

No.15-02/2019-Restg.
Government of India
Ministry of Communications
Department of Telecommunications
(Restructuring Cell)

20, Ashoka Road, Sanchar Bhawan, New Delhi-1
Dated: 20th May, 2020

ADVERTISEMENT

TDSAT: The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was established in the year 2000 by amendment of Telecom Regulatory Authority of India (TRAI) Act, 1997 with the objective to adjudicate disputes arising in the telecom sector of the nature specified in Section 14 of the TRAI Act. After coming into force of the relevant provisions of the Finance Act 2017, the TDSAT also exercises jurisdiction, powers and authority conferred on the Appellate Tribunal under the Information Technology Act, 2000 and Airport Economic Regulatory Authority of India Act, 2008.

Posts: There are two vacant posts in TDSAT.

Terms of appointment and eligibility conditions/qualification for the post: The tenure and eligibility conditions/qualification for the post is as per the 'Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020' notified on 12.02.2020 by Department of Revenue, M/o Finance Rules.

The tenure for the post of Member, TDSAT will be four years or till the age of 65 years, whichever is earlier.

The eligibility condition/qualification for the post of Member, TDSAT shall be as under:

"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, aviation, information technology or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal."

The cut-off date for counting of professional experience will be up to the last date to apply for the said posts.

Member, TDSAT 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. An employee of the Government on his/her selection as Member, TDSAT shall have to retire from service before joining as Member, TDSAT.

All the conditions of service will be as per the 'Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020' notified on 12.02.2020.

Procedure for Selection: The Search-cum-Selection Committee constituted for recommending a panel of names for appointment to the said posts, shall determine its procedure for making its recommendations. This Committee will have the liberty to search any other candidate besides those whose applications have been received consequent to this advertisement.

Application Procedure: Interested and eligible persons are requested to send their applications in the prescribed format, which can be downloaded from the websites i.e. <http://www.dot.gov.in> or <http://www.persmin.nic.in> or <http://www.tdsat.gov.in>, alongwith copies of relevant documents to the following address, or scanned copy (PDF only) of the same may be sent at email 'naveen.kumar71@gov.in' so as to reach this office **latest by 5:30 PM on 25/06/2020:**

Shri Naveen Kumar
Director (Restg.),
Room No. 1004, Sanchar Bhawan,
20, Ashoka Road, New Delhi-110001.
Telephone No. 011-23036428/6178, FAX No. 011-23372084

Note1: The applicants should send a single application for both the posts.

Note2: Officers working in the Central or State Government, autonomous/statutory organizations, Public Sector Undertakings etc. shall send their applications **through proper channel.**

Note 3: Any application **received after due date** or '**not in prescribed format**' may not be entertained.


(Naveen Kumar)
Director

APPENDIX

APPLICATION FORMAT FOR THE POST OF MEMBER, TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL (TDSAT), NEW DELHI

(If space is insufficient against any item, please attach extra papers/sheets).

1. Name (in block letters):

First Name:

Middle Name:

Last Name:

Space for coloured photograph duly signed by candidate
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2. Father's Name:

3. Marital Status:

4. Date of Birth (Please attach a self-attested copy of High School Certificate):

5. Age as on 01/06/2020:years months days

6. Total professional experience as on last date of application:

.....years months days

7. Service to which belongs to (for serving/retired Govt. servants):

8. Nationality:

9. Address for correspondence (in block letters) indicating clearly the PIN Code:

10. Permanent Address (in block letters):

11. (a) Telephone and Fax Nos. (Off./Resi.):

(b) Mobile:

(c) e-mail ID:

12. Whether belongs to SC/ST/OBC:

(Please Attach a self-attested copy of the Certificate)

13. Educational Qualifications (in reverse chronological order):

Name of University/ Equivalent Institution	Degree	Year of passing	Division/ % of marks/ obtained	Academic Distinction	Subject / Specialization

14. Employment Record (in reverse chronological order, starting with present post):

Name & address of employer	Designation, scale of pay and whether regular/ deputation/ Adhoc	Period of service		Nature of work / experience
		From	To	

15. Information related to knowledge in the field of economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications, aviation, information technology and professional experience acquired in respect of above matters in institutions dealing with these areas and length of experience in such institutions:

16. Relevant Publications, if any, in journals of national/international repute, with citation and index.

17. Awards/Honours, if any:

18. Any other relevant information:

19. Declaration: -

I certify that the foregoing information is correct and complete to the best of my knowledge and belief and nothing has been concealed/distorted. If at any time, I am found to have concealed/distorted any material information; my appointment shall be liable to summary termination without notice.

Signature of the Candidate

Date:

Place:

(Note: Please attach self-attested copy of all relevant certificates)

TO BE FORWARDED BY THE HEAD OF ORGANISATION/INSTITUTION
(IN RESPECT OF CANDIDATES WORKING UNDER GOVERNMENT/ AUTONOMOUS/
STATUTORY / PUBLIC SECTOR UNDERTAKINGS ETC.)

Ministry/Department/Office of

Particulars furnished by _____ have been verified with reference to
service records and their correctness certified.

It is certified that no vigilance case is either pending or contemplated against the
above officer.

The Integrity Certificate in respect of the above officer is enclosed.

**(Signature & Designation of the
Forwarding Officer with Seal)**

Address:

Dated:

सं.15-02/2019-पुनर्गठन

भारत सरकार
संचार मंत्रालय
दूरसंचार विभाग
(पुनर्गठन प्रकोष्ठ)

20, अशोक रोड, संचार भवन, नई दिल्ली-1
दिनांक 20 मई, 2020

विज्ञापन

टीडीएसएटी: दूरसंचार विवाद समाधान एवं अपील अधिकरण (टीडीएसएटी) की स्थापना भारतीय दूरसंचार विनियामक प्राधिकरण (ट्राई) अधिनियम, 1997 में संशोधन करके वर्ष 2000 में की गई थी। इसका उद्देश्य ट्राई अधिनियम की धारा 14 में विनिर्दिष्ट स्वरूप वाले दूरसंचार क्षेत्र में उद्भूत होने वाले विवादों का अधिनिर्णय करना है। वित्त अधिनियम 2017 के प्रासंगिक उपबंध लागू होने के बाद, टीडीएसएटी सूचना प्रौद्योगिकी अधिनियम, 2000 तथा भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण अधिनियम, 2008 के अधीन अपील अधिकरण को प्रदत्त अधिकारिता, शक्तियों और प्राधिकार का प्रयोग भी करता है।

पद: टीडीएसएटी में दो पद रिक्त हैं।

पद के लिए नियुक्ति की अवधि और पात्रता शर्तें/अर्हता: इन पदों के लिए सेवाकाल और पात्रता शर्तें/अर्हता राजस्व विभाग, वित्त मंत्रालय नियमावली द्वारा दिनांक 12.02.2020 को अधिसूचित किए गए अधिकरण, अपील अधिकरण और अन्य प्राधिकरण (सदस्य की अर्हताएं, अनुभव और सेवा शर्तें) नियम, 2020 के अनुसार हैं।

सदस्य, टीडीएसएटी के पद के लिए सेवाकाल चार वर्ष या 65 वर्ष की आयु होने तक, जो भी पहले हो, के लिए होगा।

सदस्य, टीडीएसएटी के पद के लिए पात्रता शर्तें/अर्हता निम्नानुसार होगी:

कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह योग्य, ईमानदार और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, अद्योग, लोक कार्य-कलाप, प्रशासन, दूरसंचार, विमानन, सूचना प्रौद्योगिकी या किसी अन्य मामले, जो दूरसंचार विवाद निपटान और अपील अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और उनका पच्चीस वर्ष से अन्यून अवधि के लिए वृत्तिक अनुभव रखता हो।

व्यवसायिक अनुभव की गणना हेतु निर्धारक (कट-ऑफ) तारीख उक्त पदों के लिए आवेदन करने की अंतिम तारीख तक होगी।

सदस्य, टीडीएसएटी को 2,25,000 का वेतन दिया जाएगा और वह समान वेतनमान वाले समूह 'क' पद का धारण करने वाले भारत सरकार के अधिकारी को स्वीकार्य भत्तों हेतु पात्र होगा। सदस्य, टीडीएसएटी के रूप में किसी सरकारी अधिकारी का चयन होने पर उसे सदस्य, टीडीएसएटी के रूप में पदभार ग्रहण करने से पूर्व अपनी सेवा से सेवानिवृत्त होना होगा।

सेवा की सभी शर्तें दिनांक 12.02.2020 को अधिसूचित किए गए 'अधिकरण, अपील अधिकरण और अन्य प्राधिकरण (सदस्य की अर्हताएं, अनुभव और सेवा शर्तें) नियम, 2020 के अनुसार रहेंगी।

चयन की प्रक्रिया: उक्त पदों पर नियुक्ति हेतु नामों के पैनल की संस्तुति करने के लिए गठित गवेषण-सह-चयन समिति अपनी संस्तुति करने के लिए अपनी प्रक्रिया का निर्धारण करेगी। यह समिति इस विज्ञापन के परिणामस्वरूप प्राप्त हुए आवेदनों के अभ्यर्थियों के अलावा किसी अन्य अभ्यर्थी की खोज करने के लिए स्वतंत्र होगी।

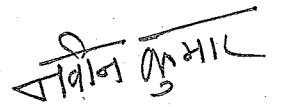
आवेदन की प्रक्रिया: इच्छुक और पात्र व्यक्तियों से अनुरोध है कि वे प्रासंगिक दस्तावेजों की प्रतियों के साथ अपने आवेदन निर्धारित प्रारूप जो <http://www.dot.gov.in> या <http://www.persmin.nic.in> या <http://www.tdsat.gov.in> से डाउनलोड किया जा सकता है, में निम्नलिखित पते पर भेजें या इनकी स्कैन की गई प्रति (केवल पीडीएफ) 'naveen.kumar71@gov.in' पर ई-मेल करें ताकि यह इस कार्यालय को दिनांक 25/06/2020 को 5:30 अपराह्न तक प्राप्त हो जाएं:

श्री नवीन कुमार
निदेशक (पुनर्गठन)
कमरा संख्या 1004, संचार भवन,
20, अशोक रोड़, नई दिल्ली - 110001
दूरभाष सं. 011-23036428/6178, फैक्स सं. 011-23372084

टिप्पणी 1: आवेदक दोनों पदों के लिए केवल एक आवेदन भेजें।

टिप्पणी 2: केंद्रीय या राज्य सरकार, स्वायत्त/कानूनी संगठनों, सार्वजनिक क्षेत्र के उपक्रमों आदि में कार्यरत अधिकारीगण उचित माध्यम से अपना आवेदन भेजेंगे।

टिप्पणी 3: अंतिम तारीख के बाद प्राप्त या बिना निर्धारित प्रारूप वाले किसी आवेदन पद विचार नहीं किया जा सकेगा।



(नवीन कुमार)
निदेशक

दूरसंचार विवाद समाधान एवं अपील अधिकरण (टीडीएसएटी), नई दिल्ली के सदस्य के पद के लिए आवेदन प्रारूप

(यदि किसी मद के लिए स्थान अपर्याप्त हो तो कृपया पृथक कागज़/शीट संलग्न करें)

1. नाम (स्पष्ट अक्षरों में):

प्रथम नाम:

मध्य नाम:

अंतिम नाम:

अभ्यर्थी द्वारा
विधिवत् रूप से
हस्ताक्षर किए गए
रंगीन छायाचित्र हेतु
स्थान

2. पिता का नाम:

3. वैवाहिक स्थिति:

4. जन्म तिथि (कृपया उच्च विद्यालय प्रमाणपत्र की स्व-प्रमाणित प्रति संलग्न करें):

5. 01/06/2020 के अनुसार आयु:वर्ष माह
दिन.....

