

No. 17(15)/2021-PL/NGT
Government of India
Ministry of Environment, Forest and Climate Change
(Policy & Law Section)

Level-III, Jal Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj, New Delhi-110 003
Dated the 5th October, 2021

Sub: Selection for appointment of Judicial Members in the National Green Tribunal-reg.

The Government of India enacted the National Green Tribunal (NGT) Act, 2010 (19 of 2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. As per Section 3 of the NGT Act, 2010 the Central Government established the National Green Tribunal.

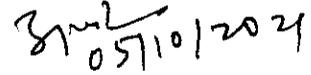
2. The Ministry of Environment, Forest and Climate Change, Government of India invites applications for filling up the five (05) vacant posts of Judicial Members in the NGT as per the provisions of the NGT Act, 2010; the Tribunals Reforms Act, 2021 read with the Tribunal (Conditions of Service) Rules, 2021 from eligible Indian Citizens. Mere eligibility will not entitle any candidate for being short-listed or selected.

3. The educational qualifications, eligibility and terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunals (Conditions of Service) Rules, 2021 and the Tribunals Reforms Act, 2021. The NGT Act, 2010 (Rules made thereunder) and the Tribunals Reforms Act, 2021, the Tribunal (Conditions of Service) Rules, 2021 are available on the Ministry's website: www.moef.gov.in.

4. The Tribunal has five places of sitting, namely, New Delhi, Bhopal, Chennai, Kolkata and Pune. A Judicial Member, upon selection, may be posted at any of these places.

Contd....2/-

5. The Central Government reserves the right to withdraw advertised posts at any time without assigning any reason and also reserves the right to increase or decrease the number of vacancies as well as fill or not to fill the posts and its decision in this regard shall be final.
6. Eligible and interested persons may submit their applications in the prescribed format along with all supporting documents (self-attested) to **Director, Policy and Law Division, Ministry of Environment, Forest & Climate Change, Level-III, Jal Wing, Indira Paryavaran Bhawan, Aliganj, Jor Bagh, New Delhi - 110003 on or before 26.10.2021 (05:00 PM) and by email at policyandlaw-mef@gov.in.**
7. Applications which are incomplete or not in the prescribed format or not accompanied by the supporting documents, as mentioned above, shall not be entertained and would be liable to be summarily rejected by the Competent Authority.
8. No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make their own arrangements.
9. Advertisement and prescribed application form can also be downloaded from Ministry's website: www.moef.gov.in.



(Ashok Kumar Pateshwary)
Director (Policy and Law)
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APPLICATION FORM FOR THE POST OF JUDICIAL MEMBER
OF THE NATIONAL GREEN TRIBUNAL (NGT)

1. **Name of the post applied for:**
2. **Full Name (in Block Letters):**
3. **Father's Name:**
4. **Date of Birth: (DD/MM/YYYY)**/...../.....
5. **Age as on 26.10.2021:** YearsMonths
6. **Date of retirement under Central/State Government:**
 (DD/MM/YYYY)/...../.....

Affix recent passport size photograph
(Please put Signature in the box below)

7. **Address:**

i. Residential: State:..... PIN Code: Telephone /Mobile No. Email ID:	ii. Office Particulars (If applicable): State:..... PIN Code: Telephone /Mobile No. Email ID:
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8. **Category (SC/ST/OBC/General):**
9. (a) **Present post held:**
- (b) **Date since held:**
- (c) **Whether cadre post or on deputation:**
10. **Eligibility Criteria and experience (Candidates should fill up Annexure –I)**
11. (a) **Whether any punishment awarded to the applicant during the last 10 years (Y/N)**
 If Yes, the details thereof:
- (b) **Whether any action or inquiry is pending against the applicant (Y/N)**
 If yes, the details thereof:

Place:.....
 Date:

(Name and Signature of the applicant)

ANNEXURE – I

1. Eligibility Criteria for Judicial Members:

i. Academic Qualifications:

(Starting from highest degree obtained since Graduation)

Name of the University/Equivalent Institution	Degree	Year of passing	% of Marks Obtained	Subjects Specialization

ii. Nature and duration of experience relevant for the advertised post and job description:

Particulars	Length of Service		Whether Eligible (Y/N)
	From	To	
Judge of the High Court with place of posting			
District Judge and Additional District Judge for a period of 10 years with place of posting			
Experience in adjudicating Environment/Forest Matters			
Advocates practicing for a period of 10 years with substantial experience in litigation in matters relating to environment and forest in NGT, High Court or Supreme Court			

Additional information the candidate may furnish with regard to:

- (a) Experience in Environment/ Forest Matters;
- (b) Research publications and reports and special projects:
- (c) Award / Scholarship / Official Appreciation:
- (d) Affiliation with the professional bodies / institutions /societies and any other information.

(Note: Documents/certificates etc. submitted in support shall be Self Attested by the candidate)

DECLARATION

I certify that the foregoing details furnished by me are true and I am eligible for the post.

I further submit my willingness that I will join the post, if selected. In case, I do not join within 30 days of the offer of appointment or submit my willingness, I may be debarred for a period of three years from appointment in all Autonomous Bodies/Statutory bodies/Regulatory Bodies of the Government. I will, before entering upon the office, declare my assets, and my liabilities and financial and other interests, in accordance with Rule 15 of the Tribunal (Condition of Service) Rules, 2021.

(Name and Signature of the applicant)

Date:

(To be filled by the Court/Tribunal/Ministry/Department/Organisation concerned for serving applicants)

It is certified that the particulars furnished above have been scrutinized and found to be correct as per official records.

**Signature & Designation of
the competent Forwarding Authority
with Telephone No. & Office Seal.**



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 25]

नई दिल्ली, बुधवार, जून 2, 2010 / ज्यैष्ठ 12, 1932

No. 25]

NEW DELHI, WEDNESDAY, JUNE 2, 2010 / JYAISTHA 12, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd June, 2010/Jyaistha 12, 1932 (Saka)

The following Act of Parliament received the assent of the President on the 2nd June, 2010, and is hereby published for general information:—

THE NATIONAL GREEN TRIBUNAL ACT, 2010

(No. 19 of 2010)

[2nd June, 2010.]

An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

AND WHEREAS India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human environment;

AND WHEREAS decisions were taken at the United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage;

AND WHEREAS in the judicial pronouncement in India, the right to healthy environment has been construed as a part of the right to life under article 21 of the Constitution;

AND WHEREAS it is considered expedient to implement the decisions taken at the aforesaid conferences and to have a National Green Tribunal in view of the involvement of multi-disciplinary issues relating to the environment.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the National Green Tribunal Act, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) “accident” means an accident involving a fortuitous or sudden or unintended occurrence while handling any hazardous substance or equipment, or plant, or vehicle resulting in continuous or intermittent or repeated exposure to death, of, or, injury to, any person or damage to any property or environment but does not include an accident by reason only of war or civil disturbance;

(b) “Chairperson” means the Chairperson of the National Green Tribunal;

(c) “environment” includes water, air and land and the inter-relationship, which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property;

(d) “Expert Member” means a member of the Tribunal who, is appointed as such, and holds qualifications specified in sub-section (2) of section 5, and, is not a Judicial Member;

(e) “handling”, in relation to any hazardous substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such hazardous substance;

(f) “hazardous substance” means any substance or preparation which is defined as hazardous substance in the Environment (Protection) Act, 1986, and exceeding such quantity as specified or may be specified by the Central Government under the Public Liability Insurance Act, 1991;

29 of 1986.

6 of 1991.

