

19.	राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) के अधीन राष्ट्रीय हरित अधिकरण	<p>(1) कोई व्यक्ति, अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) वह उच्चतम न्यायालय का न्यायाधीश नहीं है या नहीं रहा है ; या</p> <p>(ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति नहीं है या नहीं रहा है ।</p> <p>(2) कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है ; या</p> <p>(ख) दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है ।</p> <p>(3) कोई व्यक्ति विशेषज्ञ सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) उसके पास विज्ञान में स्नातक डिग्री या स्नातकोत्तर डिग्री या डाक्टरेट डिग्री न हो तथा सुसंगत क्षेत्र में पच्चीस वर्ष का अनुभव न हो, जिसमें पर्यावरण और वन (जिसके अंतर्गत प्रदूषण नियंत्रण, परिसंकटमय पदार्थ प्रबंध, पर्यावरण समाघात निर्धारण, जलवायु परिवर्तन प्रबंध, जैविक विविधता प्रबंध और वन संरक्षण भी है) के क्षेत्र में किसी सुविख्यात राष्ट्रीय स्तर की संस्था में पांच वर्ष का व्यवहारिक अनुभव भी है ; या</p> <p>(ख) उसके पास पच्चीस वर्ष का प्रशासनिक अनुभव न हो, जिसमें पांच वर्ष का ऐसा अनुभव भी है, जो केंद्रीय सरकार या किसी राज्य सरकार या सुविख्यात राष्ट्रीय या राज्य स्तर की संस्था में पर्यावरण विषयों से संबंधित हो ।</p>	<p>राष्ट्रीय हरित अधिकरण के अध्यक्ष, न्यायिक सदस्य और विशेषज्ञ सदस्य के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का न्यायाधीश—अध्यक्ष ;</p> <p>(ii)(क) अध्यक्ष की नियुक्ति के मामले में, राष्ट्रीय हरित अधिकरण का पद मुक्त अध्यक्ष—सदस्य ; या</p> <p>(ख) न्यायिक सदस्य या विशेषज्ञ सदस्य की नियुक्ति के मामले में, राष्ट्रीय हरित अधिकरण का अध्यक्ष -- सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, पर्यावरण और वन मंत्रालय -- सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) - सदस्य।</p>
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[फा. सं. ए-50050/9/2016-प्रशा.1ग(सीईएसटीएटी) पी.टी1]

ऋत्तिक पांडेय, संयुक्त सचिव

**MINISTRY OF FINANCE****(Department of Revenue)****NOTIFICATION**

New Delhi, the 12th February, 2020

**G.S.R. 109(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, 2020.

(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 Debts 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 constituted for the Tribunal, appellate Tribunal or, as the case may be, Authority 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 Search-cum-Selection Committee shall determine its procedure for making its recommendation and, after taking into account the suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirements of the Tribunal, Appellate Tribunal or, as the case may be, Authority, recommend a panel of two or three persons for appointment to each post.

(3) 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.

(4) 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 as the 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 earlier.

**7. Removal of Member from office.** - The Central Government shall, on the recommendation of a Search-cum-Selection Committee, remove from office 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.

**8. Procedure for inquiry of misbehavior or incapacity of the Member.** - (1) If a written complaint 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, it shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the Central Government 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 Search-Cum-Selection Committee to conduct the inquiry.

(3) The Search-Cum-Selection 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 Search-Cum-Selection 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 Search-Cum-Selection 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.** – (1) The Chairman, Chairperson or President shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier.

(2) The 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 of four years or till he attains the age of sixty-five years, whichever is earlier.

**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 Debts 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 or a High Court or a 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 rules for pension applicable to him.

(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 are admissible to a Government of India officer holding Group 'A' post carrying the same pay .

**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 a Government of India officer holding Group 'A' post carrying the same pay 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 Government of India officer holding Group 'A' post carrying the same pay.

(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. Oath 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.

