

# **The Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017**

UNION OF INDIA

India

## **The Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017**

### **Rule**

### **THE-TRIBUNAL-APPELLATE-TRIBUNAL-AND-OTHER-AUTHORITIES- of 2017**

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The Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017 Published vide Notification No. G.S.R. 514(E), dated 1st June, 2017 Ministry of Finance (Department of Revenue) G.S.R. 514(E). - In exercise of the powers conferred by section 184 of the Finance Act, 2017 (7 of 2017), the Central Government hereby makes the following rules, namely: -

#### **1. Short title, commencement and application.**

(1) These rules may be called the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017. (2) They shall come into force on the date of their publication in the Official Gazette. (3) These rules shall apply to the Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority as specified in column (2) of the Eighth Schedule of the Finance Act, 2017 (7 of 2017).

## **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a)"Act" means an Act specified in column (3) of the Eighth Schedule of the Finance Act, 2017(7 of 2017);(b)"Accountant Member", "Administrative Member", "Judicial Member", "Expert Member", "Law Member", "Revenue Member" or "Technical Member" means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;(c)"Appellate Tribunal", "Authority" or "Tribunal" has the same meaning as assigned to it in the corresponding provisions of the Act;(d)"Chairman" or "Chairperson" or "President" means the Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;(e)"Member" means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member and includes the Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, Presiding Officer of the Security Appellate Tribunal, President or, as the case may be, Vice-President;(f)"Presiding Officer" means the Presiding Officer of the Security Appellate Tribunal appointed under section 15L of the Securities and Exchange Board of India Act,1992 (15 of 1992), Presiding Officer of the Debt Recovery Tribunal appointed under sub-section (1) of section 4 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993) and Presiding Officer of the Industrial Tribunal appointed by the Central Government under sub-section (1) of section 7A of the Industrial Disputes Act,1947 (14 of 1947);(g)"Search-cum-Selection Committee" means the Search-cum-Selection Committee referred to in rule 4;(h)"Vice-Chairman" or "Vice-Chairperson" or "Vice-President" means the Vice-Chairman, the Vice-Chairperson or Vice-President of the Tribunal, Appellate Tribunal or, as the case may be, Authority;(i)words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the respective Acts.

## **3. Qualifications for appointment of Member.**

- The qualification for appointment of the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be such as specified in column (3) of the Schedule annexed to these rules.

## **4. Method of recruitment.**

(1)The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee specified in column (4) of the said Schedule in respect of the Tribunal, Appellate Tribunal or, as the case may be, Authority specified in column (2) of the said Schedule.(2)The Secretary to the Government of India in the Ministry or Department

under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established shall be the convener of the Search-cum -Selection Committee.(3)The Search-cum-Selection Committee shall determine its procedure for making its recommendation.(4)No appointment of Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authorities shall be invalid merely by reason of any vacancy or absence in the Search-cum-Selection Committee.(5)Nothing in this rule shall apply to the appointment of Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority functioning as such immediately before the commencement of these rules.

## **5. Medical fitness.**

- No person shall be appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authority, or a case may be unless he is declared medically fit by an authority specified by the Central Government in this behalf.

## **6. Resignation by a Member.**

- A Member may, by writing under his hand addressed to the Central Government, resign his office at any time:Provided that the Member shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

## **7. Removal of Member from office.**

- The Central Government may, on the recommendation of a Committee constituted by it in this behalf, remove from office any Member, who-(a)has been adjudged as an insolvent; or(b)has been convicted of an offence which, in the opinion of the Central Government, 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), the Member shall be informed of the charges against him and given an opportunity of being heard in respect of those charges:Provided further that the Chairperson or member of the National Company Appellate Tribunal shall be removed from office in consultation with the Chief Justice of India.

## **8. Procedure for inquiry of misbehavior or incapacity of the Member.**

(1) If a written complaint is received by the Central Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, shall make a preliminary scrutiny of such complaint. (2) If on preliminary scrutiny, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, it shall make a reference to the Committee constituted under rule 7 to conduct the inquiry. (3) The Committee shall complete the inquiry within such time or such further time as may be specified by the Central Government. (4) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit. (5) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

## **9. Term of office of Member.**

- Save as otherwise provided in these rules, the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall hold office for a term as specified in column (5) of the said Schedule and shall hold the office up to such age as specified in column (6) in the said Schedule from the date on which he enters upon his office and shall be eligible for reappointment.

## **10. Casual vacancy.**

(1) In case of a casual vacancy in the office of, - (a) the Chairman, Chairperson, President, or Presiding Officer of the Security Appellate Tribunal, the Central Government shall have the power to appoint the senior most Vice-Chairperson or Vice-Chairman, Vice-President or in his absence, one of the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority to officiate as Chairperson, Chairman, President or Presiding Officer. (b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government shall have power to appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson and in case of a casual vacancy in the office of the Presiding Officer of the Debts Recovery Tribunal,

the Chairperson of the Debts Recovery Appellate Tribunal shall have power to appoint the Presiding Officer of another Debts Recovery Appellate Tribunal to officiate as Presiding Officer.

## **11. Salary and allowances.**

(1)The Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority or the Presiding Officer of the Security Appellate Tribunal shall be paid a salary of Rs. 2,50,000 (fixed) and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay.(2)The Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall be paid a salary of Rs. 2,25,000 and shall be entitled to draw allowances as are admissible to a Government of India Officer holding Group 'A' post carrying the same pay.(3)A Presiding Officer of the Debt Recovery Tribunal or a Presiding Officer of the Industrial Tribunal constituted by the Central Government shall be paid a salary of Rs.1,44,200 - 2,18,200 and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.(4)In case of a person appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, as the case may be, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

## **12. Pension, Gratuity and Provident Fund.**

(1)In case of a serving Judge of the Supreme Court, a High Court or a serving Judicial Member of the Tribunal or a member of the Indian Legal Service or a member of an organised Service appointed to the post of the Chairperson, Chairman, President or Presiding Officer of the Security Appellate Tribunal, the service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority shall count for pension to be drawn in accordance with the rules of the service to which he belongs and he shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960 and the Contribution Pension System.(2)In all other cases, the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and the Contribution Pension System.(3)Additional pension and gratuity shall not be admissible for service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority.