6. आवेदन की अंतिम तिथि के अनुसार कुल व्यवसायिक अनुभव:

..... वर्ष माह दिन

7. सेवा जिससे संबंध रखते हैं (सेवारत/सेवानिवृत्त सरकारी अधिकारियों हेतु):

8. राष्ट्रीयता:

9. पत्राचार का पता (स्पष्ट अक्षरों में) पिन कोड स्पष्ट अंकों में दर्शाएं:

10. स्थायी पता (स्पष्ट अक्षरों में):

11. (क) दूरभाष सं. और फ़ैक्स सं. (कार्यालय/निवास):

(ख) मोबाइल:

(ग) ई-मेल आईडी:

12. क्या एससी/एसटी/ओबीसी से संबंधित हैं:

(कृपया प्रमाणपत्र की स्व-प्रमाणित प्रति संलग्न करें)

13. शैक्षणिक अर्हताएं (नवीनतम से शुरू कर घटते कालानुक्रम में लिखें) :

विश्वविद्यालय/ समकक्ष संस्था का नाम	डिग्री	उत्तीर्ण होने का वर्ष	श्रेणी/अंकों का % /प्राप्तांक	शैक्षणिक विशिष्टता	विषय/विशेषज्ञता

14. रोजगार अभिलेख (वर्तमान पद से शुरू कर, नवीनता के क्रम में लिखें) :

नियोक्ता का नाम और पता	पदनाम, वेतनमान और नियुक्ति का स्वरूप नियमित/प्रतिनियुक्ति/तदर्थ	सेवा की अवधि		कार्य/अनुभव का स्वरूप
		से	तक	

15. इन क्षेत्रों में कार्य निष्पादन करने वाली संस्थाओं में अर्थशास्त्र, व्यवसाय, वाणिज्य, विधि, वित्त, लेखांकन, प्रबंधन, उद्योग, सार्वजनिक मामलों, प्रशासन, दूरसंचार, विमानन, सूचना प्रौद्योगिकी के क्षेत्र में ज्ञान और उक्त मामलों के बाबत अर्जित व्यवसायिक अनुभव तथा ऐसी संस्थाओं में अनुभव की अवधि से जुड़ी सूचना:

16. राष्ट्रीय/अंतर्राष्ट्रीय ख्याति वाले जर्नल में प्रोद्घरण और अनुक्रमणिका के साथ प्रासंगिक प्रकाशन, यदि कोई हो।

17. प्राप्त पुरस्कार/सम्मान, यदि कोई हो:

18. कोई अन्य प्रासंगिक सूचना:

19. घोषणा:-

मैं प्रमाणित करता/करती हूँ कि प्रस्तुत जानकारी मेरी सर्वोत्तम जानकारी और मत के अनुसार सही और पूर्ण है तथा कोई भी सूचना छुपायी/विकृत नहीं की गई है। यदि किसी भी समय यह पाया जाता है कि मैंने कोई प्रासंगिक सूचना छुपायी/विकृत की है; तो मेरी नियुक्ति बिना किसी नोटिस संक्षिप्त समापन के लिए अधीन होगी।

अभ्यर्थी के हस्ताक्षर

तारीख:

स्थान:

(टिप्पणी: कृपया सभी प्रासंगिक प्रमाणपत्रों की स्व-प्रमाणित प्रति संलग्न करें)

संगठन/संस्था के प्रधान अधिकारी द्वारा प्रेषित किया जाए

(सरकारी/स्वायत्त/कानूनी/सार्वजनिक क्षेत्र के उपक्रमों आदि के अधीन कार्यरत अभ्यर्थियों हेतु)

..... मंत्रालय/विभाग/का कार्यालय

.....
द्वारा सेवा अभिलेखों के संदर्भ में प्रस्तुत किए गए विवरणों की जांच कर ली गई है और उनकी सत्यता प्रमाणित की जाती है।

यह प्रमाणित किया जाता है कि उपर्युक्त अधिकारी के विरुद्ध कोई सतर्कता मामला लंबित नहीं है और न ही चलाए जाने का विचार है।

उपर्युक्त अधिकारी के संबंध में सत्यनिष्ठा प्रमाणपत्र संलग्न है।

(प्रेषक अधिकारी के हस्ताक्षर
और पदनाम, मोहर सहित)

पता:

तारीख:

THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

(24 of 1997)

[28th March, 1997]

An Act to provide for the establishment of the ¹[Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal to regulate the telecommunication services, adjudicate disputes, dispose of appeals and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Telecom Regulatory Authority of India Act, 1997.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 25th day of January, 1997.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date with effect from which the Authority is established under sub-section (1) of section 3;

²(aa) “Appellate Tribunal” means the Telecom Disputes Settlement and Appellate Tribunal established under section 14;]

(b) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3;

(c) “Chairperson” means the Chairperson of the Authority appointed under sub-section (3) of section 3;

(d) “Fund” means the Fund constituted under sub-section (1) of section 22;

(e) “Licensee” means any person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services;

²(ea) “licensor” means the Central Government or the telegraph authority who grants a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885);]

1. Subs. by Act 2 of 2000, sec. 2, for “Telecom, Regulatory Authority of India to regulate the telecommunication services,” (w.r.e.f. 24-1-2000).

2. Ins. by Act 2 of 2000, sec. 3 (w.r.e.f. 24-1-2000).

- (f) "member" means a member of the Authority appointed under sub-section (3) of section 3 and includes the Chairperson and the Vice-Chairperson;
- (g) "notification" means a notification published in the Official Gazette;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "regulations" means regulations made by the Authority under this Act;
- (j) "service provider" means the ¹[Government as a service provider] and includes a licensee;
- (k) "telecommunication service" means service of any description (including electronic mail, voice mail, data services, audio tax services, video tax services, radio paging and cellular mobile telephone services) which is made available to users by means of any transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature, by wire, radio, visual or other electromagnetic means but shall not include broadcasting services:

²[Provided that the Central Government may notify other service to be telecommunication service including broadcasting services.]

(2) Words and expressions used and not defined in this Act but defined in the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933) shall have the meanings respectively assigned to them in those Acts.

(3) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall in relation to that State be construed as a reference to the corresponding law, if any, in that State.

COMMENTS

To understand the meaning of 'licensee' sub-section (1) of section 4 of the Indian Telegraph Act, 1885 is reproduced below:

- (1) Within India, the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the Central Government may grant a licence, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India:

Provided further that the Central Government may, by rules made under this Act and published in the Official Gazette, permit, subject to such restrictions and conditions as it thinks fit, the establishment, maintenance and, working—

- (a) of wireless telegraphs on ships within Indian territorial waters and on aircraft within or above India, or Indian territorial waters and
- (b) of telegraphs other than wireless telegraphs within any part of India

1. Subs. by Act 2 of 2000, sec. 3, for "Government" (w.r.e.f. 24-1-2000).

2. Ins. by Act 2 of 2000, sec. 3 (w.r.e.f. 24-1-2000).

CHAPTER II

TELECOM REGULATORY AUTHORITY OF INDIA

3. Establishment and incorporation of Authority.—(1) With effect from such date as the Central Government may, by notification appoint, there shall be established, for the purposes of this Act, an Authority to be called the Telecom Regulatory Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

¹[(3) The Authority shall consist of a Chairperson, and not more than two whole-time members and not more than two part-time members, to be appointed by the Central Government.]

(4) The head office of the Authority shall be at New Delhi.

²4. Qualifications for appointment of Chairperson and other members.—The Chairperson and other members of the Authority shall be appointed by the Central Government from amongst persons who have special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management or consumer affairs:

Provided that a person who is, or has been, in the service of Government shall not be appointed as a member unless such person has held the post of Secretary or Additional Secretary, or the post of Additional Secretary and Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than three years.]

5. Term of office, conditions of service, etc., of Chairperson and other members.—(1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.

³[(2) The Chairperson and other members shall hold office for a term not exceeding three years, as the Central Government may notify in this behalf, from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier.

(3) On the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, a person appointed as Chairperson of the Authority and every other person appointed as member and holding office as such immediately before such commencement shall vacate their respective offices and such Chairperson and such other members shall be entitled to claim compensation not exceeding three months pay and allowances for the premature termination of the term of their offices or of any contract of service.]

1. Subs. by Act 2 of 2000, sec. 4, for sub-section (3) (w.r.e.f. 24-1-2000).

2. Subs. by Act 2 of 2000, sec. 5, for section 4 (w.r.e.f. 24-1-2000).

3. Subs. by Act 2 of 2000, sec. 6, for sub-sections (2) and (3) (w.r.e.f. 24-1-2000).

(4) The employee of the Government on his ¹[selection as the Chairperson or whole-time member] shall have to retire from service before ²[joining as the Chairperson or a whole-time member].

(5) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and ³[whole-time members] shall be such as may be prescribed.

(6) The salary, allowances and other conditions of service of the Chairperson or of a member shall not be varied to his disadvantage after appointment.

⁴[(6A) The part-time members shall receive such allowances as may be prescribed.]

(7) Notwithstanding anything contained in sub-section (2) ⁵[***], a member may—

- (a) relinquish his office by giving in writing to the Central Government notice of not less than three months; or
- (b) be removed from his office in accordance with the provisions of section 7.

⁶[(8) The Chairperson and the whole-time members shall not, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept—

- (a) any employment either under the Central Government or under any State Government; or
- (b) any appointment in any company in the business of telecommunication services.]

(9) A vacancy caused to the office of the Chairperson or any other member shall be filled up within a period of three months from the date on which such vacancy occurs.

⁷[***]

1. Subs. by Act 2 of 2000, sec. 6, for "selection as member" (w.r.e.f. 24-1-2000).
2. Subs. by Act 2 of 2000, sec. 6, for "joining as member" (w.r.e.f. 24-1-2000).
3. Subs. by Act 2 of 2000, sec. 6, for "other members" (w.r.e.f. 24-1-2000).
4. Ins. by Act 2 of 2000, sec. 6 (w.r.e.f. 24-1-2000).
5. The words "or sub-section (3)" omitted by Act 2 of 2000, sec. 6 (w.r.e.f. 24-1-2000).
6. Subs. by Act 20 of 2014, sec. 2(i), for sub-section (8) (w.r.e.f. 28-5-2014). Earlier sub-section (8) was amended by Act 2 of 2000, sec. 6 (w.r.e.f. 24-1-2000). Sub-section (8), before substitution by Act 20 of 2014, stood as under:

"(8) The Chairperson or any whole-time member ceasing to hold office as such, shall—

 - (a) be ineligible for further employment under the Central Government or any State Government; or
 - (b) not accept any commercial employment, for a period of one year from the date he ceases to hold such office:

Provided that nothing contained in this sub-section shall apply to the Chairperson or a member who has ceased to hold office under sub-section (3) and such Chairperson or member shall be eligible for re-appointment in the Authority or appointment in the Appellate Tribunal."
7. *Explanation* omitted by Act 20 of 2014, sec. 2(ii) (w.r.e.f. 28-5-2014). The *Explanation*, before omission, stood as under:

"*Explanation*.—For the purpose of this section, "commercial employment" means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant."

6. Powers of Chairperson and Vice-Chairperson.—(1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.

(2) The Central Government may appoint one of the members to be a Vice-Chairperson of the Authority who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the Authority.

7. Removal and suspension of member from office in certain circumstances.—(1) The Central Government may remove from office any member, who,—

- (a) has been adjudged 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 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.

¹[(2) No such member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.]

8. Meetings.—(1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, Vice-Chairperson and in his absence, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.

(4) The Authority may make regulations for the transaction of business at its meetings.