#### **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

(See rules 3 and 4)

Sl. No.	Name of Tribunal, Appellate Tribunal or Authority.	Qualification for appointment of Chairperson, Chairman, President, Vice-Chairperson, Vice-Chairman, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member or Technical Member or Member.	Composition of Search-cum-Selection Committee
(1)	(2)	(3)	(4)
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, a Judge of a High Court; or (b)has, for a combined period of ten years, been a District Judge and Additional District Judge.	Search-cum-Selection- Committee for the post of the Presiding Officer, — (i) Chief Justice of India or a Judge of Supreme Court nominated by him - chairperson; (ii) Outgoing Presiding Officer of the National Industrial Tribunal - member; (iii) Secretary to the Government of India, Ministry of Labour and Employment -member; (iv) Secretary to the Government of India, Ministry of Commerce (Department for Promotion of Industry and Internal Trade) - member.
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 a 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 may be, Vice-Presidents thereof. (3) A person shall not be qualified for appointment as a Judicial Member, unless, — (a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or (b) he has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or higher post for two years; or	Search-cum-Selection Committee for the post of the President, Vice-President, Accountant Member or Judicial Member - (i) Chief Justice of India or a Judge of the Supreme Court nominated by him - chairperson; (ii) (a) In case of appointment of President, the Outgoing President, Income-tax Appellate Tribunal-member; or (b) In case of appointment of Vice-President or Accountant Member or Judicial Member, the President, Income-tax Appellate Tribunal -member ; (iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) - member; and

		<p>(c) he has been an advocate for twenty-five years.</p> <p>(4) A person shall not be qualified for appointment as an Accountant Member, unless, —</p> <p>(i) he has for twenty-five years been in the practice of accountancy, -</p> <p>(a) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or</p> <p>(b) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or</p> <p>(ii) he has been a member of the Indian Revenue Service (Income-tax Service Group 'A') and has held the post of Principal Commissioner of Income-tax or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>(iv) Secretary to the Government of India, Ministry of Finance, (Department of Revenue) – member.</p>
3.	The Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962 (52 of 1962)	<p>(1) A person shall not be qualified for appointment as President unless, -</p> <p>(a) he is or has been a Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court; or</p> <p>(b) he is the member of the Appellate Tribunal.</p> <p>(2) A person shall not be qualified for appointment as a Judicial Member, unless, -</p> <p>(a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(b) he has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or higher post for two years; or</p> <p>(c) he has been an advocate for twenty-five years.</p> <p>(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 Principal Commissioner of Customs or Central Excise or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum-Selection Committee for the post of President, Judicial Member and Technical Member-</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii)(a) In case of appointment of President, the Outgoing President of the Customs Excise and Service Tax Appellate Tribunal – member; or</p> <p>(b) In case of appointment of Judicial Member and Technical Member, the President, Customs and Excise and Service Tax Appellate Tribunal-member ;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)-member;</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) –member.</p>



4.	Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)	<p>(1) The Chairman of the Appellate Tribunal shall be a person who is or has been a Judge of a Supreme Court or a Chief Justice of a High Court.</p> <p>(2) The Member of the Appellate Tribunal shall be a person not below the rank of Additional Secretary to the Government of India or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum-Selection Committee for the post of Chairman and Member, -</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court nominated by him— chairperson;</p> <p>(ii)(a) in case of appointment of Chairman, the Outgoing Chairman of the Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Member, the Chairman of the Appellate Tribunal-member;</p> <p>(iii) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training)- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Finance (Department of Revenue)- member.</p>
5.	Central Administrative Tribunal under the Administrative Tribunal Act, 1985 (13 of 1985).	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Administrative Member or Judicial Member in the Central Administrative Tribunal;</p> <p>(2) A person shall not be qualified for appointment, -</p> <p>(a) as a Judicial Member, unless he, -</p> <p>(i) is, or has been, a Judge of a High Court; or</p> <p>(ii) has, for 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</p> <p>(iii) has, for two years, held a post of Additional Secretary to the Government of India in the Department of Legal Affairs or Legislative Department; or</p> <p>(iv) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(b) as an Administrative Member, unless he, -</p> <p>(i) has, for 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</p>	<p>Search-cum-Selection Committee for the post of Chairman, Administrative Member and Judicial Member –</p> <p>(i) Chief Justice of India or Judge of the Supreme Court as nominated by him- chairperson;</p> <p>(ii)(a) in case of appointment of Chairman the Outgoing Chairman of the Central Administrative Tribunal – member; or</p> <p>(b) in case of appointment of Administrative Member and Judicial Member, the Chairman, Central Administrative Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) - member;</p> <p>(iv) Secretary to the Government of India, Ministry of Law and Justice, (Department of Legal Affairs) –member.</p>