## **13. Leave.**

(1)The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Presiding Officer or a Member shall be entitled to thirty days of earned Leave for every year of service.(2)Casual Leave not exceeding eight days may be granted to the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President,

Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member, Presiding Officer or a Member in a calendar year.(3)The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.(4)The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be entitled to encashment of leave in respect of the earned Leave standing to his credit, subject to the condition that maximum leave encashment, including the amount received at the time of retirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

#### **14. Leave sanctioning authority.**

(1)Leave sanctioning authority,-(a)for the Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer of the Debts Recovery Tribunal and Industrial Tribunal, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be Chairman, Chairperson or as the case may be, President; and(b)for the Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President, shall be the Central Government, who shall also be sanctioning authority for Accountant Member, Administrative Member, Judicial Member, Expert Member or Member in case of absence of Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President.(2)The Central Government shall be the sanctioning authority for foreign travel to the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or a Member.

#### **15. House rent allowance.**

- The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member or Member shall be entitled to house rent allowance at the same rate as are admissible to Group `A' Officer of the Government of India of a corresponding status.

#### **16. Transport allowance.**

- The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities as are admissible to Group `A' Officer of the Government of India of a corresponding status as per the provisions of Staff Car Rules.

#### **17. Declaration of Financial and other Interests.**

- The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice-President,

Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

## **18. Other conditions of service.**

(1)The terms and conditions of service of a Chairman, Chairperson, President, Vice- Chairman, Vice-Chairperson, Vice- President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group `A' Officer of the Government of India of a corresponding status.(2)The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice- President, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not practice before the Tribunal, Appellate Tribunal or Authority after retirement from the service of that Tribunal, Appellate Tribunal or, as the case may be, Authority.(3)The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice- President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not undertake any arbitration work while functioning in these capacities in the Tribunal, Appellate Tribunal or Authority.(4)The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal, Appellate Tribunal or, as the case may be, Authority:Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

## **19. Oaths of office and secrecy.**

- Every person appointed to be the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed to these rules.

## **20. Power to relax.**

- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

## 21. Interpretation.

- If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

## 22. Saving.

- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

**Form I (See rule 19) Form of Oath of Office for Chairman/Vice-Chairman/Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Administrative Member/Judicial Member/ Expert Member/Law Member/Revenue Member/Technical Member, /Member of the (Name of the Tribunal/Appellate Tribunal/Authority).** I, A. B., having been appointed as Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member of the (Name of the Tribunal/Appellate Tribunal/Authority).do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member (Name of the Tribunal/Appellate Tribunal/Authority) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

**Form II (See rule 19) Form of Oath of Secrecy for Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the (Name of Tribunal/Appellate Tribunal/Authority).** I, A. B., having been appointed as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice- President/ Presiding Officer/Member of the(Name of Tribunal/Appellate Tribunal/Authority), do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the said (Name of Tribunal/Appellate Tribunal/Authority) except as may be required for the due discharge of my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Member.

## Schedule

Sl. No.	Name of Tribunal,	Qualification for appointment of	Composition of Search-cum-Selection	Term of	Maximum age for holding Office (in
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	Appellate Tribunal or Authority.	Chairperson, Chairman, Committee President, Vice-Chairperson, Vice-Chairman, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member or Technical Member or Member.			Office (years)
(1)	(2)	(3)	(4)	(5)	(6)
1.	Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947 (14 of 1947)	A person shall not be qualified for appointment as Presiding Officer, unless he, -(a) is, or has been, or is qualified to be, a Judge of a High Court; or (b) he has, for a period of not less than three-years, been a District Judge or an Additional District Judge; or (c) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, management, industry, public affairs, administration, labour relations, industrial disputes or any other matter	Search-cum-Selection-Committee for the post of the Presiding Officer, -(i) a person to be nominated by the Central Government chairman; (ii) Secretary to the Government of India, Ministry of Labour and Employment- member; (iii) Secretary to the Government of India to be nominated by the Central Government-member; (iv) two experts to be nominated by the Central Government-members.	Three Years	Presiding Officer- Sixty- five years of age

which in the opinion  
of the Central  
Government is useful  
to the Industrial  
Tribunal.

2. Income-tax Appellate Tribunal under the Income-tax Act, 1961 (43 of 1961)
    - (1) A person shall not be qualified for appointment as President unless he is sitting or retired Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court or a Vice-President of the Income-tax Appellate Tribunal.
    - (2) The Central Government may appoint one or more members of the Income-tax Appellate Tribunal to be the Vice-President or, as the case maybe, Vice-Presidents thereof.
    - (3) A person shall not be qualified for appointment as a Judicial Member, unless, --(a) he has for at least ten years held a judicial office in the territory of India; or (b) he has been a member of the Indian Legal Service and has held a post in Grade II of the Service or any equivalent or higher
- (A) Search-cum-Selection Committee for the post of the President and Vice-President, --(i) a sitting Judge of Supreme Court to be nominated by the Chief Justice of India-chairperson; (ii) the President, Income-tax Appellate Tribunal-member; and (iii) the Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member.
- (B) Search-cum-Selection Committee for the Accountant Member and Judicial Member, --(i) a nominee of the Minister of Law and Justice-chairperson; (ii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member; (iii) President of the Income-tax Appellate Tribunal - member; and (iv) such other persons, if any, not exceeding two, as the Minister of Law and Justice may appoint-member.
- Three Years President-Sixty-five years Vice-President-Sixty-two years

post for at least three years; or (c) he has been an advocate for at least ten years; (4) A person shall not be qualified for appointment as an Accountant Member, unless,--(i) he has for at least ten years been in the practice of accountancy, -(a) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or (b) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or (ii) he has been a member of the Indian Revenue Service (Income-tax Service Group 'A') and has held the post of Additional Commissioner of Income-tax or any equivalent or higher post for at least three years.