9. Vacancies, etc., not to invalidate proceedings of Authority.—No act or proceeding of the Authority shall be invalid merely by reason of—

1. Subs. by Act 2 of 2000, sec. 7, for sub-sections (2) and (3) (w.r.e.f. 24-1-2000).

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

10. Officers and other employees of Authority.—(1) The Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable to and the other conditions of service of the officers and other employees of the Authority appointed under sub-section (1) shall be such as may be ¹[prescribed]:

²[Provided that any regulation, in respect of the salary and allowances payable to and other conditions of service of the officers and other employees of the Authority, made before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall cease to have effect immediately on the notification of rules made under clause (ca) of sub-section (2) of section 35.]

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

11. Functions of Authority.—³(1) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885), the functions of the Authority shall be to—

- (a) make recommendations, either *suo motu* or on a request from the licensor, on the following matters, namely:—
 - (i) need and timing for introduction of new service provider;
 - (ii) terms and conditions of licence to a service provider;
 - (iii) revocation of licence for non-compliance of terms and conditions of licence;
 - (iv) measures to facilitate competition and promote efficiency in the operation of telecommunication services so as to facilitate growth in such services;
 - (v) technological improvements in the services provided by the service providers;
 - (vi) type of equipment to be used by the service providers after inspection of equipment used in the network;
 - (vii) measures for the development of telecommunication technology and any other matter relatable to telecommunication industry in general;
 - (viii) efficient management of available spectrum;

1. Subs. by Act 2 of 2000, sec. 8, for "determined by regulations" (w.r.e.f. 24-1-2000).

2. Ins. by Act 2 of 2000, sec. 8 (w.r.e.f. 24-1-2000).

3. Subs. by Act 2 of 2000, sec. 9, for sub-section (1) (w.r.e.f. 24-1-2000).

- (b) discharge the following functions, namely:—
- (i) ensure compliance of terms and conditions of licence;
 - (ii) notwithstanding anything contained in the terms and conditions of the licence granted before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, fix the terms and conditions of inter-connectivity between the service providers;
 - (iii) ensure technical compatibility and effective inter-connection between different service providers;
 - (iv) regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services;
 - (v) lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;
 - (vi) lay-down and ensure the time period for providing local and long distance circuits of telecommunication between different service providers;
 - (vii) maintain register of interconnect agreements and of all such other matters as may be provided in the regulations;
 - (viii) keep register maintained under clause (vii) open for inspection to any member of public on payment of such fee and compliance of such other requirement as may be provided in the regulations;
 - (ix) ensure effective compliance of universal service obligations;
- (c) levy fees and other charges at such rates and in respect of such services as may be determined by regulations;
- (d) perform such other functions including such administrative and financial functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act:

Provided that the recommendations of the Authority specified in clause (a) of this sub-section shall not be binding upon the Central Government:

Provided further that the Central Government shall seek the recommendations of the Authority in respect of matters specified in sub-clauses (i) and (ii) of clause (a) of this sub-section in respect of new licence to be issued to a service provider and the Authority shall forward its recommendations within a period of sixty days from the date on which that Government sought the recommendations:

Provided also that the Authority may request the Central Government to furnish such information or documents as may be necessary for the purpose of making recommendations under sub-clauses (i) and (ii) of clause (a) of this sub-section and that Government shall supply such information within a period of seven days from receipt of such request:

Provided also that the Central Government may issue a licence to a service provider if no recommendations are received from the Authority within the period specified in the second proviso or within such period as may be mutually agreed upon between the Central Government and the Authority:

Provided also that if the Central Government having considered that recommendation of the Authority, comes to a *prima facie* conclusion that such recommendation cannot be accepted or needs modifications, it shall, refer the recommendation back to the Authority for its reconsideration, and the Authority may within fifteen days from the date of receipt of such reference, forward to the Central Government its recommendation after considering the reference made by that Government. After receipt of further recommendation if any, the Central Government shall take a final decision.]

(2) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885), the Authority may, from time to time, by order, notify in the Official Gazette the rates at which the telecommunication services within India and outside India shall be provided under this Act including the rates at which messages shall be transmitted to any country outside India:

Provided that the Authority may notify different rates for different persons or class of persons for similar telecommunication services and where different rates are fixed as aforesaid the Authority shall record the reasons therefor.

(3) While discharging its functions ¹[under sub-section (1) or sub-section (2)] the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(4) The Authority shall ensure transparency while exercising its powers and discharging its functions.

12. Powers of Authority to call for information, conduct investigations, etc.—(1) Where the Authority considers it expedient so to do, it may, by order in writing,—

- (a) call upon any service provider at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require; or
- (b) appoint one or more persons to make an inquiry in relation to the affairs of any service provider; and
- (c) direct any of its officers or employees to inspect the books of account or other documents of any service provider.

(2) Where any inquiry in relation to the affairs of a service provider has been undertaken under sub-section (1),—

- (a) every officer of the Government Department, if such service provider is a department of the Government;
- (b) every director, manager, secretary or other officer, if such service provider is a company; or

1. Subs. by Act 2 of 2000, sec. 9, for "under sub-section (1)" (w.r.e.f. 24-1-2000).

- (c) every partner, manager, secretary or other officer, if such service provider is a firm; or
- (d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (b) and (c),

shall be bound to produce before the Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

(3) Every service provider shall maintain such books of account or other documents as may be prescribed.

(4) The Authority shall have the power to issue such directions to service providers as it may consider necessary for proper functioning by service providers.

13. Power of Authority to issue directions.—The Authority may, for the discharge of its functions under sub-section (1) of section 11, issue such directions from time to time to the service providers, as it may consider necessary:

¹[Provided that no direction under sub-section (4) of section 12 or under this section shall be issued except on the matters specified in clause (b) of sub-section (1) of section 11.]

²[CHAPTER IV

APPELLATE TRIBUNAL

14. Establishment of Appellate Tribunal.—The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Telecom Disputes Settlement and Appellate Tribunal to—

- (a) adjudicate any dispute—
 - (i) between a licensor and a licensee;
 - (ii) between two or more service providers;
 - (iii) between a service provider and a group of consumers:

Provided that nothing in this clause shall apply in respect of matters relating to—

- (A) the monopolistic trade practice, restrictive trade practice and unfair trade practice which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);
- (B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a

1. Ins. by Act 2 of 2000, sec. 10 (w.r.e.f. 24-1-2000).

2. Chapter IV (containing sections 14, 14A to 14N) substituted by Act 2 of 2000, sec. 11, for Chapter IV (w.r.e.f. 24-1-2000).

Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986 (68 of 1986);

- (C) dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885 (13 of 1885);
- (b) hear and dispose of appeal against any direction, decision or order of the Authority under this Act.
- ¹[(c) exercise jurisdiction, powers and authority conferred on—
- (i) the Appellate Tribunal under the Information Technology Qualifications, Act, 2000 (21 of 2000); and
- (ii) the Appellate Tribunal under the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008).]

14A. Application for settlement of disputes and appeals to Appellate Tribunal.—(1) The Central Government or a State Government or a local authority or any person may make an application to the Appellate Tribunal for adjudication of any dispute referred to in clause (a) of section 14.

(2) The Central Government or a State Government or a local authority or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Appellate Tribunal.

(3) Every appeal under sub-section (2) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(4) On receipt of an application under sub-section (1) or an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.

(5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Authority, as the case may be.

(6) The application made under sub-section (1) or the appeal preferred under sub-section (2) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be:

Provided that where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.

(7) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness, of any dispute made in any application under sub-section (1), or of any direction or order or decision of the Authority referred to in the appeal preferred under sub-section (2), on its own motion or otherwise, call for the records relevant to deposing of such application or appeal and make such orders as it thinks fit.

1. Ins. by Finance Act, 2017 (7 of 2017), sec. 168(a).

14B. Composition of Appellate Tribunal.—(1) The Appellate Tribunal shall consist of a Chairperson and not more than two Members to be appointed, by notification, by the Central Government.

(2) The selection of Chairperson and Members of the Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India.

(3) Subject to the provisions of this Act,—

- (a) the jurisdiction of the Appellate Tribunal may be exercised by the Benches thereof;
- (b) a Bench may be constituted by the Chairperson of the Appellate Tribunal with one or two Members of such Tribunal as the Chairperson may deem fit;
- (c) the Benches of the Appellate Tribunal shall ordinarily sit at New Delhi and at such other places as the Central Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;
- (d) the Central Government shall notify the areas in relation to which each Bench of the Appellate Tribunal may exercise its jurisdiction.

(4) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of such Tribunal from one Bench to another Bench.

(5) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member of the Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson to such Bench as the Chairperson may deem fit.

14C. Qualifications for appointment of Chairperson and Members.—A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he—

- (a) in the case of Chairperson, is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
- (b) in the case of a Member, has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than two years or a person who is well versed in the field of technology, telecommunication, industry, commerce or administration.

14D. Term of office.—The Chairperson and every other Member of the Appellate Tribunal shall hold office as such for a term not exceeding three years from the date on which he enters upon his office:

Provided that no Chairperson or other Member shall hold office as such after he has attained,—

- (a) in the case of Chairperson, the age of seventy years;
- (b) in the case of any other Member, the age of sixty-five years.

14E. Terms and conditions of service.—The salary and allowances payable to and the other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member of the Appellate Tribunal shall be varied to his disadvantage after appointment.

14F. Vacancies.—If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance with the

provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

14G. Removal and resignation.—(1) The Central Government may remove from office, the Chairperson or any Member of the Appellate Tribunal, who—

- (a) has been adjudged 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 the Chairperson or a Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Appellate Tribunal shall not be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an enquiry, held by it in accordance with such procedure as it may specify in this behalf, reported that the Chairperson or a Member ought on such ground or grounds to be removed.

(3) The Central Government may suspend from office, the Chairperson or a Member of the Appellate Tribunal in respect of whom a reference has been made to the Supreme Court under sub-section (2), until the Central Government has passed an order on receipt of the report of the Supreme Court on such reference.

¹[14GA. Qualifications, terms and conditions of service of Chairperson and Member.—Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act:

Provided that the Chairperson and Member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force.]

14H. Staff of Appellate Tribunal.—(1) The Central Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.

(2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.

(3) The salaries and allowances and other conditions of service of such officers and employees of the Appellate Tribunal shall be such as may be prescribed.

14-I. Distribution of business amongst Benches.—Where Benches are constituted, the Chairperson of the Appellate Tribunal may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench.

1. Ins. by Finance Act, 2017 (7 of 2017), sec. 168(b).

14J. Power of Chairperson to transfer cases.—On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

14K. Decision to be by majority.—If the Members of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall hear the point or points himself and such point or points shall be decided according to the opinion of the majority who have heard the case, including those who first heard it.

14L. Members, etc., to be public servants.—The Chairperson, Members and other officers and employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

14M. Transfer of pending cases.—All applications, pending for adjudication of disputes before the Authority immediately before the date of establishment of the Appellate Tribunal under this Act, shall stand transferred on that date to such Tribunal:

Provided that all disputes being adjudicated under the provisions of Chapter IV as it stood immediately before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall continue to be adjudicated by the Authority in accordance with the provisions, contained in that Chapter, till the establishment of the Appellate Tribunal under the said Act:

Provided further that all cases referred to in the first proviso shall be transferred by the Authority to the Appellate Tribunal immediately on its establishment under section 14.

14N. Transfer of appeals.—(1) All appeals pending before the High Court immediately before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall stand transferred to the Appellate Tribunal on its establishment under section 14.

(2) Where any appeal stands transferred from the High Court to the Appellate Tribunal under sub-section (1),—

- (a) the High Court shall, as soon as may be after such transfer, forward the records of such appeal to the Appellate Tribunal; and
- (b) the Appellate Tribunal may, on receipt of such records, proceed to deal with such appeal, so far as may be from the stage which was reached before such transfer or from any earlier stage or *de novo* as the Appellate Tribunal may deem fit.]

15. Civil court not to have jurisdiction.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

16. Procedure and powers of Appellate Tribunal.—(1) The Appellate Tribunal 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, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.

(2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document, from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing an application for default or deciding it, *ex parte*;
- (h) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*; and
- (i) any other matter which may be prescribed.

