shall be omitted;(ii)for item 16, the following item shall be substituted, namely:—(1)(2) (3)

16. National Consumer Disputes Redressal Commission The Consumer Protection Act, 2019 (35 of 2019)

15.

(1)Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice- President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service. Transitional provisions.(2)The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.(3)Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the Court before which it would have been filed had this Ordinance been in force on the date of filing of such appeal or application or initiation of the 43. of 1961 proceeding, and the Court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or de novo, as the Court may deem fit.(4)The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.(5)All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

16. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.(2)Every order made under this section shall, as soon as may be after it is made, be laid before each Houses of Parliament.

Schedule

(See section 15)

- 1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).**
- 2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).**
- 3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (Act 55 of 1994).**
- 4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).**
- 5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).**

RAM NATH KOVIND, President.