		<p>not less than that of a Secretary to the Government of India for one year; or</p> <p>(ii) has, for 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 for a period of two years:</p> <p>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 proforma 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.</p>	
6.	Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987)	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be.</p> <p>(2) A person shall not be qualified for appointment as the Vice-Chairman(Judicial), unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) has, for two years, held a civil judicial post carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India; or</p> <p>(d) has, for a period of not less than three years, held office as a Judicial Member.</p> <p>(3) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, –</p> <p>(a) has, for a period of not less than three years, held office as a Technical Member;</p>	<p>Search-cum-Selection Committee consisting for the post of the Chairman, Vice-Chairman (Judicial), Vice-Chairman (Technical), Technical Member and Judicial Member: -</p> <p>(j) Chief Justice of India or Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman, Railway Claim Tribunal – member; or</p> <p>(b) in case of appointment of Vice-Chairman (Judicial), Vice-Chairman (Technical), Technical Member and Judicial Member, the Chairman Railway Claim Tribunal – member; or</p> <p>(iii) Member (Traffic) of the Railway Board- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Law and Justice, (Department of Legal Affairs) – member.</p>

		<p>(b) has, for two years, held a post under a railway administration carrying a scale of pay which is not less than that of an Additional 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.</p> <p>(4) A person shall not be qualified for appointment as a Judicial Member, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court;</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(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-five years.</p>	
7.	Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992)	<p>(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, –</p> <p>(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</p> <p>(b) in the case of a Judicial Member, is, or has been, a Judge of a High Court; or</p> <p>(c) in the case of a Technical Member,—</p> <p>(i) is, or has been, an Additional Secretary for two years or Secretary in the Ministry or Department of the Central Government or any equivalent post in the Central Government or a State Government; or</p> <p>(ii) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in financial sectors including securities market or pension funds or commodity derivatives or insurance.</p> <p>(2) A Member or Part time Member of the Board or the Insurance Regulatory and Development Authority or the Pension Fund</p>	<p>Search and Selection Committee for Post of the Presiding Officer, Judicial Member and Technical Member.</p> <p>(i) Chief Justice of India or Judge of the Supreme Court of India nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Presiding Officer, the Outgoing Presiding Officer of the Securities Appellate Tribunal– member;</p> <p>(b) in case of appointment of Judicial Member and Technical Member, the Presiding Officer of the Securities Appellate Tribunal– member; or</p> <p>(iii) Secretary to the Government of India, Ministry of Finance, (Department of Economic Affairs) – member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Finance, (Department of Revenue) –member.</p>

		<p>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.</p> <p>(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.</p>	
8.	Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993)	A person shall not be qualified for appointment as Presiding Officer of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.	<p>Search-cum-Selection Committee for the post of Presiding Officer of the Debts Recovery Tribunal, -</p> <p>(i) Chief Justice of India or Judge of the Supreme Court nominated by him-chairperson;</p> <p>(ii) Outgoing Presiding Officer of the Debts Recovery Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)- member; and</p> <p>(v)Secretary to the Government of India, Ministry of Corporate Affairs - member.</p>
9.	Debts Recovery Appellate 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 Chairperson, unless he, —</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.</p>	<p>Search-cum-Selection Committee for the Chairperson of the Debts Recovery Appellate Tribunal, -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court as nominated by him - chairperson;</p> <p>(ii) Outgoing Chairperson of the Debts Recovery Appellate Tribunal – member;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)– member;</p> <p>(iv)Secretary to the Government of India, Ministry of Corporate Affairs – member.</p>
10.	Airport Appellate Tribunal under the Airport Authority of India Act, 1994 (55 of 1994)	A person shall not be eligible for appointment as Chairperson, unless he, is, or has been, a judge of a High Court.	Search-cum-Selection Committee for the post of Chairperson of Airport Appellate Tribunal, —