(3) Every proceeding before the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (45 of 1860) and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

17. Right to legal representation.—The applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal.

Explanation.—For the purposes of this section,—

- (a) “chartered accountant” means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 (38 of 1949) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;
- (b) “company secretary” means a company secretary as defined in clause (c) of sub-section (1) of section 2 of the Company Secretaries Act, 1980 (56 of 1980) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;
- (c) “cost accountant” means a cost accountant as defined in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959 (23 of 1959), and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

- (d) "legal practitioner" means an advocate, *vakil* or an attorney of any High Court, and includes a pleader in practice.

18. Appeal to Supreme Court.—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

19. Orders passed by Appellate Tribunal to be executable as a decree.—(1) An order passed by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

20. Penalty for wilful failure to comply with orders of Appellate Tribunal.—If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.]

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

21. Grants by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority.

22. Fund.—(1) There shall be constituted a fund to be called the Telecom Regulatory Authority of India General Fund and there shall be credited thereto—

- (a) all grants, fees and charges received by the Authority under this Act; and
- (b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

- (2) The Fund shall be applied for meeting—
- (a) the salaries and allowances payable to the Chairperson and members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and
 - (b) the expenses on objects and for purposes authorised by this Act.

23. Accounts and audit.—(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such auditor shall be payable by the Authority to the Comptroller and Auditor-General of India.

¹[*Explanation.*—For the removal of doubts it is hereby declared that the decisions of the Authority taken in discharge of its functions under clause (b) of sub-section (1) and sub-section (2) of section 11 and section 13, being matters appealable to the Appellate Tribunal, shall not be subject to audit under this section.]

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

24. Furnishing of returns, etc., to Central Government.—(1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the telecommunication services, as the Central Government from time to time, require.

(2) The Authority shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

1. Ins. by Act 2 of 2000, sec. 12 (w.r.e.f. 24-1-2000).

CHAPTER VI
MISCELLANEOUS

25. Power of Central Government to issue directions.—(1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(2) Without prejudice to the foregoing provisions, the Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

26. Members, officers and employees of Authority to be public servants.—All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

COMMENTS

Section 21 of the Indian Penal Code, 1860 is reproduced below:

21. "Public servant".—The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:—

First.—[Omitted]

Second.—Every commissioned officer in the Military, Naval or Air Forces of India;

Third.—Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

Fourth.—Every officer of a Court of Justice (including a liquidator, receiver or commissioner) whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth.—Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.—Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.—Every officer whose duty it is, as such officer, to take, receive, keep or extend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

Tenth.—Every officer whose duty it is, as such officer, to take, receive, keep or expand any property, to make any survey or assessment or to levy any rate of tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh.—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Twelfth.—Every person—

- (a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
- (b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

Illustration

A Municipal Commissioner is a public servant.

Explanation 1.—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

Explanation 3.—The word “election” denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

27. Bar of jurisdiction.—No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine.

28. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

29. Penalty for contravention of directions of Authority.—If a person violates directions of the Authority, such person shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which the default continues.

30. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the

conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

31. Offences by Government Departments.—(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

32. Exemption from tax on wealth and income.—Notwithstanding anything contained in the Wealth-tax Act, 1957 (27 of 1957), the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of their wealth, income, profits or gains derived.

33. Delegation.—The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle dispute under Chapter IV and to make regulation under section 36) as it may deem necessary.

34. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Authority.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

35. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the salary and allowances payable to and the other conditions of service of the Chairperson and members under sub-section (5) of section 5;
- ¹[(aa) the allowance payable to the part-time members under sub-section (6A) of section 5;]
- (b) the powers and functions of the Chairperson under sub-section (1) of section 6;
- (c) the procedure for conducting an inquiry made under sub-section (2) of section 7;
- ¹[(ca) the salary and allowances and other conditions of service of officers and other employees of the Authority under sub-section (2) of section 10;]
- (d) the category of books of account or other documents which are required to be maintained under sub-section (3) of section 12;
- ¹[(da) the form, the manner of its verification and the fee under sub-section (3) of section 14A;
- (db) the salary and allowances payable to and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under section 14E;
- (dc) the salary and allowances and other conditions of service of the officers and employees of the Appellate Tribunal under sub-section (3) of section 14H;
- (dd) any other power of a civil court required to be prescribed under clause (i) of sub-section (2) of section 16;]
- (e) the period within which an application is to be made under sub-section (1) of section 15;
- (f) the manner in which the accounts of the Authority shall be maintained under sub-section (1) of section 23;
- (g) the time within which and the form and manner in which returns and report are to be made to the Central Government under sub-sections (1) and (2) of section 24;
- (h) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

36. Power to make regulations.—(1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

1. Ins. by Act 2 of 2000, sec. 13 (w.r.e.f. 24-1-2000).

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (1) of section 8, including quorum necessary for the transaction of business;
- (b) the transaction of business at the meetings of the Authority under sub-section (4) of section 8;

¹[***]

- (d) matters in respect of which register is to be maintained by the authority ²[under sub-clause (vii) of clause (b)] of sub-section (1) of section 11;
- (e) levy of fee and lay down such other requirements on fulfilment of which a copy of register may be obtained ³[under sub-clause (viii) of clause (b)] of sub-section (1) of section 11;
- (f) levy of fees and other changes ⁴[under clause (c)] of sub-section (1) of section 11;

37. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

38. Application of certain laws.—The provisions of this Act shall be in addition to the provisions of the Indian Telegraph Act, 1885 (13 of 1885) and the Indian Wireless Telegraphy Act, 1933 (17 of 1933) and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the Telegraph Authority in relation to any area falling within the jurisdiction of such Authority.

39. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

1. Clause (c) omitted by Act 2 of 2000, sec. 14 (w.r.e.f. 24-1-2000).

2. Subs. by Act 2 of 2000, sec. 14, for "under clause (l)" (w.r.e.f. 24-1-2000).

3. Subs. by Act 2 of 2000, sec. 14, for "under clause (m)" (w.r.e.f. 24-1-2000).

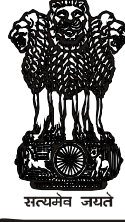
4. Subs. by Act 2 of 2000, sec. 14, for "under clause (p)" (w.r.e.f. 24-1-2000).

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

40. Repeal and saving.—(1) The Telecom Regulatory Authority of India Ordinance, 1997 (Ord. 11 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 12 फरवरी, 2020

सा.का.नि. 109(अ).—केंद्रीय सरकार, वित्त अधिनियम, 2017 (2017 का 7) की धारा 184 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :--

1. संक्षिप्त नाम, प्रारंभ और लागू होना.—(1) इन नियमों का संक्षिप्त नाम अधिकरण, अपील अधिकरण और अन्य प्राधिकरण (सदस्यों की अर्हताएं, अनुभव और अन्य सेवा शर्तें) नियम, 2017 है।

(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

(3) ये नियम वित्त अधिनियम, 2017 (2017 का 7) की आठवीं अनुसूची के स्तंभ (2) में यथा-विनिर्दिष्ट, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, सदस्य को लागू होंगे।

2. परिभाषाएं.—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,--

(क) “अधिनियम” से वित्त अधिनियम, 2017 (2017 का 7) की आठवीं अनुसूची के स्तंभ (3) में विनिर्दिष्ट अधिनियम अभिप्रेत है ;

(ख) “लेखा सदस्य”, “प्रशासनिक सदस्य”, “न्यायिक सदस्य”, “विशेषज्ञ सदस्य”, “विधि सदस्य”, “राजस्व सदस्य” या “तकनीकी सदस्य” से, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का

अधिनियम के तत्स्थानी उपबंधों के अधीन नियुक्त लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य अभिप्रेत है ;

- (ग) “अपील अधिकरण”, “प्राधिकरण” या “अधिकरण” का वही अर्थ है, जो अधिनियम के तत्स्थानी उपबंधों में उनका है ;
- (घ) “अध्यक्ष” से अधिनियम के तत्स्थानी उपबंधों के अधीन नियुक्त, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष अभिप्रेत है ;
- (ङ) “सदस्य” से लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य अभिप्रेत है और इसके अंतर्गत, यथास्थिति, प्रतिभूति अपील अधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी या उपाध्यक्ष है ;
- (च) “पीठासीन अधिकारी” से भारतीय प्रतिभूति और विनिमय बोर्ड अधिनियम, 1992 (1992 का 15) की धारा 15ठ के अधीन नियुक्त प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी, बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) की धारा 4 की उपधारा (1) के अधीन नियुक्त ऋण वसूली अधिकरण का पीठासीन अधिकारी और केंद्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क की उपधारा (1) के अधीन नियुक्त औद्योगिक अधिकरण का पीठासीन अधिकारी अभिप्रेत है ;
- (छ) “खोजबीन-सह-चयन समिति” से नियम 4 में निर्दिष्ट खोजबीन-सह-चयन समिति अभिप्रेत है ;
- (ज) “उपाध्यक्ष” से, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का उपाध्यक्ष अभिप्रेत है ;
- (झ) उन शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, क्रमशः वही अर्थ होंगे जो उनका संबंधित अधिनियमों में है ।

3. सदस्य की नियुक्ति के लिए अर्हताएं.—यथास्थिति, अधिकरण, अपील अधिकरण, प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य की नियुक्ति के लिए अर्हताएं वह होगी, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (3) में विनिर्दिष्ट हैं ।

4. भर्ती की पद्धति.—(1) यथास्थिति, अधिकरण, अपील अधिकरण, प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य की नियुक्ति यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के संबंध में उक्त अनुसूची के स्तंभ (4) में विनिर्दिष्ट खोजबीन-सह-चयन समिति की सिफारिश पर केंद्रीय सरकार द्वारा की जाएगी ।

(2) खोजबीन-सह-चयन समिति, अपनी सिफारिश करने के लिए अपनी प्रक्रिया अवधारित करेगी और, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण की अपेक्षाओं को दृष्टिगत रखते हुए, उपयुक्तता, पिछले निष्पादन का अभिलेख, निष्ठा के साथ-साथ न्यायनिर्णायक अनुभव को ध्यान में रखते हुए, प्रत्येक पद पर नियुक्ति हेतु दो या तीन व्यक्तियों के पैनल की सिफारिश करेगी ।

(3) अधिकरण, अपील अधिकरण या प्राधिकरणों के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य की नियुक्ति केवल इस कारण से ही अविधिमान्य नहीं होगी कि खोजबीन-सह-चयन समिति में कोई रिक्ति या अनुपस्थिति है ।

(4) इस नियम की कोई बात, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य, जो इन नियमों के प्रारंभ होने से ठीक पूर्व उस रूप में कार्य कर रहा है, को लागू नहीं होगी ।

5. चिकित्सक दृष्टया योग्यता.—किसी व्यक्ति को, जिसे केंद्रीय सरकार द्वारा इस निमित्त विनिर्दिष्ट किसी प्राधिकारी द्वारा चिकित्सा दृष्टया योग्य घोषित न कर दिया जाए, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य नियुक्त नहीं किया जाएगा।

6. किसी सदस्य द्वारा त्यागपत्र.—कोई सदस्य, केंद्रीय सरकार को संबोधित अपने हस्ताक्षर सहित लेख द्वारा किसी भी समय पद से त्यागपत्र दे सकेगा :

परंतु सदस्य जब तक कि केंद्रीय सरकार द्वारा उसे पहले पद छोड़ने की अनुज्ञा न प्रदान की जाए, ऐसी सूचना की प्राप्ति की तारीख से तीन मास के अवसान तक या जब तक कि उसके उत्तरवर्ती की उस पद पर सम्यक्तः नियुक्ति न कर दी जाए या उसकी पदावधि की समाप्ति, इनमें जो भी पूर्वतर हो, अपने पद पर बना रहेगा।