(g) “injury” includes permanent, partial or total disablement or sickness resulting out of an accident;

(h) “Judicial Member” means a member of the Tribunal who is qualified to be appointed as such under sub-section (1) of section 5 and includes the Chairperson;

(i) “notification” means a notification published in the Official Gazette;

(j) “person” includes—

(i) an individual,

(ii) a Hindu undivided family,

- (iii) a company,
- (iv) a firm,
- (v) an association of persons or a body of individuals, whether incorporated or not,
- (vi) trustee of a trust,
- (vii) a local authority, and
- (viii) every artificial juridical person, not falling within any of the preceding sub-clauses;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Schedule" means Schedules I, II and III appended to this Act;
- (m) "substantial question relating to environment" shall include an instance where,—
- (i) there is a direct violation of a specific statutory environmental obligation by a person by which,—
- (A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or
- (B) the gravity of damage to the environment or property is substantial; or
- (C) the damage to public health is broadly measurable;
- (ii) the environmental consequences relate to a specific activity or a point source of pollution;
- (n) "Tribunal" means the National Green Tribunal established under section 3;
- (o) "workman" has the meaning assigned to it in the Workmen's Compensation Act, 1923.

8 of 1923.

6 of 1974.
36 of 1977.
69 of 1980.
14 of 1981.
29 of 1986.
6 of 1991.
18 of 2003.

(2) The words and expressions used in this Act but not defined herein and defined in the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Forest (Conservation) Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991 and the Biological Diversity Act, 2002 and other Acts relating to environment shall have the meaning, respectively, assigned to them in those Acts.

CHAPTER II

ESTABLISHMENT OF THE TRIBUNAL

3. The Central Government shall, by notification, establish, with effect from such date as may be specified therein, a Tribunal to be known as the National Green Tribunal to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act. Establishment of Tribunal.

4. (1) The Tribunal shall consist of—

- (a) a full time Chairperson;
- (b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;
- (c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.

Composition of Tribunal.

(2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.

(3) The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting.

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including—

(a) the rules as to the persons who shall be entitled to appear before the Tribunal;

(b) the rules as to the procedure for hearing applications and appeals and other matters [including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)], pertaining to the applications and appeals;

(c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.

5. (1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he,—

(a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen 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

(b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson, Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members 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 under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or 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 section 617 of the Companies Act, 1956.

1 of 1956.

6. (1) Subject to the provisions of section 5, the Chairperson, Judicial Members and Expert Members of the Tribunal shall be appointed by the Central Government.

(2) The Chairperson shall be appointed by the Central Government in consultation with the Chief Justice of India.

(3) The Judicial Members and Expert Members of the Tribunal shall be appointed on the recommendations of such Selection Committee and in such manner as may be prescribed.

Qualifications
for
appointment
of
Chairperson,
Judicial
Member and
Expert
Member.

Appointment
of
Chairperson,
Judicial
Member and
Expert
Member.

7. The Chairperson, Judicial Member and Expert Member of the Tribunal shall hold office as such for a term of five years from the date on which they enter upon their office, but shall not be eligible for re-appointment:

Provided that in case a person, who is or has been a Judge of the Supreme Court, has been appointed as Chairperson or Judicial Member of the Tribunal, he shall not hold office after he has attained the age of seventy years:

Provided further that in case a person, who is or has been the Chief Justice of a High Court, has been appointed as Chairperson or Judicial Member of the Tribunal, he shall not hold office after he has attained the age of sixty-seven years:

Provided also that in case a person, who is or has been a Judge of a High Court, has been appointed as Judicial Member of the Tribunal, he shall not hold office after he has attained the age of sixty-seven years:

Provided also that no Expert Member shall hold office after he has attained the age of sixty-five years.

8. The Chairperson, Judicial Member and Expert Member of the Tribunal may, by notice in writing under their hand addressed to the Central Government, resign their office.

9. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson, Judicial Member and Expert Member of the 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, Judicial Member and Expert Member shall be varied to their disadvantage after their appointment.

10. (1) The Central Government may, in consultation with the Chief Justice of India, remove from office of the Chairperson or Judicial Member of the 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; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or Judicial Member shall not be removed from his office except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court in which such Chairperson or Judicial Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

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

(4) The Central Government may, by rules, regulate the procedure for inquiry referred to in sub-section (2).