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| 3. | The Customs, Excise and Service Tax Appellate Tribunal under the | (1) A person shall not be qualified for appointment as President unless, -(a) he is or has | (A) Search-cum-Selection Committee for the post of President, -(i) Chief Justice of India or a Judge of the Supreme Court of India as | Three Years | President<br>–Sixty-seven years<br>Member-<br>Sixty-two years |
|----|--|--|---|-------------|---|

<p>Customs Act, 1962 (52 of 1962)</p>	<p>been a Judge of a High Court; or (b) he is the member of the Appellate Tribunal. (2) A person shall not be qualified for appointment as a Judicial Member, unless, - (a) he has for at least ten years held a judicial office in the territory of India; or (b) he has been a member of the Indian Legal Service and has held a post in Grade-I of that Service or any equivalent or higher post for at least three years; or (c) he has been an advocate for at least ten years. (3) A person shall not be qualified for appointment as a Technical Member unless he has been a member of the Indian Revenue Service (Customs and Central Excise Service Group 'A') and has held the post of Commissioner of Customs or Central Excise or any equivalent or higher post for at least three years.</p>	<p>nominated by the Chief Justice of India as chairperson; (ii) Secretary to the Government of India, Department of Revenue member; (iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)-member; (iv) Secretary to the Government of India, Department of Personnel and Training-member. (B) Search-cum-Selection Committee for post of Judicial Member, - (i) a Judge of the Supreme Court as nominated by the Chief Justice of India-chairperson; (ii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)-member; (iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) -member; (iv) President of the Customs, Excise and Service Tax Appellate Tribunal-member; and (v) such other persons, not exceeding two, as the Central Government may nominate-member; (C). Search-cum-Selection Committee for the post of Technical member, - (i) Cabinet Secretary to the Government of India – chairperson; (ii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)-member; (iii) Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and</p>
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- Training) –member;(iv)  
Secretary to the Government of India,Ministry of Law  
(Department of Legal Affairs) – member.
- (A) Search-cum-Selection Committee for the post of Chairman, -(i) Chief Justice of India or a Judge of the Supreme Court of India as nominated bythe Chief Justice of India – chairperson;(ii) Secretary to theGovernment of India (Department of Revenue)- member;(iii) Secretary tothe Government of India, Ministry of Law and Justice (Departmentof Legal Affairs)- member;(iv) Secretary to theGovernment of India, Department of Personnel and Training-member.(B)Search-cum-Selection Committee for the post of Member, -(i) Cabinet Secretary– chairperson;(ii) Secretary to theGovernment of India, Department of Personnel and Training-member;(iii) Secretary tothe Government of India (Department of Revenue) - member;(iv) two Secretaries to the Government of Indiato be nominated by the Central Government - members.
4. Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976(13 of 1976)
- (1) The Chairman ofthe Appellate Tribunal shall be a person who is or has been or isqualified to be a Judge of a Supreme Court or a Judge of a HighCourt.(2) The Member of the Appellate Tribunal shallbe a person not below the rank of Joint Secretary to theGovernment of India.
- (A)Search-cum-Selection Committee for the post of Chairman andJudicial Member, -(i) Chief Justice of India or his nominee- chairperson;(ii) Chairman of theCentral Administrative Tribunal, Principal Bench – member;(iii) Secretary tothe Government of India,
- Three Years
- ChairpersonSixty-five yearsMember – Sixty-two years
5. Central Administrative Tribunal under theAdministrative Tribunal Act, 1985 (13 of 1985).
- (1) A person shallnot be qualified for appointment as the Chairman, unless he, -(a) is, or has been,or is qualified to be, a Judge of a High Court; or(b) has, for a periodof not less than three
- (A)Search-cum-Selection Committee for the post of Chairman andJudicial Member, -(i) Chief Justice of India or his nominee- chairperson;(ii) Chairman of theCentral Administrative Tribunal, Principal Bench – member;(iii) Secretary tothe Government of India,
- Three Years
- Chairman Sixty-eightyearsMember - Sixty-five years

years, held office as (Department of Personnel and Administrative Member Training)-member;(iv) or Judicial Member Secretary to the Government of India, Ministry of Law and Administrative Justice -member;(e) one Tribunal;(c) is a expert, to be nominated by the person of ability, Central Government of integrity and India member.(B) Search-cum-Selection standing, and having Committee for the post of special knowledge Administrative Member, -(a) a of, and professional person to be nominated by the experience of not Central Government - less than twenty chairperson;(b) Chairman of years in economics, the, Central Administrative business, commerce, Tribunal – member;(c) law, finance, Secretary to the Government of accountancy, management, (Department of industry, public Personnel and affairs or Training)-member;(d) administration, or Secretary to the Government of any other matter India, Ministry of Law and which in the opinion Justice -member;(e) one of the Central expert, to be nominated by Government is useful the Government of India - to the Central member.