7. सदस्य को पद से हटाना.—केंद्रीय सरकार, इस निमित्त उसके द्वारा गठित समिति की सिफारिश पर किसी सदस्य को पद से हटा सकेगी, जिसे

(क) दिवालिया न्यायनिर्णीत किया गया है ;

(ख) ऐसे किसी अपराध के लिए सिद्धदोष ठहराया गया है, जिसमें नैतिक अधमता अंतर्वलित है ;

(ग) शारीरिक रूप से या मानसिक रूप से सदस्य के रूप में कार्य करने में असमर्थ हो गया है ;

(घ) उसने ऐसे वित्तीय या अन्य हित अर्जित किए हैं, जिनसे सदस्य के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है ;

(ङ) उसने अपनी हैसियत का इस प्रकार दुरुपयोग किया है जिससे उसका पद पर बने रहना लोकहित के प्रतिकूल हो गया है :

परंतु जहां किसी सदस्य को खंड (ख) से खंड (ङ) में विनिर्दिष्ट किसी आधार पर हटाया जाना प्रस्तावित है तो वहां सदस्य को उसके विरुद्ध आरोपों की सूचना दी जाएगी और उन आरोपों के संबंध में सुने जाने का अवसर प्रदान किया जाएगा।

8. सदस्य के दुर्व्यवहार या अक्षमता की जांच की प्रक्रिया.—(1) यदि केंद्रीय सरकार को अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के संबंध में दुर्व्यवहार या पद के कृत्यों का पालन करने में अक्षमता के स्पष्ट आरोप का अभिकथन करने की कोई लिखित शिकायत प्राप्त होती है तो वह ऐसी शिकायत की प्रारंभिक संवीक्षा करेगी।

(2) यदि प्रारंभिक संवीक्षा पर, केंद्रीय सरकार की यह राय है कि किसी अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के किसी दुर्व्यवहार या अक्षमता की सच्चाई की जांच करने के लिए युक्तियुक्त आधार है तो वह जांच संचालित करने के लिए खोजबीन-सह-चयन समिति को निर्देश करेगी।

(3) खोजबीन-सह-चयन समिति, उतने समय या उतने और समय के भीतर, जो केंद्रीय सरकार द्वारा विनिर्दिष्ट किया जाए, जांच पूरी करेगी।

(4) खोजबीन-सह-चयन समिति, जांच पूरी होने के पश्चात् केंद्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करेगी, जिसमें वह अपने निष्कर्षों और पृथक् रूप से आरोपों में से प्रत्येक आरोप पर उन के लिए कारणों का और संपूर्ण मामले पर अपनी टिप्पणियों, जो वह ठीक समझे, का कथन करेगी।

(5) खोजबीन-सह-चयन समिति, सिविल प्रक्रिया संहिता, 1908 (1908 का 5) में अधिकथित प्रक्रिया से आबद्ध नहीं होगी किंतु वह नैसर्गिक न्याय के सिद्धांतों द्वारा मार्गदर्शित होगी और उसे अपनी प्रक्रिया को विनियमित करने की शक्ति होगी, जिसके अंतर्गत अपनी जांच के लिए तारीख, स्थान और समय नियत करना भी है।

9. सदस्य की पदावधि.—(1) अध्यक्ष, चार वर्ष की अवधि के लिए या सत्तर वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, पद धारण करेगा :

(2) यथास्थिति, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य चार वर्ष की अवधि के लिए या पैसठ वर्ष की आयु प्राप्त करने तक पद धारण करेगा।

10. आकस्मिक रिक्ति— (1) (क) यथास्थिति, अधिकरण, अपील अधिकरण या प्रतिभूति अपील अधिकरण के अध्यक्ष के पद पर आकस्मिक रिक्ति की दशा में केंद्रीय सरकार को ज्येष्ठतम उपाध्यक्ष को या उसकी अनुपस्थिति में, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के किसी एक लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य को, अध्यक्ष या पीठासीन अधिकारी के रूप में स्थानापन्न के रूप में नियुक्त करने की शक्ति होगी।

(ख) केंद्रीय सरकार को, ऋण वसूली अपील अधिकरण के अध्यक्ष के पद पर आकस्मिक रिक्ति की दशा में किसी अन्य ऋण वसूली अपील अधिकरण के अध्यक्ष को, अध्यक्ष के रूप में स्थानापन्न के रूप में नियुक्त करने की शक्ति होगी और ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी के पद पर आकस्मिक रिक्ति की दशा में ऋण वसूली अपील अधिकरण के अध्यक्ष को किसी अन्य ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी को स्थानापन्न पीठासीन अधिकारी के रूप में नियुक्त करने की शक्ति होगी।

11. वेतन और भत्ते.—(1) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, या प्रतिभूति अपील अधिकरण के पीठासीन अधिकारी को 2,50,000/- रुपए (नियत) और केंद्रीय सरकार के समान वेतन वाले समूह 'क' पदधारण करने वाले अधिकारी को अनुज्ञेय अन्य भत्ते और फायदों का संदाय किया जाएगा।

(2) यथास्थिति, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य को 2,25,000/- रुपए के वेतन का संदाय किया जाएगा और वह भारत सरकार के समान वेतन वाला पदधारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय भत्तों को प्राप्त करने का हकदार होगा।

(3) केंद्रीय सरकार द्वारा गठित ऋण वसूली अधिकरण के पीठासीन अधिकारी या औद्योगिक अधिकरण के पीठासीन अधिकारी को 1,44,200-2,18,200/- रुपए के वेतन का संदाय किया जाएगा और वह भारत सरकार के समान वेतन वाला पदधारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय भत्तों को प्राप्त करने का हकदार होगा।

(4) किसी ऐसे व्यक्ति के, यथास्थिति, अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के रूप में नियुक्ति की दशा में, जो किसी पेंशन को प्राप्त कर रहा है, ऐसे व्यक्ति के वेतन को उसके द्वारा अर्हित पेंशन की सकल रकम से कम कर दिया जाएगा।

12. पेंशन, उपदान और भविष्य निधि.—(1) उच्चतम न्यायालय या किसी उच्च न्यायालय के सेवारत न्यायाधीश या किसी अधिकरण के न्यायिक सदस्य या भारतीय विधिक सेवा के सदस्य या किसी संगठित सेवा के सदस्य की दशा में, जिसकी नियुक्ति प्रतिभूति अपील अधिकरण के अध्यक्ष या पीठासीन अधिकारी के रूप में की जाती है, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण में की गई सेवा को उस सेवा के नियमों के अनुसार, जिससे वह संबंध रखता है, पेंशन के लिए गणना में लिया जाएगा और वह साधारण भविष्य निधि (केंद्रीय सेवाएं) नियम, 1960 और उसे लागू पेंशन नियमों के उपबंधों द्वारा शासित होगा।

(2) सभी अन्य मामलों में लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य अभिदायी भविष्य निधि (भारत) नियम, 1962 और अभिदायी पेंशन प्रणाली के उपबंधों द्वारा शासित होगा।

(3) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण में की गई सेवा के लिए अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होगा।

13. छुट्टी.—(1) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य सेवा के प्रत्येक वर्ष के लिए तीस दिन की अर्जित छुट्टी का हकदार होगा।

(2) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य को किसी कलेंडर वर्ष में आठ दिन से अनधिक आकस्मिक छुट्टी अनुदत्त की जाएगी।

(3) छुट्टी के दौरान छुट्टी वेतन, केंद्रीय सिविल सेवा (छुट्टी) नियम, 1972 के नियम 40 द्वारा शासित होगा।

(4) अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य इस शर्त के अधीन रहते हुए कि अधिकतम छुट्टी नकदीकरण, जिसके अंतर्गत पूर्व सेवा से सेवानिवृत्ति के समय प्राप्त रकम भी है, उसके खाते में जमा अर्जित छुट्टी के संबंध में छुट्टी के नकदीकरण का हकदार होगा कि उसके द्वारा प्राप्त रकम केंद्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन विहित सीमा से अधिक नहीं होगा।

14. छुट्टी मंजूर करने वाला प्राधिकारी.—(1) (क) ऋण वसूली अधिकरण और औद्योगिक अधिकरण के उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के लिए छुट्टी मंजूर करने वाला प्राधिकारी, अध्यक्ष होगा ; और

(ख) प्रतिभूति अपील अधिकरण के अध्यक्ष, पीठासीन अधिकारी की छुट्टी मंजूर करने वाला प्राधिकारी, केंद्रीय सरकार होगी, जो प्रतिभूति अपील अधिकरण के अध्यक्ष की अनुपस्थिति की दशा में लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य या सदस्य के लिए भी छुट्टी मंजूर करने वाला प्राधिकारी होगी।

(2) केंद्रीय सरकार अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य के लिए विदेश यात्रा हेतु मंजूर करने वाला प्राधिकारी होगी।

15. गृह किराया भत्ता.—अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य या सदस्य उसी दर पर गृह किराया भत्ते के हकदार होंगे, जो भारत सरकार के समान वेतन वाले पद धारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय है।

16. परिवहन भत्ता.—अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य भारत सरकार के समान वेतन वाले पद धारण करने वाले समूह 'क' अधिकारी को यथा अनुज्ञेय सुविधाओं के अनुसार स्टाफ कार नियम के उपबंधों के अनुसार शासकीय और प्राइवेट प्रयोजनों के लिए स्टाफ कार की सुविधा के हकदार होंगे।

17. वित्तीय और अन्य हितों की घोषणा.—अध्यक्ष, उपाध्यक्ष लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य अपना पद धारण करने से पूर्व अपनी आस्तियों और अपने उत्तरदायित्वों तथा वित्तीय और अन्य हितों को घोषित करेगा।

18. सेवा की अन्य शर्तें.—(1) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य या तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य, जिसके संबंध में इन नियमों में कोई अभिव्यक्त उपबंध नहीं किया गया है, की सेवा के निबंधन और शर्तें वे होंगी, जो भारत सरकार के समान वेतन वाला पद धारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय हैं।

(2) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य किसी अधिकरण, अपील अधिकरण या प्राधिकरण के समक्ष, यथास्थिति, उस अधिकरण, अपील अधिकरण या प्राधिकरण से सेवानिवृत्ति के पश्चात् व्यवसाय नहीं करेंगे।

(3) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य, अधिकरण, अपील अधिकरण या प्राधिकरण में इन हैसियतों में कार्य करते हुए कोई माध्यस्थम् संबंधी कार्य नहीं करेगा।

(4) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य उस

तारीख से, जिसको वह अपना पद धारण करने से प्रविरत हो जाता है, दो वर्ष की अवधि के लिए किसी ऐसे व्यक्ति का, जो, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के समक्ष किसी कार्यवाही का पक्षकार रहा है, कोई नियोजन स्वीकार नहीं करेगा या उसके प्रबंधन या प्रशासन से नहीं जुड़ेगा :

परंतु इस नियम में अंतर्विष्ट कोई बात केंद्रीय सरकार या किसी राज्य सरकार या स्थानीय प्राधिकरण या किसी कानूनी निकाय या किसी केंद्रीय अधिनियम, राज्य अधिनियम या प्रादेशिक अधिनियम के द्वारा या उसके अधीन स्थापित किसी कानूनी प्राधिकरण या किसी निगम या कंपनी अधिनियम, 2013 (2013 का 18) की धारा 2 के खंड (45) में यथापरिभाषित किसी सरकारी कंपनी के अधीन किसी नियोजन को लागू नहीं होगी ।

19. पद और गोपनीयता की शपथ.—अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य के रूप में नियुक्त होने वाला प्रत्येक व्यक्ति अपना पद ग्रहण करने से पूर्व इन नियमों से उपाबद्ध प्ररूप 1 और प्ररूप 2 में पद और गोपनीयता की शपथ लेगा तथा उस पर हस्ताक्षर करेगा ।

प्ररूप 1

(नियम 19 देखिए)