(5) The Expert Member may be removed from his office by an order of the Central Government on the grounds specified in sub-section (1) and in accordance with the procedure as may be notified by the Central Government:

Provided that the Expert Member shall not be removed unless he has been given an opportunity of being heard in the matter.

11. In the event of the occurrence of any vacancy in the office of the Chairperson of the Tribunal, by reason of his death, resignation or otherwise, such Judicial Member of the Tribunal as the Central Government may, by notification, authorise in this behalf, shall act as the Chairperson until the date on which a new Chairperson is appointed in accordance with the provisions of this Act.

Term of office and other conditions of service of Chairperson, Judicial Member and Expert Member.

Resignation.

Salaries, allowances and other terms and conditions of service.

Removal and suspension of Chairperson, Judicial Member and Expert Member.

To act as Chairperson of Tribunal or to discharge his functions in certain circumstances.

Staff of
Tribunal.

12. (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions.

(2) The recruitment of the officers and other employees of the Tribunal shall be made by the Chairperson in such manner as may be prescribed.

(3) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairperson.

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

Financial and
administrative
powers of
Chairperson.

13. The Chairperson of the Tribunal shall exercise such financial and administrative powers as may be vested in him under the rules made by the Central Government:

Provided that the Chairperson may delegate such of his financial and administrative powers, as he may think fit, to any Judicial Member or Expert Member or officer of the Tribunal subject to the condition that the Member or such officer, while exercising such delegated power, continues to act under the direction, control and supervision of the Chairperson.

CHAPTER III

JURISDICTION, POWERS AND PROCEEDINGS OF THE TRIBUNAL

Tribunal to
settle disputes.

14. (1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

Relief,
compensation
and
restitution.

15. (1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas,

as the Tribunal may think fit.

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991.

(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.

16. Any person aggrieved by,—

Tribunal to have appellate jurisdiction.

6 of 1974.

(a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 28 of the Water (Prevention and Control of Pollution) Act, 1974;

6 of 1974.

(b) an order passed, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government under section 29 of the Water (Prevention and Control of Pollution) Act, 1974;

6 of 1974.

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under section 33A of the Water (Prevention and Control of Pollution) Act, 1974;

36 of 1977.

(d) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977;

69 of 1980.

(e) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government or other authority under section 2 of the Forest (Conservation) Act, 1980;

14 of 1981.

(f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under section 31 of the Air (Prevention and Control of Pollution) Act, 1981;

29 of 1986.

(g) any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (Protection) Act, 1986;

29 of 1986.

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986;

29 of 1986.

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986;

18 of 2003.

(j) any determination of benefit sharing or order made, on or after the commencement of the National Green Tribunal Act, 2010, by the National Biodiversity Authority or a State Biodiversity Board under the provisions of the Biological Diversity Act, 2002,

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.

17. (1) Where death of, or injury to, any person (other than a workman) or damage to any property or environment has resulted from an accident or the adverse impact of an activity or operation or process, under any enactment specified in Schedule I, the person responsible shall be liable to pay such relief or compensation for such death, injury or damage, under all or any of the heads specified in Schedule II, as may be determined by the Tribunal.

Liability to pay relief or compensation in certain cases.

(2) If the death, injury or damage caused by an accident or the adverse impact of an activity or operation or process under any enactment specified in Schedule I cannot be

attributed to any single activity or operation or process but is the combined or resultant effect of several such activities, operations and processes, the Tribunal may, apportion the liability for relief or compensation amongst those responsible for such activities, operations and processes on an equitable basis.

(3) The Tribunal shall, in case of an accident, apply the principle of no fault.

Application
or appeal to
Tribunal.

18. (1) Each application under sections 14 and 15 or an appeal under section 16 shall, be made to the Tribunal in such form, contain such particulars, and, be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

(f) the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 or any other law for the time being in force:

29 of 1986.