			<p>(i) Chief Justice of India or any other judge of Supreme Court nominated by him -chairperson;</p> <p>(ii) Outgoing Chairperson of Airport Appellate Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Civil Aviation - member;</p> <p>(iv) Secretary to the Government of India, (Department of Economic Affairs) - member;</p>
11.	Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, –</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(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-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal.</p>	<p>Search-cum-Selection Committee for the post of the Chairperson and Member, —</p> <p>(i) Chief Justice of India or any judge of the Supreme Court nominated by him -chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Telecom Disputes Settlement and Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Member, the Chairperson of the Telecom Disputes Settlement and Appellate Tribunal – member; or</p> <p>(iii) Secretary to the Government of India, (Department of Telecommunications)- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Civil Aviation - member</p>
12.	Appellate Board under the Trade Marks Act, 1999 (47 of 1999)	<p>(1) A person shall not be qualified for appointment as Chairman, unless he,-</p> <p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Vice-Chairperson of the Appellate Board.</p> <p>(2) A person shall not be qualified for appointment as Vice-Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for two years, held the office of Judicial Member or a Technical Member, and has a degree in law with twelve years of practice at bar or twelve years' experience in a State Judicial Service.</p> <p>(3) A person shall not be qualified for appointment as Judicial Member, unless he, -</p>	<p>(A) Search-cum-Selection for the post of the Chairman, Vice-Chairman, Judicial Member and Technical Member of the Appellate Board, -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman of the Appellate Board– member; or</p> <p>(b) in case of appointment of Vice-Chairman, Judicial Member and Technical Member (Trade mark), Technical Member (Patent) and Technical Member(Copyright) of the Appellate Board, the Chairman of the Appellate Board-member;or</p> <p>(iii) Secretary to the Government of India, (Department for Promotion of Industry and Internal Trade) -member;</p>

	<p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(4) A person shall not be qualified for appointment as Technical Member (Trademark), unless he, -</p> <p>(a) has, for ten years, exercised functions of a Tribunal under the Trade Marks Act, 1999 (47 of 1999) and has held a post not lower than the post of Registrar for five years and has a degree in law with twelve years' practice at bar or twelve years' experience in a State Judicial Service, or</p> <p>(b) has, for twenty-five years, been an advocate of a proven specialised experience in trade mark law.</p> <p>(5) A person shall not be qualified for appointment as Technical Member (Patent), unless he, -</p> <p>(a) has, for five years, held the post or exercised the functions of the Controller under the Patents Act, 1970 (39 of 1970); or</p> <p>(b) has, for twenty-five 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.</p> <p>(6) A person shall not be qualified for appointment as Technical Member (Copyright), unless he, -</p> <p>(a) is, or has been a member of the Indian Legal Service and is holding, or has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(c) is, or has been a member of a Tribunal or Civil Service not below the rank of an Additional Secretary to the Government of India with three years' experience in the field of Copyright; or</p> <p>(d) has, for twenty-five years, been an advocate of a proven specialized experience in Copyright Law:</p> <p>Provided that one member of the Appellate Board for purposes of the Copyright Act shall have qualification as in (a), (b) or (d) above.</p>	<p>(iv) Secretary to the Government of India, Ministry of Consumer Affairs Food and Public Distribution -member;</p>
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13.	National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013).	<p>(1) The Chairperson shall be a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court.</p> <p>(2) A Judicial Member shall be a person who is or has been a Judge of a High Court or is a Judicial Member of the National Company Law Tribunal for five years.</p> <p>(3) A Technical Member shall be a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.</p>	<p>Search-Cum-Selection Committee for the post of Chairperson, Judicial Member and Technical Member –</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the National Company Law Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Judicial Member and Technical Member the Chairperson of the National Company Law Appellate Tribunal – member; or</p> <p>(iii) Secretary to the Government of India, Ministry of Corporate Affairs – member;</p> <p>(iv) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)– member.</p>
14.	Authority for Advance Ruling under the Income-tax Act, 1961 (43 of 1961)	<p>A person shall be qualified for appointment as, -</p> <p>(a) Chairman, who: -</p> <p>(i) is, or has been, a Judge of the Supreme Court; or</p> <p>(ii) is or has been a Chief Justice of a High Court.</p> <p>(b) Vice-chairman, who is, or has been, a Judge of a High Court;</p> <p>(c) Law Member, who has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(d) Revenue Member from the Indian Revenue Service who is qualified to be a Member of the Central Board of Direct Taxes 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 and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum Selection Committee for the post of Chairman, Vice-Chairman, Law Member and Revenue Member -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman to the Authorities for Advance Ruling- member; or</p> <p>(b) in case of appointment of Vice-Chairman, Law Member and Revenue Member, the Chairman to the Authorities for Advance Ruling- member;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Revenue) - member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) –member.</p>
15.	Film Certification Appellate Tribunal under the Cinematograph Act, 1952 (37 of 1952)	<p>(1) A person shall not be qualified for appointment as Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as member.</p>	<p>Search-cum-Selection Committee for post of the Chairman and Member of the Appellate Tribunal, —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p>