..... (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य, सदस्य के लिए पद की शपथ का प्ररूप

मैं अमुक (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में नियुक्त किए जाने पर

ईश्वर की शपथ लेता हूँ/सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि मैं श्रद्धापूर्वक और शुद्ध अंतःकरण से (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में अपने कर्तव्यों का अपनी पूरी योग्यता, ज्ञान और विवेक से भय या पक्षपात, अनुराग या द्वेष के बिना निर्वहन करूंगा और मैं संविधान और देश की विधियों की मर्यादा को बनाए रखूंगा ।

प्ररूप 2

(नियम 19 देखिए)

.....(अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के लिए गोपनीयता की शपथ का प्ररूप

मैं.....अमुक (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/सदस्य के रूप में नियुक्त किए जाने पर ईश्वर की शपथ लेता हूँ/सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि जो विषय मेरे विचार के लिए लाया जाएगा अथवा मुझे ज्ञात होगा उसे किसी व्यक्ति या व्यक्तियों को तब के सिवाय जबकि ऐसे (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/ लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में अपने कर्तव्यों के सम्यक् निर्वहन के लिए ऐसा करना अपेक्षित हो, मैं प्रत्यक्ष या अप्रत्यक्ष रूप से संसूचित या प्रकट नहीं करूंगा ।

अनुसूची

(नियम 3 और 4 देखिए)

क्रम सं.	अधिकरण, अपील अधिकरण या प्राधिकरण का नाम	अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य या सदस्य की नियुक्ति के लिए अर्हता	खोजबीन-सह-चयन समिति की संरचना
(1)	(2)	(3)	(4)
1.	केंद्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के अधीन गठित औद्योगिक अधिकरण	कोई सदस्य पीठासीन अधिकारी के रूप में नियुक्ति के लिए अर्हित नहीं होगा, जब तक,-- (क) वह उच्च न्यायालय का न्यायाधीश नहीं है, या नहीं रहा है; या (ख) वह, दस वर्ष की संयुक्त अवधि के लिए, जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है; या	पीठासीन अधिकारी के लिए खोजबीन-सह-चयन समिति : (i) भारत के मुख्य न्यायमूर्ति या उनके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश – अध्यक्ष (ii) राष्ट्रीय औद्योगिक अधिकरण का पदमुक्त पीठासीन अधिकारी – सदस्य (iii) सचिव, भारत सरकार, श्रम और रोजगार मंत्रालय – सदस्य ;और (iv) सचिव, भारत सरकार, वाणिज्य मंत्रालय उद्योग संवर्धन और आंतरिक व्यापार विभाग – सदस्य
2.	आय-कर अधिनियम, 1961 (1961 का 43) के अधीन आय-कर अपील अधिकरण	(1) कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा, यदि वह किसी उच्च न्यायालय का पीठासीन या सेवानिवृत्त न्यायाधीश नहीं है और जिसने किसी उच्च न्यायालय में या आय-कर अपील अधिकरण के उपाध्यक्ष के रूप में सात वर्ष से अन्यून सेवा नहीं कर ली है। (2) केंद्रीय सरकार आय-कर अपील अधिकरण के एक या अधिक सदस्यों को, यथास्थिति, उसका उपाध्यक्ष या उपाध्यक्ष नियुक्त कर सकेगी। (3) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए कोई व्यक्ति अर्हित नहीं होगा, जब तक, (क) वह, दस वर्ष की संयुक्त अवधि के लिए, जिला न्यायाधीश और अपर न्यायाधीश नहीं रहा है; या (ख) वह भारतीय विधिक सेवा का सदस्य नहीं है और उसने अपर सचिव या कोई समतुल्य या उच्च पद दो वर्ष के लिए धारण नहीं किया है; या (ग) वह पच्चीस वर्ष के लिए अधिवक्ता नहीं रहा है; (4) कोई व्यक्ति लेखा सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा, जब तक, (i) उसने कम से कम पच्चीस वर्ष लेखाकर्म का व्यवसाय नहीं किया है ; (क) वह चार्टर्ड अकाउंटेंट अधिनियम, 1949 (1949 का 38) के अधीन चार्टर्ड अकाउंटेंट नहीं है ; या	अध्यक्ष, उपाध्यक्ष, लेखा सदस्य या न्यायिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति : (i) भारत के मुख्य न्यायमूर्ति या उनके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश – अध्यक्ष (ii) (क) अध्यक्ष की नियुक्ति की दशा में, आय-कर अपील अधिकरण का पदमुक्त अध्यक्ष – सदस्य; या (ख) उपाध्यक्ष या लेखा सदस्य या न्यायिक सदस्य की नियुक्ति की दशा में, आय-कर अपील अधिकरण का अध्यक्ष-सदस्य (iii) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग)- सदस्य (iv) सचिव, भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) –सदस्य

		<p>(ख) वह तत्समय प्रवृत्त किसी विधि के अधीन रजिस्ट्रीकृत लेखाकार नहीं है; या भागतः ऐसा रजिस्ट्रीकृत लेखाकार और भागतः चार्टर्ड अकाउंटेंट नहीं है ; या</p> <p>(ii) वह भारतीय राजस्व सेवा (आय-कर सेवा समूह 'क') का सदस्य नहीं रहा है और उसने प्रधान आयुक्त आय-कर या किसी समतुल्य या उच्चतर पद कम से कम दो वर्ष तक धारण नहीं किया है और उसने न्यायिक, अर्द्धन्यायिक या न्यायनिर्णयन के कृत्यों का तीन वर्ष की अवधि तक निर्वहन नहीं किया है ।</p>	
3.	सीमा-शुल्क अधिनियम, 1962 (1962 का 52) के अधीन सीमाशुल्क, उत्पाद-शुल्क और सेवा कर अपील अधिकरण	<p>(1) कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा, जब तक:</p> <p>(क) वह उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है और जिसने उच्च न्यायालय के न्यायाधीश के रूप में सात वर्ष से अन्यून की सेवा पूरी नहीं की है ; या</p> <p>(ख) वह अपील अधिकरण का सदस्य नहीं है ।</p> <p>(2) कोई सदस्य न्यायिक सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,-</p> <p>(क) वह दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है ; या</p> <p>(ख) वह भारतीय विधिक सेवा का सदस्य नहीं है और उसने अपर सचिव या कोई समतुल्य या उच्च पद दो वर्ष के लिए धारण नहीं किया है; या</p> <p>(ग) वह पच्चीस वर्ष के लिए अधिवक्ता नहीं रहा है ।</p> <p>(3) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक वह भारतीय राजस्व (सीमाशुल्क और केंद्रीय उत्पाद-शुल्क सेवा समूह 'क') का सदस्य न हो और उसने प्रधान आयुक्त सीमाशुल्क या केंद्रीय उत्पाद-शुल्क या कोई समतुल्य या उच्चतर पद दो वर्ष के लिए धारण नहीं किया हो और जिसने न्यायिक, अर्द्धन्यायिक या न्यायनिर्णयन के कृत्यों का निर्वहन तीन वर्ष के लिए न किया हो ।</p>	<p>अध्यक्ष, न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति—</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश- अध्यक्ष</p> <p>(ii)(क) अध्यक्ष की नियुक्ति की दशा में, सीमाशुल्क, उत्पाद-शुल्क और सेवा कर अपील अधिकरण का पदमुक्त अध्यक्ष – सदस्य ; या</p> <p>(ख) न्यायिक सदस्य या तकनीकी सदस्य की नियुक्ति की दशा में सीमाशुल्क, उत्पाद-शुल्क और सेवा कर अपील अधिकरण का अध्यक्ष-सदस्य</p> <p>(iii) सचिव, भारत सरकार, वित्त मंत्रालय(राजस्व विभाग)-सदस्य</p> <p>(iv) सचिव, भारत सरकार, कार्मिक,लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग)- सदस्य</p>
4.	तस्कर और विदेशी मुद्रा छलसाधक (सम्पत्ति समपहरण) अधिनियम, 1976 (1976 का 13) के अधीन अपील अधिकरण	<p>(1) अपील अधिकरण का अध्यक्ष ऐसा व्यक्ति होगा जो उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायाधीश रहा है या है ।</p> <p>(2) अपील अधिकरण का सदस्य ऐसा व्यक्ति होगा जो भारत सरकार में अपर सचिव की पंक्ति से नीचे का न हो या जो किसी समतुल्य या उच्चतर पद पर दो वर्ष रहा हो और जिसने न्यायिक, अर्द्धन्यायिक या न्यायनिर्णयन के कृत्यों का निर्वहन तीन वर्ष के लिए किया हो ।</p>	<p>अध्यक्ष और सदस्य पद के लिए खोजबीन-सह-चयन समिति,-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश - अध्यक्ष</p> <p>(ii)(क) अध्यक्ष की नियुक्ति की दशा में अपील अधिकरण का पदमुक्त अध्यक्ष-सदस्य;</p> <p>(ख) सदस्य की नियुक्ति की दशा में अपील अधिकरण का अध्यक्ष-सदस्य</p>

			<p>(iii) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग)– सदस्य;</p> <p>(iv) सचिव, भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) – सदस्य</p>
5.	प्रशासनिक अधिकरण अधिनियम, 1985 (1985 का 13) के अधीन केन्द्रीय प्रशासनिक अधिकरण	<p>1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक वह, -</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है; या</p> <p>(ख) जिसने केन्द्रीय प्रशासनिक अधिकरण में प्रशासनिक सदस्य या न्यायिक सदस्य के रूप में तीन वर्ष से अन्यून अवधि के लिए पद धारण नहीं किया है।</p> <p>2. कोई व्यक्ति,-</p> <p>(क) न्यायिक सदस्य के रूप में अर्हित नहीं होगा जब तक,-</p> <p>(i) वह किसी उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है; या</p> <p>(ii) जिसने भारत सरकार के विधि कार्य विभाग या विधायी विभाग के सचिव, जिसमें भारत के विधि आयोग का सदस्य – सचिव भी है, का पद कम से कम एक वर्ष तक धारण नहीं किया हो; या</p> <p>(iii) जिसने भारत सरकार के विधि कार्य विभाग या विधायी विभाग का अपर सचिव का पद कम से कम दो वर्ष तक धारण नहीं किया हो; या</p> <p>(iv) और जो दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है।</p> <p>(ख) प्रशासनिक सदस्य के रूप में नियुक्ति के लिए अर्हित होगा, जब तक,-</p> <p>(i) उसने भारत सरकार के सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद कम से कम एक वर्ष तक धारण नहीं किया हो और कम से कम एक वर्ष तक ऐसे पद के वेतनमान में नहीं हो जो भारत सरकार के सचिव के वेतनमान से कम न हो; या</p> <p>(ii) उसने भारत सरकार के अपर सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद कम से कम दो वर्ष तक धारण नहीं किया हो और कम से कम दो वर्ष तक ऐसे पद के वेतनमान में नहीं हो जो भारत सरकार के अपर सचिव के वेतनमान से कम न हो:</p> <p>परंतु अखिल भारतीय सेवा के ऐसे अधिकारी, जो केन्द्रीय प्रतिनियुक्ति पर किसी निम्नतर पद पर थे या हैं, ऐसी तारीख से ऐसे अधिकारी को प्रोफार्मा प्रोन्नति या वास्तविक प्रोन्नति, जो भी पहले हो,</p>	<p>अध्यक्ष, न्यायिक सदस्य और प्रशासनिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश – अध्यक्ष;</p> <p>(ii) (क) अध्यक्ष की नियुक्ति की दशा में केन्द्रीय प्रशासनिक अधिकरण का पदमुक्त अध्यक्ष – सदस्य; या</p> <p>(ख) न्यायिक सदस्य या प्रशासनिक सदस्य की नियुक्ति की दशा में, केन्द्रीय प्रशासनिक अधिकरण का अध्यक्ष-सदस्य</p> <p>(iii) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग – सदस्य</p> <p>(iv) सदस्य, भारत सरकार, विधि और कार्य मंत्रालय, (विधि और कार्य विभाग)- सदस्य</p>