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation or relief or settlement of dispute, the application shall be made on behalf of, or, for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application:

Provided further that the person, the owner, the legal representative, agent, representative body or organisation shall not be entitled to make an application for grant of relief or compensation or settlement of dispute if such person, the owner, the legal representative, agent, representative body or organisation have preferred an appeal under section 16.

(3) The application, or as the case may be, the appeal filed before the Tribunal under this Act shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application, or, as the case may be, the appeal, finally within six months from the date of filing of the application, or as the case may be, the appeal, after providing the parties concerned an opportunity to be heard.

Procedure and
powers of
Tribunal.

19. (1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

5 of 1908.

(2) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure.

(3) The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.

1 of 1872.

(4) The 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, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

1 of 1872.

- (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, requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decision;
- (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*;
- (i) pass an interim order (including granting an injunction or stay) after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;
- (j) pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I;
- (k) any other matter which may be prescribed.

45 of 1860.
2 of 1974.

(5) All proceedings before the Tribunal shall be deemed to be the judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code and the 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.

20. The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

Tribunal to apply certain principles.

21. The decision of the Tribunal by majority of Members shall be binding:

Provided that if there is a difference of opinion among the Members hearing an application or appeal, and the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application or appeal) such application or appeal and decide:

Decision to be taken by majority.

Provided further that where the Chairperson himself has heard such application or appeal alongwith other Members of the Tribunal, and if there is a difference of opinion among the Members in such cases and the opinion is equally divided, he shall refer the matter to other Members of the Tribunal who shall hear such application or appeal and decide.

5 of 1908.

22. Any person aggrieved by any award, decision or order of the Tribunal, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the award, decision or order of the Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908:

Appeal to Supreme Court.

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

23. (1) While disposing of an application or an appeal under this Act, the Tribunal shall have power to make such order as to costs, as it may consider necessary.

Cost.

(2) Where the Tribunal holds that a claim is not maintainable, or is false or vexatious, and such claim is disallowed, in whole or in part, the Tribunal may, if it so thinks fit, after recording its reasons for holding such claim to be false or vexatious, make an order to award costs, including lost benefits due to any interim injunction.

6 of 1991.

24. (1) Where any amount by way of compensation or relief is ordered to be paid under any award or order made by the Tribunal on the ground of any damage to environment, that amount shall be remitted to the authority specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 for being credited to the Environmental Relief Fund established under that section.

Deposit of amount payable for damage to environment.

(2) The amount of compensation or relief credited to the Environmental Relief Fund under sub-section (1), may, notwithstanding anything contained in the Public Liability Insurance Act, 1991, be utilised by such persons or authority, in such manner and for such purposes relating to environment, as may be prescribed.

6 of 1991.

Execution of
award or order
or decision of
Tribunal.

25. (1) An award or order or decision of the Tribunal under this Act shall be executable by the Tribunal as a decree of a civil court, and for this purpose, the Tribunal shall have all the powers of a civil court.

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

(3) Where the person responsible, for death of, or injury to any person or damage to any property and environment, against whom the award or order is made by the Tribunal, fails to make the payment or deposit the amount as directed by the Tribunal within the period so specified in the award or order, such amount, without prejudice to the filing of complaint for prosecution for an offence under this Act or any other law for the time being in force, shall be recoverable from the aforesaid person as arrears of land revenue or of public demand.

CHAPTER IV

PENALTY

Penalty for
failure to
comply with
orders of
Tribunal.

26. (1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention:

Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

2 of 1974.

Offences by
companies.

27. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly 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 had 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 the 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 that 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.

28. (1) Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly:

Offences by
Government
Department.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if 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 the 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.

CHAPTER V

MISCELLANEOUS

29. (1) With effect from the date of establishment of the Tribunal under this Act, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction.

Bar of
jurisdiction.