		(2) A person qualified to judge the effect of films on the public shall be qualified for appointment as a Member.	(ii) (a) in case of appointment of Chairman, the outgoing Chairman of the Appellate Tribunal-member; or (b) in case of appointment of Member, the Chairman of the Appellate Tribunal-member; (iii) Secretary to the Government of India, Ministry of Information and Broadcasting -member; and (iv) Secretary to the Government of India, Ministry of Culture-member.
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, a Judge of the Supreme Court; or (b) is, or has been, Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Member unless he,— (a) is, or has been, a Judge of a High Court; or (b) has, for a combined period of ten years, been a District Judge and 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-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or any other matter which is useful to the National Consumer Disputes Redressal Commission.	Search-cum-Selection Committee for post of the President and Member of the National Consumer Disputes Redressal Commission, - (i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson; (ii) (a) in case of appointment of President, the Outgoing President of National Consumer Disputes Redressal Commission- member; or (b) in case of appointment of Member, the President of National Consumer Disputes Redressal Commission- member; (iii) Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution-member; and (iv) Secretary to the Government of India, Ministry of Commerce (Department for Promotion of Industry and Internal Trade)-member.
17.	Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).	(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, — (a) is, or has been, a Judge of Supreme Court; or (b) is, or has been, Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Judicial Member, unless, he— (a) is, or has been, a Judge of a High Court; or (b) has, for a combined period of ten years, been a District Judge and Additional District Judge. (3) A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special	Search-cum-Selection Committee for the post of Chairperson, Judicial Member and Technical Member — (i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson; (ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Appellate Tribunal for Electricity - member; or (b) in case of appointment of Judicial Member and Technical Member, the Chairperson of the Appellate Tribunal for Electricity - member; (iii) Secretary to the Government of India, Ministry Power-member; and



		knowledge of, and professional experience of, not less than twenty-five years in matters dealing with electricity generation, transmission, distribution, regulation, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which is useful to the Appellate Tribunal.	(iv) Secretary to the Government of India, Ministry of Petroleum -member.
18.	Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless, he, -</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is or has been a Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member unless he is, or has been, a Judge of a High Court.</p> <p>(3) A person shall not be qualified for appointment as Administrative Member, unless he, -</p> <p>(a) has held or has been holding the rank of Major General or above for a total period of three years in the Army or equivalent rank in the Navy or the Air Force; or</p> <p>(b) 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</p> <p>(c) is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than thirty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter useful to the Armed Forces Tribunal.</p>	<p>Search-cum-Selection Committee for the post of Chairperson, Judicial Member and Administrative Member —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Armed Force Tribunal - member; or</p> <p>(b) in case of appointment of Judicial Member and Administrative Member the Chairperson of the Armed Forces Tribunal - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Defence-member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training)-member.</p>
19.	National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, -</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p>	<p>Search-cum-Selection Committee for the post of the Chairperson, Judicial Member and Expert Member of the National Green Tribunal, —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the National Green Tribunal - member; or</p>

		<p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(3) A person shall not be qualified for appointment as Expert Member, unless he, -</p> <p>(a) has a degree or Post-graduation degree or Doctorate Degree in Science and has an experience of twenty-five years in the relevant field including five years' practical experience 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</p> <p>(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.</p>	<p>(b) in case of appointment of Judicial Member and Expert Member the Chairperson of the National Green Tribunal - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Environment and Forest-member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel &amp; Training)-member.</p>
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[F. No. A.-50050/9/2016-Ad.1C (CESTAT) (Pt-1)]

RITVIK PANDEY, Jt. Secy.