		यथास्थिति, सचिव या अपर सचिव के स्तर पर दी गई थी, यथास्थिति, सचिव या अपर सचिव का पद धारण किए हुए समझे जाएंगे और ऐसी तारीख के पश्चात् केन्द्रीय प्रतिनियुक्ति पर व्यतीत की गई अवधि इस खंड के प्रयोजन के लिए अर्हक सेवा के लिए गिनी जाएगी।	
6.	रेल दावा अधिकरण अधिनियम, 1987 (1987 का 54) के अधीन रेल दावा अधिकरण।	<p>(1) कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ख) यथास्थिति, उपाध्यक्ष, न्यायिक सदस्य या तकनीकी सदस्य के रूप में तीन वर्ष से अन्यून अवधि के लिए पदधारण किया है; या</p> <p>(2) कोई व्यक्ति उपाध्यक्ष (न्यायिक) के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह, -</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ख) भारतीय विधि सेवा का सदस्य रहा है और दो वर्ष के लिए अपर सचिव के पद या किसी समतुल्य या किसी उच्चतर पद पर धारण किया है; या</p> <p>(ग) दो वर्ष से अन्यून अवधि के लिए कोई सिविल न्यायिक पद धारण किया है, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम नहीं है; या</p> <p>(घ) न्यायिक सदस्य के रूप में तीन वर्ष से अन्यून अवधि के लिए पद धारण किया है।</p> <p>(3) कोई व्यक्ति उपाध्यक्ष (तकनीकी) के रूप में नियुक्ति के तभी अर्हित होगा जब उसने,-</p> <p>(क) तीन वर्ष से अन्यून अवधि के लिए तकनीकी सदस्य के रूप में पद धारण किया हो; या</p> <p>(ख) रेल प्रशासन के अधीन दो वर्ष की अन्यून अवधि के लिए ऐसा पद धारण किया है जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम नहीं है और जिसे रेल से सम्बन्धित दावों और वाणिज्यिक विषयों के नियमों और प्रक्रियाओं का पर्याप्त ज्ञान है और इनमें पर्याप्त अनुभव रखता है।</p> <p>(4) कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ख) जिसने जिला न्यायाधीश और अपर न्यायाधीश के पद के लिए दस वर्ष की सयुक्त अवधि का पद धारण किया है।</p> <p>(5) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब वह,-</p>	<p>अध्यक्ष, उपाध्यक्ष (न्यायिक), उपाध्यक्ष (तकनीकी), न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए निम्नलिखित से मिलकर बनी खोजबीन - सह-चयन समिति:-</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का न्यायाधीश- अध्यक्ष;</p> <p>(ii) (क) अध्यक्ष की नियुक्ति के मामले में, रेल दावा अधिकरण का पदमुक्त अध्यक्ष-सदस्य : या</p> <p>(ख) उपाध्यक्ष (न्यायिक), उपाध्यक्ष (तकनीकी), न्यायिक सदस्य, या तकनीकी सदस्य, की नियुक्ति के मामले में अध्यक्ष, रेल दावा अधिकरण -सदस्य</p> <p>(iii) रेल बोर्ड का सदस्य (ट्रैफिक)- सदस्य ; अथवा</p> <p>(iv) सचिव, भारत सरकार, विधि और न्याय मंत्रालय (विधि कार्य विभाग) - सदस्य</p>

		योग्य और ईमानदार तथा अनुभवी व्यक्ति है और रेल से सम्बन्धित वाणिज्यिक विषयों के नियमों और प्रक्रियाओं का विशेष ज्ञान रखता हो और उनमें पच्चीस वर्ष से अन्यून अवधि का अनुभव रखता हो।	
7.	भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1992 (1992 का 15) के अधीन प्रतिभूति अपील अधिकरण	<p>1. कोई व्यक्ति प्रतिभूति अपील अधिकरण के पीठासीन अधिकारी या न्यायिक सदस्य या तकनीकी सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जबतक वह,-</p> <p>(क) पीठासीन अधिकारी के मामले में उच्चतम न्यायालय का न्यायाधीश या उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है;</p> <p>(ख) न्यायिक सदस्य के मामले में किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ग) तकनीकी सदस्य के मामले में-</p> <p>(i) केन्द्रीय सरकार के मंत्रालय या विभाग में दो वर्ष के लिए अपर सचिव या सचिव है या रहा है या केन्द्रीय सरकार या राज्य सरकार में कोई समतुल्य पद धारण कर रहा है; या</p> <p>(ii) साबित योग्य, ईमानदार और अनुभव वाला व्यक्ति, जिसको वित्तीय सेक्टर, जिनके अन्तर्गत प्रतिभूति बाजार या पेंशन निधि या वस्तु व्युत्पन्न या बीमा भी हैं, में विशेष ज्ञान रखता है और उनमें पच्चीस वर्ष से अन्यून अवधि का वृत्तिक अनुभव रखता हो।</p> <p>2. बोर्ड या बीमा विनियामक और विकास प्राधिकरण या पेंशन निधि विनियामक और विकास प्राधिकरण का कोई सदस्य या अंशकालिक सदस्य या बोर्ड में या ऐसे प्राधिकरणों में कार्यपालक निदेशक के समतुल्य ज्येष्ठ प्रबंध स्तर पर कोई व्यक्ति अपनी सेवा या कार्यकाल के दौरान प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या सदस्य के रूप में, यथास्थिति, ऐसे बोर्ड या ऐसे प्राधिकरणों को उस रूप में या उस तारीख से, जिसको वह बोर्ड में या ऐसे प्राधिकरणों में उस रूप में पद पर नहीं रह जाता है, से दो वर्ष के भीतर नियुक्त नहीं किया जाएगा।</p> <p>3. प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या सदस्य ऐसा व्यक्ति होगा जो ऐसा कोई वित्तीय या अन्य हित नहीं रखता है जिससे पीठासीन अधिकारी या सदस्य के रूप में उनके कृत्यों पर प्रतिकूल प्रभाव पड़ने की सम्भावना है।</p>	<p>पीठासीन अधिकारी, न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए खोजबीन- सह- चयन समिति ;</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का न्यायाधीश- अध्यक्ष;</p> <p>(ii) (क) पीठासीन अधिकारी की नियुक्ति के मामले में प्रतिभूति अपील अधिकरण का पदमुक्त पीठासीन अधिकारी - सदस्य</p> <p>(ख) न्यायिक सदस्य या तकनीकी सदस्य की नियुक्ति के मामले में प्रतिभूति अपील अधिकरण का पदमुक्त पीठासीन अधिकारी-सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, वित्त मंत्रालय (वित्तीय सेवा विभाग) - सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार वित्त मंत्रालय (राजस्व विभाग) - सदस्य</p>
8.	बैंकों और वित्तीय संस्थाओं को शोधय ऋण वसूली अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण	कोई व्यक्ति ऋण वसूली अधिकरण के पीठासीन अधिकारी के रूप में नियुक्ति के लिए तभी अर्हित होगा जब तक वह, जिला न्यायाधीश है या रहा है-	<p>ऋण वसूली अधिकरण के पीठासीन अधिकारी के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का न्यायाधीश- अध्यक्ष;</p> <p>(ii) ऋण वसूली अधिकरण का पदमुक्त</p>

			पीठासीन अधिकारी- सदस्य (iii) सचिव, भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) – सदस्य; और (iv) सचिव भारत सरकार, कार्पोरेट कार्य मंत्रालय- सदस्य ।
9.	बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अपील अधिकरण	कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जबतक वह,- (क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या (ख) भारतीय विधि सेवा का सदस्य रहा है और दो वर्ष के लिए अपर सचिव के पद या कोई समतुल्य पद या कोई उच्चतर पद धारण किया है; या (ग) ऋण वसूली अधिकरण के पीठासीन अधिकारी के रूप में तीन वर्ष तक पद धारण किया है।	ऋण वसूली अपील अधिकरण के अध्यक्ष के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का न्यायाधीश- अध्यक्ष; (ii) ऋण वसूली अपील अधिकरण का पदमुक्त अध्यक्ष –सदस्य (iii) सचिव, भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) – सदस्य ; और (iv) सचिव भारत सरकार, कार्पोरेट कार्य मंत्रालय- सदस्य ।
10.	भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) के अधीन विमानपत्तन अपील अधिकरण	कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी पात्र होगा जबतक वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या-	विमानपत्तन अपील अधिकरण के अध्यक्ष पद के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का अन्य न्यायाधीश- अध्यक्ष; (ii) भारतीय विमानपत्तन प्राधिकरण का पदमुक्त अध्यक्ष-सदस्य ; (iii) सचिव, भारत सरकार नागर विमानन मंत्रालय – सदस्य ; सचिव, भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) – सदस्य ; और
11.	भारतीय दूरसंचार विनियामक प्राधिकरण अधिनियम, 1997 (1997 का 24) के अधीन दूरसंचार विवाद निपटान और अपील अधिकरण	कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी पात्र होगा जब तक वह – (क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है ; या (ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है; या 2. कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह योग्य, ईमानदार और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य-कलाप, प्रशासन, दूरसंचार या किसी अन्य मामले, जो दूरसंचार विवाद निपटान और अपील अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और उनका पच्चीस वर्ष से अन्यून अवधि के लिए वृत्तिक अनुभव रखता हो।	अध्यक्ष और सदस्य के पद के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का अन्य न्यायाधीश- अध्यक्ष; (ii) (क) अध्यक्ष की नियुक्ति के मामले में, दूरसंचार विवाद निपटान और अपील अधिकरण का पदमुक्त अध्यक्ष – सदस्य ; या (ख) सदस्य की नियुक्ति के मामले में, दूरसंचार विवाद निपटान और अपील अधिकरण का अध्यक्ष – सदस्य ; (iii) सचिव भारत सरकार (दूरसंचार विभाग) – सदस्य ; और (iv) सचिव, भारत सरकार नागर विमानन मंत्रालय – सदस्य ;