Administrative Tribunal.(2). A person shall not be qualified for appointment, -(a) as a Judicial Member, unless he, -(i) is, or has been, or is qualified to be, a Judge of a High Court; or (ii) has, for at least one year, held the post of Secretary to the Government of India in the Department of Legal Affairs or the Legislative Department including Member

–Secretary, Law  
Commission of India;  
or (iii) has, for at least  
two years, held a  
post of Additional  
Secretary to  
the Government of  
India in the  
Department of Legal  
Affairs or Legislative  
Department; or (iv)  
has, for at least ten  
years, held a judicial  
office in the territory  
of India. (b) as  
an Administrative  
Member, unless he,  
–(i) has, for at  
least one year, held  
the post of Secretary  
to the Government  
of India or any other  
post under the  
Central Government  
or a  
State Government  
and carrying the  
scale of pay which is  
not less than that of a  
Secretary to the  
Government of India  
for at least one year;  
or (ii) has, for at least  
two years, held a  
post of Additional  
Secretary to  
the Government of  
India, or any other  
post under the  
Central or  
State Government  
carrying the scale of  
pay which is not less  
than that of

Additional Secretary  
to the Government  
of India at least for  
a period of two  
years: Provided that  
the officers  
belonging to  
the All-India services  
who were or are on  
Central deputation  
to a lower post shall  
be deemed to have  
held the post of  
Secretary  
or Additional  
Secretary, as the  
case may be, from  
the date such officers  
were granted  
pro forma promotion  
or actual  
promotion whichever  
is earlier to the level  
of Secretary or  
Additional Secretary,  
as the case may be,  
and the period spent  
on  
Central deputation  
after such date shall  
count for qualifying  
service for the  
purpose of this  
clause.

- |    |  |   |   |                |  |
|----|--|---|---|----------------|--|
| 6. | Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987) | (1) A person shall not be qualified for appointment as the Chairman, unless he, – (a) is, or has been, or is qualified to be a Judge of a High Court; or (b) has, for a period of not less than three | (A) Selection Committee consisting for the post of the Chairman, Vice-Chairman (Judicial) or Member (Judicial): – (i) Chief Justice of India or his nominee-chairperson; (ii) Chairman or Member (Traffic) of the Railway Board- member; (iii) Secretary to the Government of | Three<br>Years | Chairman-<br>Sixty-seven years<br>Vice-Chairman-<br>Sixty-five<br>years<br>Member –<br>Sixty-two years |
|----|--|---|---|----------------|--|



years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be; or (c) is a person of ability, integrity and standing, and having a special knowledge of, and professional experience of not less than twenty-five years in claims and commercial matters relating to railways. (2) A person shall not be qualified for appointment as the Vice-Chairman (Judicial), unless he, — (a) is, or has been, or is qualified to be, a Judge of a High Court; or (b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years; or (c) has, for at least five years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India; or (d) has, for a period of not less than five years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be; or (e) is a person of ability, integrity and standing, and having a special knowledge of, and professional experience of not less than twenty-five years in claims and commercial matters relating to railways to be nominated by the Central Government - members. (B) Search-cum-Selection Committee for the post of the Vice-Chairman (Technical) or Member (Technical), — (i) a person to be nominated by the Central Government chairperson; (ii) Chairman or Member (Traffic) of the Railway Board - member; (iii) Secretary to the Government of India to be nominated by the Central Government - member; (iv) two experts with knowledge and experience of Claims and Commercial matters relating to Railways to be nominated by the Central Government - members.

than three years,  
held office as a  
Judicial Member.(3)  
A person shall not be  
qualified for  
appointment as the  
Vice-Chairman(Technical),  
unless he, –(a) has,  
for a period of not  
less than three years,  
held office as a  
Technical  
Member;(b) has, for  
at least five years,  
held a post under a  
railway  
administration  
carrying a scale of  
pay which is not less  
than that of a Joint  
Secretary to the  
Government of India  
and has adequate  
knowledge of rules  
and procedure of,  
and experience in,  
claims and  
commercial  
matters relating to  
railways.(4) A  
person shall not be  
qualified for  
appointment as a  
Judicial Member,  
unless he, –(a) is, or  
has been, or is  
qualified to be, a  
Judge of a High  
Court;(b) has, for at  
least ten years, held a  
judicial office in the  
territory of India.(5)  
A person shall not be  
qualified

		for appointment as a Technical Member unless he is a person of ability, integrity and standing having special knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways of not less than twenty years.			
7.	Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992)	(1) A person shall not be qualified for appointment as the Presiding Officer or a Judicial Member or a Technical Member of the Securities Appellate Tribunal, unless he, - (a) in the case of the Presiding Officer, is, or has been, a Judge of the Supreme Court or a Chief Justice of a High Court or a Judge of a High Court for at least seven years; (b) in the case of a Judicial Member, is, or has been, a Judge of a High Court for at least five years; or (c) in the case of a Technical Member, - (i) is, or has been, an Additional Secretary or Secretary in the Ministry or Department of the	(A) The Presiding Officer and Judicial Member of the Tribunal shall be appointed by the Central Government in consultation with the Chief Justice of India or his nominee. (B) Search-cum-Selection Committee for the post of Technical Member, - (i) Presiding Officer, Securities Appellate Tribunal - chairperson; (ii) Secretary to the Government of India (Department of Economic Affairs) - member; (iii) Secretary to the Government of India, (Department of Financial Services) - member; and (iv) Secretary to the Government of India, in the Legislative Department or Department of Legal Affairs - member.	Three Years	Presiding Officer - Seventy years Member - Sixty-seven years

Central Government  
or any equivalent  
post in the Central  
Government or a  
State Government;  
or (ii) is a person  
of proven ability,  
integrity and  
standing having  
special  
knowledge and  
professional  
experience, of not  
less than fifteen  
years, in financial  
sectors including  
securities market or  
pension funds  
or commodity  
derivatives or  
insurance. (2) A  
Member or Parttime  
Member of the  
Board or the  
Insurance  
Regulatory  
and Development  
Authority or the  
Pension Fund  
Regulatory  
and Development  
Authority, or any  
person at senior  
management  
level equivalent to  
Executive Director  
in the Board or in  
such Authorities,  
shall not be  
appointed as  
Presiding Officer  
or Member of the  
Securities Appellate  
Tribunal, during his

service or tenure as such with the Board or with such Authorities, as the case may be, or within two years from the date on which he ceases to hold office as such in the Board or in such Authorities. (3) The Presiding Officer or Member of the Securities Appellate Tribunal shall be a person who does not have any financial or other interest as are likely to prejudicially affect their functions as such Presiding Officer or Member.

8. Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993)
 

<p>A person shall not be qualified for appointment as Presiding Officer of the Debts Recovery Tribunal, unless he, - (a) is, or has been, or is qualified to be, a District Judge; or (b) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce,</p>	<p>Search-cum-Selection Committee Three Presiding Officer – for the post of Presiding Officer Years Sixty-five years of the Debts Recovery Tribunal, - (i) Chief Justice of India or his nominee-chairperson; (ii) Secretary to the Government of India, Ministry of Finance (Department of Economic Affairs) - member; (iii) Secretary to the Government of India, Ministry of Law and Justice member; (iv) Governor of the Reserve Bank or the Deputy Governor of the Reserve Bank of India nominated by the Governor of the Reserve Bank of India member; and (v) Secretary to the Government of</p>
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	law, finance, accountancy, management, industry, publicaffairs, administration, banking, debt recovery or any othermatter, which in the opinion of the Central Government is usefulto the Debt Recovery Tribunal.	India orAdditional Secretary to the Government of India, Ministry ofFinance, (Department of Financial Services)- member.		
9.	Debts Recovery Appellate Tribunal under theRecovery of Debts Due to Banks and Financial Institutions Act,1993 (51 of 1993)	A person shall not bequalified for appointment as Chairperson, unless he,—(a) is, or has been,or is qualified to be, a Judge of a High Court; or(b) has been a memberof the Indian Legal Service and has held a post in Grade I ofthat service; or(c) has held office as the Presiding Officer ofa Debts Recovery Tribunal for at least three years.	Search-cum-SelectionCommittee for the Chairperson of the Debts Recovery AppellateTribunal,—(i) Chief Justice ofIndia or his nominee- chairperson;(ii) Secretary to theGovernment of India, Ministry of Finance (Department of EconomicAffairs)—member;(iii) Secretary tothe Government of India, Ministry of Law and Justicemember;(iv) Governor of the Reserve Bank or the DeputyGovernor of the Reserve Bank of India nominated by the Governorof the Reserve Bank of India - member; and (v) Secretary to theGovernment of India or Additional Secretary to the Government ofIndia, Ministry of Finance, (Department of FinancialServices)-member.	Three Chairperson-Seventy Years years
10.	Airport Appellate Tribunal under the AirportAuthority of India Act, 1994(55 of	A person shall not beeligible for appointment as Chairperson, unless he,—(a) is, or has been,or is qualified to be, a judge of a	Search-cum-SelectionCommitteeThree for the post of Chairperson of Airport AppellateTribunal,—(i) a person to benominated by the Central Governmentchairperson;(ii) Secretary to theGovernment of	Chairperson-Sixty-two Years years

- 1994) High Court; or(b) is India, Ministry of Civil  
a person of ability, Aviation-member;(iii)  
integrity Secretary tothe Government of  
andstanding, and India to be nominated by the  
having special CentralGovernment-member;(iv)  
knowledge of, and two experts, to be nominated  
professionalexperienceby the  
of not less than CentralGovernment-members.  
twenty-five years in  
economics,business,  
commerce, law,  
finance,  
accountancy,  
managementindustry,  
public affairs,  
administration or  
any other  
matterwhich in the  
opinion of the  
Central  
Government, is  
useful to  
theAppellate  
Tribunal.
11. Telecom (1) A person shallnot (A)Search-cum-Selection Three Chairperson-Seventyyear  
Disputes be qualified for Committee for the post of the Years – Sixty-five years  
Settlement and appointment as Chairperson, –(i) Chief Justice  
AppellateTribunalChairperson, unless ofIndia or his  
under the he,-(a) is, or has nominee-chairperson;(ii)  
Telecom been,or is qualified Secretary to theGovernment of  
Regulatory to be, a Judge of India, (Department of  
Authority of Supreme Court; Telecommunications) -  
India Act,1997 or(b) is, or has member;(iii) Secretary tothe  
(24 of 1997) been,Chief Justice of Government of India to be  
a High Court; or(c) nominated by the Central  
has, for a periodof Government- member;(iv) two  
not less than three experts, tobe nominated by the  
years held office as Central Government –  
Member; or(d) is a members.(B)Search-cum-Selection  
person ofability, Committee for the post of  
integrity and Member,–(i) a person to  
standing, and having benominated by the Central  
special knowledge Governmentchairperson;(ii)  
of,and professional Secretary to theGovernment of

experience of not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which in opinion of the Central Government is useful to the Telecom Disputes Settlement and Appellate Tribunal. (2) A person shall not be qualified for appointment as Member unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which in opinion of the Central Government is useful to