(2) No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief or compensation or restitution of property damaged or environment damaged which may be adjudicated upon by the Tribunal, and no injunction in respect of any action taken or to be taken by or before the Tribunal in respect of the settlement of such dispute or any such claim for granting any relief or compensation or restitution of property damaged or environment damaged shall be granted by the civil court.

30. (1) No court shall take cognizance of any offence under this Act except on a complaint made by—

Cognizance of
offences.

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days in such manner as may be prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

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

31. The Chairperson, the Judicial and Expert Members, officers and other employees of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and
staff of
Tribunal to be
public servants.

32. (1) No suit or other legal proceeding shall lie against the employees of the Central Government or a State Government or any statutory authority, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of
action taken in
good faith.

(2) No suit, prosecution or other legal proceeding shall lie against the Chairperson or, Judicial Member or Expert Member of the Tribunal or any other person authorised by the Chairperson or Judicial Member or the Expert Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

33. The provisions of this Act, shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have
overriding
effect.

34. (1) The Central Government may, by notification, amend the Schedule I by including therein any other Act, enacted by Parliament having regard to the objective of environmental protection and conservation of natural resources, or omitting therefrom any Act already specified therein and on the date of publication of such notification, such Act shall be deemed to be included in or, as the case may be, omitted from the Schedule I.

Power to
amend
Schedule I.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft 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 disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

Power to
make rules.

35. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions 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) rules as to the persons who shall be entitled to appear before the Tribunal under clause (a) of sub-section (4) of section 4;

(b) the procedure for hearing applications and appeals and other matters pertaining to the applications and appeals under clause (b) of sub-section (4) of section 4;

(c) the minimum number of members who shall hear the applications and appeals in respect of any class or classes of applications and appeals under clause (c) of sub-section (4) of section 4;

(d) the transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting;

(e) the selection committee and the manner of appointment of the Judicial Member and Expert Member of the Tribunal under sub-section (3) of section 6;

(f) the salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson, Judicial Member and Expert Member of the Tribunal under section 9;

(g) the procedure for inquiry of the charges against the Chairperson or Judicial Member of the Tribunal under sub-section (4) of section 10;

(h) the recruitment of officers and other employees of the Tribunal under sub-section (2) of section 12; and the salaries and allowances and other conditions of service of the officers and other employees of the Tribunal under sub-section (4) of that section;

(i) the financial and administrative powers to be exercised by the Chairperson of the Tribunal under section 13;

(j) the form of application or appeal, the particulars which it shall contain and the documents to be accompanied by and the fees payable under sub-section (1) of section 18;

(k) any such matter in respect of which the Tribunal shall have powers of a civil court under clause (k) of sub-section (4) of section 19;

(l) the manner and the purposes for which the amount of compensation or relief credited to the Environment Relief Fund shall be utilised under sub-section (2) of section 24;

(m) the manner of giving notice to make a complaint under clause (b) of sub-section (1) of section 30;

(n) any other matter which is required to be, or may be, specified by rules or in respect of which provision is to be made by rules.

(3) Every rule made under this Act by the Central Government 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 both Houses agree that the rule should not be made, the rule 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.

36. The enactments specified in the Schedule III to this Act shall be amended in the manner specified therein and such amendments shall take effect on the date of establishment of the Tribunal. Amendment of certain enactments.

37. (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 it to be necessary for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the 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.

27 of 1995.
22 of 1997. 38. (1) The National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997 are hereby repealed (hereinafter referred to as the repealed Act). Repeal and savings.

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

22 of 1997. (3) The National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997, shall, on the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, stand dissolved.

22 of 1997. (4) On the dissolution of the National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997, the persons appointed as the Chairperson, Vice-chairperson and every other person appointed as Member of the said National Environment Appellate Authority and holding office as such immediately before the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, shall vacate their respective offices and no such Chairperson, Vice-chairperson and every other person appointed as Member shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service.

22 of 1997. (5) All cases pending before the National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997 on or before the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, shall, on such establishment, stand transferred to the said National Green Tribunal and the National Green Tribunal shall dispose of such cases as if they were cases filed under that Act.

