

THE ARMED FORCES TRIBUNAL (PROCEDURE FOR APPOINTMENT OF VICE-CHAIRPERSON AND OTHER MEMBERS) RULES, 2008¹

In exercise of the powers conferred by clause (k) of sub-section (2) of section 41 read with section 7 of the Armed Forces Tribunal Act, 2007 (55 of 2007), the Central Government hereby makes the following rules to regulate the procedure of appointment of Vice-Chairperson or other Members of the Armed Forces Tribunal, namely:—

1. Short title and commencement.—(1) These rules may be called the Armed Forces Tribunal (Procedure for Appointment of Vice-Chairperson and Other Members) Rules, 2008.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Armed Forces Tribunal Act, 2007 (55 of 2007);
- (b) “Chairperson” means the Chairperson of Selection Committee;
- (c) “Tribunal” means the Armed Forces Tribunal established under section 4 of the Act.

(2) Words and expressions used in these rules and not defined but defined in the Armed Forces Tribunal Act, 2007 (55 of 2007) shall have the meaning respectively assigned to them in the Act.

3. Composition of Selection Committee.—There shall be a Selection Committee for the purpose of the selection of the Vice-Chairperson and Members in the Tribunal consisting of the following:—

- (a) sitting Judge of the Supreme Court nominated by the Chief Justice of India —Chairperson
- (b) Chairperson, Armed Forces Tribunal —Member
- (c) Secretary to the Government of India, Ministry of Defence —Member
- (d) Secretary, Government of India, Ministry of Law and Justice, Department Legal Affairs —Member

4. Vacancies.—(1) The anticipated vacancies of Vice-Chairpersons and Members shall be placed before the Selection Committee for a block of six months, i.e., January to June and July to December of each calendar year.

(2) The Chairperson of the Tribunal shall indicate the number of vacancies of the Vice-Chairperson and the Members to be filled from the judicial stream and the administrative stream respectively to the Central Government whereupon the procedure to fill up the vacancies accordingly shall be initiated by that Government.

1. Vide S.R.O. 65, dated 21st July, 2008, published in the Gazette of India Weekly, Pt. II, Sec. 4, dated 20th-26th July, 2008.

2. Came into force on 21-7-2008.

5. Procedure for inviting/processing of candidatures.—(1) The Selection Committee shall devise its own procedure and lay down guidelines for inviting applications as also for the selection of the Vice-Chairperson and the Members of the Tribunal.

(2) The Selection Committee shall recommend the names of persons for appointment as the Vice-Chairperson and Members from amongst the persons on the list of candidates prepared by the Central Government, after obtaining names from the various cadre controlling authorities.

(3) The Central Government shall, after taking into consideration the recommendations of the selection Committee, and in consultation with the Chief Justice of India in accordance with the provision contained in sections 6 and 7 of the Act, make a list of persons for appointment as the Vice-Chairperson and Members of the Tribunal.

6. Meetings of the Selection Committee.—(1) The Selection Committee shall normally hold its meetings at New Delhi or at such place or places, as may be authorised by the Chairperson by recording the reasons for the change of the venue of such meetings.

(2) The notice/agenda, as the case may be, for the meeting of the Selection Committee shall be issued in advance. The date and venue for the meeting shall be fixed with the convenience of the Chairperson.

(3) The minimum quorum for the meeting shall be the Chairperson and at least, one other member.

7. Criteria for selection.—Merit in terms of suitability and not seniority shall be the sole criterion in the matter of filling up the post of the Vice-Chairperson from amongst Members of the Tribunal.

8. Consultation with the Chief Justice of India.—(1) The recommendations of the Selection Committee shall be placed before the Chief Justice of India for his views.

(2) The recommendations of the Selection Committee, together with the views of the Chief Justice of India shall be submitted to the competent authority for orders.