**स्पष्टीकारक जापन**

इन नियमों का खंड 6 जो मूल नियमों के नियम 15 का संशोधन करता है, माननीय भारत के उच्चतम न्यायालय के रिट याचिका (सिविल) सं. 2020 की 804 में दिए गए निर्णय को प्रभावी करने के लिए, तारीख 1 जनवरी, 2021 से नियम 15 को भूतलक्षी प्रभाव देता है।

**MINISTRY OF FINANCE**

**(Department of Revenue)**

**NOTIFICATION**

New Delhi, the 30<sup>th</sup> June, 2021

**G.S.R. 458(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 further to amend the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020, 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) (Amendment) Rules, 2021.

(2) Save as provided in these rules, 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 to the Finance Act, 2017 (7 of 2017).

2. In the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 (hereinafter referred to as the principal rules), in rule 2, for clause (g), the following clause shall be substituted, namely:-

‘(g) “Search-cum-Selection Committee” means the Search-cum-Selection Committee referred to in sub-section (3) of section 184 of the Finance Act, 2017 (Act 7 of 2017);’

3. In the principal rules, rule 4 shall be omitted.

4. In the principal rules, rule 7 shall be omitted.

5. In the principal rules, rule 9 shall be omitted.

6. In the principal rules, for rule 15, the following rule shall be substituted, namely:-

**“15. House rent allowance.**— With effect from the 1<sup>st</sup> January, 2021, the Chairman, Chairperson, President, Vice Chairman, Vice Chairperson or Vice President shall have option to avail of accommodation to be provided by the Central Government as per the rules for the time being in force or entitled to house rent allowance subject to a limit of Rs. one lakh fifty thousand rupees per month and the Presiding Offices and Members shall have option to avail of accommodation to be provided by the Central Government as per the rules for the time being in force or entitled to house rent allowance subject to a limit of Rs. one lakh twenty-five thousand rupees per month.”

7. In the principal rules, for the Schedule, the following Schedule shall be substituted, namely:-

**SCHEDULE****(See rule 3)**

Sl. No.	Name of Tribunal, Appellate Tribunal or Authority.	Qualification for appointment of Chairperson, Chairman, President, Vice-Chairperson, Vice-Chairman, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member or Technical Member or Member.
(1)	(2)	(3)
1.	Industrial Tribunal 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, a Judge of a High Court; or (b) has, for a combined period of ten years, been a District Judge and Additional District Judge.
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 a 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 may be, Vice-Presidents thereof. (3) A person shall not be qualified for appointment as a Judicial Member, unless,— (a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or (b) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or (c) he has been an advocate for ten years with substantial experience in litigation under Income-tax laws in Income-tax Appellate Tribunal, High Court or Supreme Court. (4) A person shall not be qualified for appointment as an Accountant Member, unless, — (i) he has for twenty-five 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 Principal Commissioner of Income-tax or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.
3.	The Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962(52 of 1962)	(1) A person shall not be qualified for appointment as President unless, — (a) he is or has been a Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court; or

		<p>(b) he is the member of the Appellate Tribunal.</p> <p>(2) A person shall not be qualified for appointment as a Judicial Member, unless, —</p> <p>(a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(b) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or</p> <p>(c) he has been an advocate for ten years with substantial experience in litigation under indirect tax laws in Customs, Excise and Service Tax Appellate Tribunal, High Court or Supreme Court.</p> <p>(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 Principal Commissioner of Customs or Central Excise or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>
4.	Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)	<p>(1) The Chairman of the Appellate Tribunal shall be a person who is or has been a Judge of a Supreme Court or a Chief Justice of a High Court.</p> <p>(2) The Member of the Appellate Tribunal shall be a person not below the rank of Additional Secretary to the Government of India or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>
5.	Central Administrative Tribunal under the Administrative Tribunal Act, 1985 (13 of 1985).	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, —</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Administrative Member or Judicial Member in the Central Administrative Tribunal;</p> <p>(2) A person shall not be qualified for appointment,—</p> <p>(a) as a Judicial Member, unless he,—</p> <p>(i) is, or has been, a Judge of a High Court; or</p> <p>(ii) has, for 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</p> <p>(iii) has, for two years, held a post of Additional Secretary to the Government of India in the Department of Legal Affairs or Legislative Department; or</p> <p>(iv) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(v) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.</p>