	theTelecom Disputes Settlement and Appellate Tribunal.			
12. Appellate Board under the Trade Marks Act, 1999(47 of 1999)	(1) A person shallnot be qualified for appointment as Chairman, unless he,-(a) is, or has been,or is qualified to be, a Judge of High Court; or(b) has, for a periodof not less than three years, held office as Vice- Chairperson ofthe Appellate Board.(2) A person shallnot be qualified for appointment as Vice-Chairman, unless he,-(a) is, or has been,or is qualified to be, a Judge of High Court; or(b) has, for at leasttwo years, held the office of Judicial Member or a TechnicalMember, and has a degree in law with at least 12 years ofpractice at bar or 12 years' experience in a State JudicialService.(3) A person shallnot be qualified for appointment as Judicial Member, unless he, -(a) is, or has been,or is qualified to be a Judge of High Court; or(b) has, for at	(A)Search-cum-Selection for the post of the Chairman, Vice-Chairmanor Judicial Member of the Appellate Board,-(i) Chief Justice ofIndia or his nominee- chairperson;(ii) Secretary to theGovernment of India, (Department of Industrial Policy andPromotion) - member;(iii) Secretary tothe Government of India to be nominated by the CentralGovernment-member;(iv) two experts, tobe nominated by the Central Government- members.(B)Search-cum-Selection Committee for the post of Technical Member(Trade mark), Technical Member (Patent) and Technical Member(Copyright) of the Appellate Board,-(i) a person to benominated by the Central Government - chairperson;(ii) Secretary to theGovernment of India, (Department of Industrial Promotion andPolicy) -member;(iii) Secretary tothe Government of India to be nominated by the Central Government- member;(iv) two experts, to be nominated by the CentralGovernment - members.	Three Years	Chairman-Sixty-sevenyears -Sixty-five yearsMember – Sixty-five years

leastten years, held a  
judicial office in the  
territory of India.(4)  
A person shallnot be  
qualified for  
appointment as  
Technical Member  
(Trademark),unless  
he,-(a) has, for at  
leastten years,  
exercised functions  
of a tribunal under  
the TradeMarks Act,  
1999 (47 of 1999)  
and has held a post  
not lower thanthe  
post of Joint  
Registrar for at least  
five years and has  
adeegree in law with  
at least twelve years  
of practice at bar  
ortwelve years'  
experience in a State  
Judicial Service,  
or(b) has, for at  
leastten years, been  
an advocate of a  
proven specialized  
experience intrade  
mark law.(5) A  
person shallnot be  
qualified for  
appointment as  
Technical Member  
(Patent),unless he,  
-(a) has, for at  
leastfive years, held  
the post or exercised  
the functions of  
theController under  
the Patents Act, 1970  
(39 of 1970); or(b)  
has, for at leastten

years, functioned as  
a registered patent  
agent and  
possesses a degree in  
engineering or  
technology or a  
master's degree in  
science from any  
University  
established under  
law for the  
time being in  
force. (6) A person  
shall not be qualified  
for appointment as  
Technical Member  
(Copyright), unless  
he, –(a) is, or has  
been a member of  
the Indian Legal  
Service and is  
holding, or has held  
a post in Grade I of  
that Service for at  
least three years;  
or (b) has, for at  
least ten years, held a  
judicial office in the  
territory of India;  
or (c) is, or has been  
a member of a  
Tribunal or Civil  
Service not below  
the rank of a Joint  
Secretary to the  
Government of India  
with three  
years' experience in  
the field of  
Copyright; or (d) has,  
for at least ten years,  
been an advocate of  
a proven specialized  
experience

inCopyright  
Law:Provided that at  
least one member of  
theAppellate Board  
for purposes of the  
Copyright Act shall  
havequalification as  
in (a), (b) or (d)  
above.

- |  |   |   |   |
|--|---|---|---|
| 13. National Company Law Appellate Tribunal underthe Companies Act, 2013 (18 of 2013). | (1) The Chairpersonshall be a person who is or has been a Judge of the Supreme Courtor the Chief Justice of a High Court.(2) A Judicial Membershall be a person who is or has been a Judge of a High Court oris a Judicial Member of the National Company Law Tribunal forfive years.(3) A Technical Member shall be a person of proven ability, integrity and standing having special knowledgeand professional experience, of not less than twenty-five years,in law, industrial finance, industrial management oradministration, industrial reconstruction, investment,accountancy | (A) The Chairpersonof the Appellate Tribunal shall be appointed after consultationwith the Chief Justice of India.(B)Search-cum-Selection Committee for the post of the JudicialMember and Technical Member of the Appellate Tribunal, -(i) Chief Justice ofIndia or his nominee -chairperson;(ii) a senior Judgeof the Supreme Court or a Chief Justice of a High Courtmember;(iii) Secretary tothe Government of India, Ministry of Corporate Affairs-member;(iv) Secretary to the Government of India,Ministry of Law and Justicemember. | Three ChairPerson-Seventyyear<br>Years – Sixtyseven years |
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- or any other matter  
which in the opinion  
of the Central  
Government is  
useful to the  
National Company  
Law Appellate  
Tribunal.
14. Authority for Advance Ruling under the Income-tax Act, 1961 ( 43 of 1961)
- A person shall be qualified for appointment as, - (a) Chairman, who: - (i) is, or has been, or is qualified to be, a Judge of the Supreme Court; or (ii) is or has been a Chief Justice of a High Court; or (iii) has, for at least seven years, been a Judge of a High Court; or (iv) has, for at least three years, been a Vice-Chairman, Revenue Member or Law Member of the Authority for Advance Ruling; or (v) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration,
- (A) Search-cum-Selection Committee for the post of Chairman and Vice-Chairman, - (i) Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India – chairperson; (ii) Secretary to the Government of India (Department of Revenue) - member; (iii) Secretary to the Government of India (Department of Legal Affairs) - member; (iv) Secretary to the Government of India (Department of Personnel and Training) - member. (B) Search-cum-Selection Committee for the post of Member, - (i) Cabinet Secretary – chairperson; (ii) Secretary to the Government of India, (Department of Personnel and Training) - member; (iii) Secretary to the Government of India, (Department of Revenue) - member; (iv) two Secretaries to the Government of India to be nominated by the Central Government - members.
- Three Years Chairman - Seventy years Vice-Chairman - Sixty-two years.

taxation or any other matter which in the opinion of the Central Government is useful to the Authority. (b) Vice-chairman, who is, or has been, or is qualified to be, a Judge of a High Court; (c) Revenue Member from the Indian Revenue Service who is qualified to be a Member of the Central Board of Direct Taxes Board and an officer of the Indian Customs and Central Excise Service, who is qualified to be a Member of the Central Board of Excise and Customs; (d) Law Member from the Indian Legal Service, who is an Additional Secretary to the Government of India.