12.	<p>व्यापार चिह्न अधिनियम, 1999 (1999 का 47) के अधीन अपील बोर्ड</p>	<p>1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब तक वह , -</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ख) उसने अपील बोर्ड के उपाध्यक्ष का पद तीन वर्ष से अन्यून अवधि के लिए धारण किया है।</p> <p>2. कोई व्यक्ति उपाध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा, जबतक वह , -</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ख) उसने न्यायिक सदस्य या तकनीकी सदस्य का पद दो वर्ष के लिए धारण किया है और उसके पास बार में व्यवसाय का बारह वर्ष के अनुभव या राज्य न्यायिक सेवा में बारह वर्ष के अनुभव के साथ विधि की डिग्री है।</p> <p>3. कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब , -</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है;</p> <p>(ख) दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश रहा है।</p> <p>4. कोई व्यक्ति तकनीकी सदस्य (व्यापार चिह्न) के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब , -</p> <p>(क) उसने कम से कम 10 वर्ष के लिए व्यापार चिह्न अधिनियम, 1999 (1999 का 47) के अधीन किसी अधिकरण के कृत्यों का निर्वहन किया है और उसने कम से कम 5 वर्ष की अवधि के लिए रजिस्ट्रार से अन्यून पंक्ति का कोई पद धारण किया है और उसके पास बार में व्यवसाय का बारह वर्ष के अनुभव या राज्य न्यायिक सेवा में बारह वर्ष के अनुभव के साथ विधि की डिग्री है , या</p> <p>(ख) वह पच्चीस वर्ष के लिए व्यापार चिह्न विधि में सिद्ध विशिष्ट अनुभव के साथ अधिवक्ता रहा है।</p> <p>5. कोई व्यक्ति तकनीकी सदस्य (पेटेन्ट) के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब , -</p> <p>(क) उसने पांच वर्ष के लिए पेटेन्ट अधिनियम, 1970 (1970 का 39) के अधीन कोई पद धारण किया है या उसके अधीन नियंत्रक के कृत्यों का निर्वहन किया है; या</p> <p>(ख) उसने पच्चीस वर्ष के लिए रजिस्ट्रीकृत पेटेन्ट अभिकर्ता के रूप में कार्यकरण किया है और उसके पास तत्समय प्रवृत्त किसी विधि के अधीन स्थापित विश्वविद्यालय से इंजीनियरी या प्रौद्योगिकी में डिग्री या विज्ञान में मास्टर की डिग्री है।</p>	<p>(अ). अपील बोर्ड के अध्यक्ष, उपाध्यक्ष, न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति :-</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्देशित उच्चतम न्यायालय का अन्य न्यायाधीश - अध्यक्ष</p> <p>(ii) (क) अध्यक्ष की नियुक्ति के मामले में अपील बोर्ड का पदमुक्त अध्यक्ष -सदस्य या</p> <p>(ख) अपीलीय बोर्ड के उपाध्यक्ष, न्यायिक सदस्य, तकनीकी सदस्य (व्यापार चिह्न), तकनीकी सदस्य (पेटेन्ट) और तकनीकी सदस्य (कॉपी राइट) की नियुक्ति के मामले में अपीलीय बोर्ड का अध्यक्ष -सदस्य</p> <p>(iii) सचिव, भारत सरकार (औद्योगिक नीति और संवर्धन विभाग) -सदस्य; और</p> <p>(iv) सचिव भारत सरकार उपभोक्ता मामले खाद और सार्वजनिक वितरण विभाग -सदस्य</p>
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		<p>(6). कोई व्यक्ति तकनीकी सदस्य (प्रतिलिप्यधिकार) के रूप में नियुक्ति के लिए अर्हित नहीं होगा, जब तक,-</p> <p>(क) वह भारतीय विधिक सेवा का सदस्य नहीं है या नहीं रहा है और अपर सचिव या समतुल्य या कोई उच्चतर पद दो वर्ष के लिए धारण नहीं कर रहा है या पद धारण नहीं किया है; या</p> <p>(ख) उसने दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश का पद धारण नहीं किया है ; या</p> <p>(ग) वह अधिकरण का सदस्य नहीं है या नहीं रहा है या वह भारत सरकार के अपर सचिव से अन्यून पंक्ति का सिविल सेवा का सदस्य नहीं है या नहीं रहा है, और जो प्रतिलिप्यधिकार के क्षेत्र में तीन वर्ष का अनुभव नहीं रखता है ; या</p> <p>(घ) प्रतिलिप्यधिकार विधि में सिद्ध विशिष्ट अनुभव के साथ पच्चीस वर्ष के लिए अधिवक्ता नहीं रहा है : परंतु अपील बोर्ड के एक सदस्य के पास, प्रतिलिप्यधिकार अधिनियम के प्रयोजनों के लिए ऊपर (क), (ख) या (घ) में दी गई अर्हता होगी ।</p>	
13.	कंपनी अधिनियम, 2013 (2013 का 18) के अधीन राष्ट्रीय कंपनी विधि अपील अधिकरण	<p>(1) अध्यक्ष ऐसा व्यक्ति होगा जो उच्चतम न्यायालय का न्यायाधीश है या रहा है या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है ।</p> <p>(2) न्यायिक सदस्य ऐसा व्यक्ति होगा जो किसी उच्च न्यायालय का न्यायाधीश है या रहा है या पांच वर्ष के लिए राष्ट्रीय कंपनी विधि अधिकरण का न्यायिक सदस्य है ।</p> <p>(3) तकनीकी सदस्य ऐसा व्यक्ति होगा, जिसके पास सिद्ध योग्यता, ईमानदारी और अनुभव है तथा जिसके पास विधि, औद्योगिक वित्त, औद्योगिक प्रबंध या प्रशासन, औद्योगिक पुनर्संनिर्माण, विनिधान, लेखाकर्म, या किसी ऐसे अन्य विषय में, जो राष्ट्रीय कंपनी विधि अपील अधिकरण के लिए उपयोगी है, के विशेष ज्ञान और कम से कम पच्चीस वर्ष का वृत्तिक अनुभव है ।</p>	<p>अध्यक्ष, न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति :-</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का न्यायाधीश - अध्यक्ष ;</p> <p>(ii)(क) अध्यक्ष की नियुक्ति के मामले में, राष्ट्रीय कंपनी विधि अपील अधिकरण का पद मुक्त अध्यक्ष सदस्य ; या</p> <p>(ख) न्यायिक सदस्य या तकनीकी सदस्य की नियुक्ति के मामले में राष्ट्रीय कंपनी विधि अपील अधिकरण का अध्यक्ष - सदस्य ।</p> <p>(iii) सचिव, भारत सरकार, कारपोरेट कार्य मंत्रालय-सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, वित्त मंत्रालय (वित्तीय सेवाएं विभाग) सदस्य।</p>
14.	आयकर अधिनियम, 1961 (1961 का 43) के अधीन अग्रिम विनिर्णय प्राधिकरण	<p>कोई व्यक्ति निम्नलिखित के रूप में नियुक्ति के लिए अर्हित होगा,--</p> <p>(क) अध्यक्ष, जो,</p> <p>(i) जो उच्चतम न्यायालय का न्यायाधीश है या रहा है ; या</p> <p>(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है; या</p> <p>(ख) उपाध्यक्ष, जो किसी उच्च न्यायालय का</p>	<p>अध्यक्ष, उपाध्यक्ष, विधि सदस्य और राजस्व सदस्य के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का कोई न्यायाधीश - अध्यक्ष ;</p> <p>(ii)(क) अध्यक्ष की नियुक्ति के मामले में</p>

		<p>न्यायाधीश है या रहा है ;</p> <p>(ग) विधि सदस्य जो दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश रहा है ; या</p> <p>(घ) भारतीय राजस्व सेवा से राजस्व सदस्य, जो केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य होने के लिए अर्हित है और भारतीय सीमा शुल्क और केन्द्रीय उत्पाद शुल्क सेवा का कोई ऐसा अधिकारी, जो केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड का सदस्य होने के लिए अर्हित है और जिसने न्यायिक, और अर्ध न्यायिक या न्यायनिर्णयन कार्य तीन वर्ष तक किया है ।</p>	<p>अग्रिम विनिर्णय प्राधिकरण का पद मुक्त अध्यक्ष-- सदस्य ; या</p> <p>(ख) उपाध्यक्ष, विधि सदस्य या राजस्व सदस्य की नियुक्ति के मामले में अग्रिम विनिर्णय प्राधिकरण का अध्यक्ष-सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) - सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, कार्मिक लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) -- सदस्य ।</p>
15.	चलचित्र अधिनियम, 1952 (1952 का 37) के अधीन फिल्म प्रमाणन अपील अधिकरण	<p>(1). कोई व्यक्ति अध्यक्ष 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) उसने सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पदधारण नहीं किया है ; या</p> <p>(2) जनता पर फिल्मों के प्रभाव को समझने के लिए अर्हित कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए अर्हित होगा ।</p>	<p>अध्यक्ष और 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, अपील अधिकरण का पद मुक्त अध्यक्ष-सदस्य ; या</p> <p>(ख) सदस्य की नियुक्ति के मामले में, अपील अधिकरण का अध्यक्ष-सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, सूचना और प्रसारण मंत्रालय-सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, संस्कृति मंत्रालय ।</p>
16.	उपभोक्ता संरक्षण अधिनियम, 1986 (1986 का 68) के अधीन राष्ट्रीय उपभोक्ता विवाद समाधान आयोग	<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) वह किसी उच्च न्यायालय का मुख्य न्यायमूर्ति नहीं है या नहीं रहा है ;</p> <p>(2) कोई व्यक्ति सदस्य की नियुक्ति के लिए अर्हित नहीं होगा, जब तक,--</p> <p>(क) वह उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है ; या</p> <p>(ख) वह दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है ; या</p> <p>(ग) वह योग्य, ईमानदार और अनुभवी व्यक्ति नहीं है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में जो राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के लिए उपयोगी है, विशेष ज्ञान और कम से कम पच्चीस वर्ष का वृत्तिक अनुभव नहीं है ।</p>	<p>राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के अध्यक्ष और 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 उपभोक्ता विवाद समाधान आयोग का पद मुक्त अध्यक्ष—सदस्य ; या</p> <p>(ख) सदस्य की नियुक्ति के मामले में, राष्ट्रीय उपभोक्ता विवाद समाधान आयोग का अध्यक्ष -- सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, उपभोक्ता कार्य, खाद्य और सार्वजनिक वितरण मंत्रालय -- सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, वाणिज्य मंत्रालय (उद्योग संवर्धन और आंतरिक व्यापार विभाग) -- सदस्य ।</p>

17.	विद्युत अधिनियम, 2003 (2003 का 36) के अधीन विद्युत अपील अधिकरण	<p>(1) कोई व्यक्ति अपील अधिकरण के अध्यक्ष 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) वह 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) वह दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है ।</p> <p>(3) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक वह योग्य, ईमानदार और अनुभवी व्यक्ति नहीं है, जिसके पास विद्युत जनन, पारेषण, वितरण, विनियमन, अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में जो अपील अधिकरण के लिए उपयोगी है, विशेष ज्ञान और कम से कम पच्चीस वर्ष का वृत्तिक अनुभव नहीं है ।</p>	<p>अध्यक्ष, न्यायिक सदस्य और तकनीकी 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, विद्युत अपील अधिकरण का पद मुक्त अध्यक्ष—सदस्य ; या</p> <p>(ख) न्यायिक सदस्य या तकनीकी सदस्य की नियुक्ति के मामले में, विद्युत अपील अधिकरण का अध्यक्ष -- सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, विद्युत मंत्रालय -- सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, पेट्रोलियम मंत्रालय - सदस्य ।</p>
18.	सशस्त्र बल अधिनियम, 2007 (2007 का 55) के अधीन सशस्त्र बल 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 वह किसी उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है ।</p> <p>(3) कोई व्यक्ति प्रशासनिक सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,--</p> <p>(क) उसने तीन वर्ष की कुल अवधि के लिए सेना में मेजर जनरल या उससे ऊपर का या नौसेना या वायु सेना में समतुल्य रैंक का पद धारण नहीं किया है या धारण नहीं कर रहा है ; या</p> <p>(ख) उसने सेना या नौसेना या वायु सेना में एक वर्ष से अन्यून अवधि के लिए जज एडवोकेट जनरल के रूप में सेवा नहीं की है और वह क्रमशः मेजर जनरल, कोमोडोर और एयर कोमोडोर की पंक्ति से निम्न पंक्ति का नहीं है ; या</p> <p>(ग) वह योग्य, ईमानदार और अनुभवी व्यक्ति नहीं है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में जो सशस्त्र बल अधिकरण के लिए उपयोगी है, विशेष ज्ञान और तीस वर्ष से अन्यून का वृत्तिक अनुभव नहीं है ।</p>	<p>अध्यक्ष, न्यायिक सदस्य और प्रशासनिक 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, सशस्त्र बल अधिकरण का पद मुक्त अध्यक्ष—सदस्य ; या</p> <p>(ख) न्यायिक सदस्य या प्रशासनिक सदस्य की नियुक्ति के मामले में, सशस्त्र बल अधिकरण का अध्यक्ष -- सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, रक्षा मंत्रालय -- सदस्य ; और</p> <p>(iv) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) - सदस्य।</p>

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 & Training)-member.</p>
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RITVIK PANDEY, Jt. Secy.