(6) The officers or other employees who have been, immediately before the dissolution of the National Environment Appellate Authority appointed on deputation basis to the National Environment Appellate Authority, shall, on such dissolution, stand reverted to their parent cadre, Ministry or Department, as the case may be.

(7) On the dissolution of the National Environment Appellate Authority, the officers and other employees appointed on contract basis under the National Environment Appellate Authority and holding office as such immediately before such dissolution, shall vacate their respective offices and such officers and other employees shall be entitled to claim compensation for three months' pay and allowances or pay and allowances for the

remaining period of service, whichever is less, for the premature termination of term of their office under their contract of service.

(8) The mention of the particular matters referred to in sub-sections (2) to (7) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

10 of 1897.

SCHEDULE I

[See sections 14(I), 15(I), 17(I)(a), 17(2), 19(4) (j) and 34(I)]

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

SCHEDULE II

[See sections 15(4) and 17(I)]

HEADS UNDER WHICH COMPENSATION OR RELIEF FOR DAMAGE MAY BE CLAIMED

- (a) Death;
- (b) Permanent, temporary, total or partial disability or other injury or sickness;
- (c) Loss of wages due to total or partial disability or permanent or temporary disability;
- (d) Medical expenses incurred for treatment of injuries or sickness;
- (e) Damages to private property;
- (f) Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;
- (g) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including compensation for environmental degradation and restoration of the quality of environment;
- (h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;
- (i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;
- (j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;
- (k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;
- (l) Loss and destruction of any property other than private property;
- (m) Loss of business or employment or both;
- (n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.

SCHEDULE III
(See section 36)

AMENDMENT TO CERTAIN ENACTMENTS

PART I

AMENDMENT TO THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

(6 OF 1974)

After section 33A, the following section shall be inserted, namely:—

“33B. Any person aggrieved by,—

(a) an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

(b) an order passed by the State Government under section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directions issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

Insertion of
new section
33B.

Appeal to
National Green
Tribunal.

PART II

AMENDMENTS TO THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 1977

(36 OF 1977)

1. In section 13, in sub-section (4), for the words “shall be final”, the words, figures and letters “shall, if no appeal has been filed under section 13A, be final” shall be substituted.

2. After section 13, the following section shall be inserted, namely:—

“13A. Any person aggrieved, by an order or decision of the appellate authority made under section 13, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

Amendment of
section 13.

Insertion of
new section
13A.

Appeal to
National
Green
Tribunal.

PART III

AMENDMENT TO THE FOREST (CONSERVATION) ACT, 1980

(69 OF 1980)

After section 2, the following section shall be inserted, namely:—

“2A. Any person aggrieved, by an order or decision of the State Government or other authority made under section 2, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

Insertion of
new section
2A.

Appeal to
National
Green
Tribunal.

PART IV

AMENDMENT TO THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(14 OF 1981)

Insertion of
new section
31B.

After section 31A, the following section shall be inserted, namely:—

Appeal to
National
Green
Tribunal.

“31B. Any person aggrieved by an order or decision of the Appellate Authority under section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”.

PART V

AMENDMENT TO THE ENVIRONMENT (PROTECTION) ACT, 1986

(29 OF 1986)

Insertion of
new section
5A.

After section 5, the following section shall be inserted, namely:—

Appeal to
National Green
Tribunal.

“5A. Any person aggrieved by any directions issued under section 5, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”.

PART VI

AMENDMENTS TO THE BIOLOGICAL DIVERSITY ACT, 2002

(18 OF 2003)

Amendment
of section 52.

1. In section 52, after the proviso, the following provisos shall be inserted, namely:—

“Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010:

Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010, shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act, 2010.”.

Insertion of
new section
52A.

2. After section 52, the following section shall be inserted, namely:—

Appeal to
National Green
Tribunal.

“52A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”.