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| 15. Film Certification Appellate Tribunal under the Cinematograph Act, 1952 (37 of 1952) | (1) A person shall not be qualified for appointment as Chairman, unless he, (a) is, or has been, or is qualified to be, a Judge of a High Court; or (b) has, for a period of not less than three | Search-cum-Selection Committee for post of the Chairman and member of the Appellate Tribunal, – (i) a person to be nominated by the Central Government chairperson; (ii) Secretary to the Government of India, Ministry of Information and Broadcasting-member; (iii) | Three Years | Chairman – Sixty-seven years<br>Member – Sixty-five years |
|--|--|---|-------------|---|

	years, held office as member; or(c) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in, law, management, industry, public affairs, administration, films or any other matter which in the opinion of the Central Government, is useful to the Appellate Tribunal.(2) The Central Government may appoint such persons, who, in its opinion, or qualified to judge the effect of films on the public, to be a member of the Appellate Tribunal.	Secretary to the Government of India to be nominated by the Central Government-member;(iv) two experts to be nominated by the Central Government-members.		
16. National Consumer Disputes Redressal Commission under the Consumer Protection Act, 1986 (68 of 1986)	(1) A person shall not be qualified for appointment as President, unless he, (a) is, or has been, or is qualified to be, a Judge of the Supreme Court; or (b) is, or has been, Chief Justice of a High Court; or (c) has, for a period not less than three years, held office of	(A) The President shall be appointed by the Central Government after consultation with the Chief Justice of India. (B) Search-cum-Selection Committee for the post of member, –(i) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India –chairperson; (ii) Secretary to the Government of India, Ministry of Law and Justice	Three Years	President –Seventy years Member-Seventy years

Member or  
Judicial Member;  
or (d) is a person  
of ability, integrity  
and standing, and  
having special  
knowledge of, and  
professional  
experience of not  
less than twenty-five  
years in economics,  
business, commerce,  
law, finance,  
accountancy, management,  
industry, public  
affairs,  
administration or  
any other matter  
which in the opinion  
of the Central  
Government, is  
useful to the National  
Consumer Disputes  
Redressal  
Commission. (2) A  
person shall not be  
qualified for  
appointment as  
Member unless he is  
a person of ability,  
integrity and  
standing, and having  
special knowledge of,  
and professional  
experience of not  
less than twenty  
years in economics,  
business, commerce,  
law, finance,  
accountancy, management,  
industry, public  
affairs,  
administration or  
any other matter

(Department of Legal Affairs) -  
member; (iii) Secretary to the  
Government of India, Ministry  
of Consumer Affairs  
- member; (iv) two experts to be  
nominated by the  
Central Government -  
members.



which in the opinion  
of the Central  
Government, is  
useful to the National  
Consumer Disputes  
Redressal  
Commission: Provided  
that a person shall  
not be appointed as  
a Judicial Member,  
unless he, –(a) is, or  
has been, or is  
qualified to be, a  
Judge of a High  
Court; (b) has, for at  
least ten years, held  
a Judicial office in  
the territory of  
India.

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| <p>17. Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).</p> | <p>(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, –(a) is, or has been, or is qualified to be, a Judge of Supreme Court; or (b) is, or has been, Chief Justice of a High Court; or (c) has, for a period of not less than three years, held office of Judicial Member, or Technical member; or (d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not</p> | <p>(A) Search-cum-Selection Committee for the post of Chairperson and Judicial Member of the Appellate Tribunal, –(i) Chief Justice of India or his nominee-chairperson; (ii) Secretary to the Government of India, Ministry of Power-member; (iii) Secretary to the Government of India to be nominated by the Central Government-member; (iv) two experts, to be nominated by the Central Government-members. (B) Search-cum-Selection Committee for the post of the Technical Member of the Appellate Tribunal, –(i) a person to be nominated by the Central Government-chairperson; (ii) Secretary to the Government of India, Ministry of Power-member; (iii) Secretary to the</p> | <p>Three Chairperson-<br/>Years Seventy years Member-<br/>Sixty-five years</p> |
|---|--|---|--|

less than twenty-five Government of India to be  
years ineconomics, nominated by the  
business, commerce, CentralGovernment-  
law, finance, member;(iv) two experts to be  
accountancy,managementnominated by the  
industry, public CentralGovernment-members.  
affairs,  
administration or  
any othermatter  
which in the opinion  
of the Central  
Government is  
usefulto Appellate  
Tribunal.(2) A  
person shallnot be  
qualified for  
appointment as  
Judicial Member,  
unless, he—(a) is, or  
has been,or is  
qualified to be, a  
Judge of a High  
Court; or(b) has, for  
at leastten years,  
held a judicial office  
in the territory of  
India.(3) A person  
shall not be qualified  
forappointment as  
Technical Member  
unless he is a person  
of ability,integrity  
and standing having  
special knowledge  
of, andprofessional  
experience of, not  
less than twenty  
years in  
mattersdealing with  
electricity  
generation,  
transmission,  
distribution,regulation,  
economics, business,

commerce, law,  
finance, accountancy,  
management,  
industry, public  
affairs,  
administration or in  
any other matter  
which in the opinion  
of the  
Central Government  
is useful to the  
Appellate Tribunal.