		<p>(b) as an Administrative Member, unless he, -</p> <p>(i) has, for 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 one year; or</p> <p>(ii) has, for 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 for a period of two years:</p> <p>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 proforma 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.</p>
6.	Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987)	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be.</p> <p>(2) A person shall not be qualified for appointment as the Vice-Chairman (Judicial), unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) has, for two years, held a civil judicial post carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India; or</p> <p>(d) has, for a period of not less than three years, held office as a Judicial Member.</p> <p>(3) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, -</p> <p>(a) has, for a period of not less than three years, held office as a Technical Member; or</p> <p>(b) has, for two years, held a post under a railway administration carrying a scale of pay which is not less than that of an Additional 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.</p> <p>(4) A person shall not be qualified for appointment as a Judicial Member, unless he, -</p>

		<p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(c) has been an advocate for ten years with substantial experience in litigation in claim settlements pertaining to damage to life and property in Railway Claims Tribunal, High Court or Supreme Court.</p> <p>(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-five years.</p>
7.	Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992)	<p>(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, —</p> <p>(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;</p> <p>(b) in the case of a Judicial Member, —</p> <p>(i) is, or has been, a Judge of a High Court; or</p> <p>(ii) has been an advocate for ten years with substantial experience in litigation in matters relating to financial sector before Securities Exchange Board of India, Securities Appellate Tribunal, High Court or Supreme Court.</p> <p>(c) in the case of a Technical Member, —</p> <p>(i) is, or has been, an Additional Secretary for two years or Secretary in the Ministry or Department of the Central Government or any equivalent post in the Central Government or a State Government; or</p> <p>(ii) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in financial sectors including securities market or pension funds or commodity derivatives or insurance.</p> <p>(2) A Member or Part time 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.</p> <p>(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.</p>
8.	Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993)	A person shall not be qualified for appointment as Presiding Officer of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.

9.	Debts Recovery Appellate 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 Chairperson, unless he, —</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.</p>
10.	Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, —</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(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-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal.</p>
11.	National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013).	<p>(1) The Chairperson shall be a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court.</p> <p>(2) A Judicial Member shall be a person who is —</p> <p>(a) is or has been a Judge of a High Court; or</p> <p>(b) is a Judicial Member of the National Company Law Tribunal for five years; or</p> <p>(c) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.</p> <p>(3) A Technical Member shall be a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.</p>
12.	National Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 (35 of 2019)	<p>(1) A person shall not be qualified for appointment as President, unless he, —</p> <p>(a) is, or has been, a Judge of the Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Member unless he,—</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(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 economics, business, commerce, law,</p>



		finance, accountancy, management, industry, public affairs, administration or any other matter which is useful to the National Consumer Disputes Redressal Commission.
13.	Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).	<p>(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, —</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless, he—</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(c) has been an advocate for ten years with substantial experience in litigation in matters relating to power sector before Central Electricity Regulatory Commission, State Electricity Regulatory Commission, Appellate Tribunal for Electricity, High Court or Supreme Court.</p> <p>(3) A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in matters dealing with electricity generation, transmission, distribution, regulation, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which is useful to the Appellate Tribunal.</p>
14.	Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless, he, -</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is or has been a Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member unless he is-</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.</p> <p>(3) A person shall not be qualified for appointment as Administrative Member, unless he, -</p> <p>(a) has held or has been holding the rank of Major General or above for a total period of three years in the Army or equivalent rank in the Navy or the Air Force; or</p> <p>(b) 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</p> <p>(c) is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than thirty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter useful to the Armed Forces Tribunal.</p>

15.	National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, –</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(c) has, for ten years, been an advocate with substantial experience in litigation in matters relating to environment and forest in National Green Tribunal, High Court or Supreme Court.</p> <p>(3) A person shall not be qualified for appointment as Expert Member, unless he, -</p> <p>(a) has a degree or Post-graduation degree or Doctorate Degree in Science and has an experience of twenty-five years in the relevant field including five years' practical experience 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</p> <p>(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.</p>
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[F. No. A.50050/9/2016-Ad.1C (CESTAT) (Pt-1)]

RITVIK PANDEY, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(i) vide G.S.R. 109(E) dated the 12<sup>th</sup> February, 2020.

### Explanatory Memorandum

Clause 6 of these rules, which amends rule 15 of the principal rules, gives retrospective operation of rule 15 with effect from the 1<sup>st</sup> January, 2021, in order to give effect to the judgment of the Hon'ble Supreme Court of India in W.P(C) No. 804 of 2020. It is certified that no person is adversely affected by giving such retrospective operation.