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| 18. Armed Force Tribunal under the Armed Forces Act, 2007 (55 of 2007) | (1) A person shall not be qualified for appointment as Chairperson, unless, he, - (a) is, or has been, or is qualified to be a Judge of Supreme Court or, (b) is or has been a Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Judicial Member unless he is, or has been, a Judge of a High Court. (3) A person shall not be qualified for appointment as Administrative Member, unless she, - (a) he has held or he has been holding the rank of Major General or above for a total period of at least three years in the Army or equivalent rank in the Navy or the Air | (A) The Chairperson of the Armed Forces Tribunal shall be appointed by the Central Government in consultation with Chief Justice of India. (B) Search-cum-Selection Committee for the post of Vice-Chairperson, Judicial Member, or Administrative Member of Armed Forces Tribunal, - (i) a sitting Judge of Supreme Court to be nominated by Chief Justice of India or Chairman, Law Commission of India - chairperson; (ii) Chairperson, Armed Forces Tribunal - member; (iii) two Secretaries to Government of India including Defence Secretary members. | Three Years | Chairperson - Seventy years Member - Sixty-five years |
|--|---|--|-------------|---|

Force; or(b) he has served for not less than one year as Judge Advocate General in the Army or the Navy or the Air Force, and is not below the rank of Major General, Commodore and Air Commodore respectively; or(c) he is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than twenty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which in the opinion of the Central Government, is useful to the Armed Forces Tribunal.

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|--|---|--|-------------|---|
| 19. National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010) | (1) A person shall not be qualified for appointment as Chairperson, unless he, –(a) is, or has been, or is qualified to be, a Judge of Supreme Court; or (b) is, or has been, Chief Justice of a High Court; or (c) | (A) Search-cum-Selection Committee for the post of the Chairperson or Judicial Member of the National Green Tribunal, –(i) Chief Justice of India or his nominee-chairperson; (ii) Secretary to the Government of India, Ministry of Environment, Forests and Climate Change member; (iii) | Three Years | Chairperson-<br>Seventy years<br>Member-<br>Sixty-seven years |
|--|---|--|-------------|---|

has, for a period of not less than three years, held office as Judicial Member or Expert Member; or (d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in law including five years' practical experience in the field of environment and forests. (2) A person shall not be qualified for appointment as Judicial Member, unless he, – (a) is, or has been, or is qualified to be, a Judge of a High Court; or (b) has, for at least ten years, held a judicial office in the territory of India. (3) A person shall not be qualified for appointment as Expert Member, unless he, – (a) has a degree/Postgraduation degree/ Doctorate Degree in Science and has an experience of twenty years in the relevant field including five years' practical experience Secretary to the Government of India to be nominated by the Central Government-member; (iv) two experts, to be nominated by the Central Government-members. (B) Search-cum-Selection Committee for the post of the Expert Member of the National Green Tribunal, – (i) a person to be nominated by the Central Government -chairperson; (ii) Secretary to the government of India, Ministry of Environment, Forests and Climate Change -member; (iii) Secretary to the Government of India to be nominated by the Central Government-member; (iv) two experts, to be nominated by the Central Government -members.

in the field of  
environment  
and forests  
(including pollution  
control, hazardous  
substance management,  
environment impact  
assessment, climate  
change management,  
biological diversity  
management and  
forest conservation)  
in a reputed  
National level  
institution; or (b) has  
administrative  
experience of  
twenty years  
including experience  
of five years in  
dealing  
with environmental  
matters in the  
Central Government  
or a  
State Government or  
in a reputed  
National or State  
level institution.

[The previous Rules framed by the Center under Section 184 of the Finance Act, namely the Tribunal, Appellate Tribunal and Other Authorities (Qualifications, Experience and Other Conditions of Service of Members) Rules 2017, were struck down by the Constitution Bench of the Supreme Court in Nov 2019 in the case of *Roger Mathew v South Indian Bank*. The ground was that the Rules diluted judicial independence, as the Central Government had excessive say in the matter of appointment and removal of Tribunal members. The Court also found the Rules to be vague in respect of qualifications prescribed for members. The court held that the Section 184 of the Finance Act, 2017 did not suffer from excessive delegation of legislative functions as there are adequate principles to guide framing of delegated legislation, which would include the binding dictums of this Court and thus it rules out the possibility of uncertainty. The Rules formulated by the Central Government under Section 184 of the Finance Act, 2017 being contrary to the parent enactment and the principles envisaged in the Constitution as interpreted by this Court, are hereby struck down in entirety. The Central Government was directed to re-formulate the Rules strictly in conformity and in accordance with the principles delineated by this Court. The court issued a writ of mandamus to the Ministry of Law and Justice to carry out 'Judicial Impact Assessment' and submit the result of

the findings before the competent legislative authority. The Central Government in consultation with the Law Commission of India or any other expert body shall revisit the provisions of the statutes referable to the Finance Act, 2017 and place appropriate proposals before the Parliament for consideration of the need to remove direct appeals to the Supreme Court from orders of Tribunals. The present case is considered to be a landmark judgment to ensure the independence of the judiciary. The court has made sure the constitutional spirit is given priority and all the organs of the state function in accordance with principles like separation of power and basic structure doctrine. (<https://indiankanoon.org/doc/36423291/>, <https://www.barandbench.com/columns/column-decoding-the-tribunal-judgment>)]