V. K. BHASIN,
Secy. to the Govt. of India.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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अधिसूचना

नई दिल्ली, 26 नवम्बर, 2010

सा.क्र.नि. 927(अ).—केन्द्रीय सरकार, राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) की धारा 35 की उप-धारा (2) के खंड (ङ), (च) और (छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात्:—

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम राष्ट्रीय हरित अधिकरण (न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति की रीति, अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा के अन्य निबंधन तथा शर्तें और जांच की प्रक्रिया) नियम, 2010 है।

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

2. परिभाषाएँ.—(1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम से राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) अभिप्रेत है;
- (ख) "धारा" से अधिनियम की धारा अभिप्रेत है;
- (ग) "अधिकरण" से अधिनियम की धारा 3 के अधीन स्थापित राष्ट्रीय हरित अधिकरण अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो उस अधिनियम में हैं।

अध्याय 2

न्यायिक सदस्यों और विशेषज्ञ सदस्यों की नियुक्ति की रीति

3. चयन समिति.—अधिकरण के न्यायिक सदस्य और विशेषज्ञ सदस्य केन्द्रीय सरकार द्वारा चयन समिति की सिफारिश पर नियुक्त किए जाएंगे जिसमें निम्नलिखित होंगे अर्थात्:—

- (क) उच्चतम न्यायालय का आसीन —अध्यक्ष ;
न्यायाधीश, जो भारत के मुख्य न्यायमूर्ति द्वारा विधि और न्याय मंत्री के परामर्श से नामनिर्दिष्ट होगा
- (ख) अधिकरण का अध्यक्ष —सदस्य ;
- (ग) सचिव, पर्यावरण और वन मंत्रालय, भारत सरकार —सदस्य ;
- (घ) निदेशक, भारतीय प्रौद्योगिकी संस्थान, कानपुर —सदस्य ;
- (ङ) निदेशक, भारतीय प्रबंध संस्थान, अहमदाबाद —सदस्य ;
- (च) अध्यक्ष, नीति अनुसंधान केन्द्र, नई दिल्ली —सदस्य ;

4. भर्ती की पद्धति.—विशेषज्ञ सदस्य की भर्ती की पद्धति सचिवा के आधार पर सीधी भर्ती द्वारा होगी :

परन्तु ऐसा कोई व्यक्ति जो सरकार या स्वशासी निकायों या कानूनी निकायों या विश्वविद्यालयों में सेवारत है, या तो सीधी भर्ती द्वारा या प्रतिनियुक्ति के आधार पर नियुक्त के लिए विकल्प कर सकेगा :

परन्तु यह और कि किसी भी व्यक्ति को तब तक प्रतिनियुक्ति के आधार पर नियुक्त नहीं किया जाएगा जब तक कि वह नियमित आधार पर सदृश पद या कोई ऐसा पद धारण न करता हो जो कि सदृश पद से एक स्तर नीचे का है।

5. आवेदन अयंत्रित करने और उनके प्रक्रमण की प्रक्रिया.—(1) केन्द्रीय सरकार न्यायिक सदस्यों और विशेषज्ञ सदस्यों

को नियुक्ति के लिए अखिल भारतीय आधार पर प्रकाशित किसी विज्ञापन के माध्यम से धारा 5 के अधीन विनिर्दिष्ट अर्हताएं रखने वाले व्यक्तियों से आवेदन आमंत्रित करेगी।

(2) अध्यक्ष या चयन समिति का कोई सदस्य राष्ट्रीय या अंतरराष्ट्रीय स्तर के किसी पात्र अभ्यर्थी को केन्द्रीय सरकार को नामनिर्देशित कर सकेंगे।

(3) यथास्थिति उपनियम (1) या उपनियम (2) के अधीन प्राप्त आवेदनों या नामनिर्देशनों की छानबीन या लघु सूचीयन, यदि आवश्यक हो, केन्द्रीय सरकार द्वारा किया जाएगा।

(4) छानबीन समिति, आवेदनों की छानबीन करते समय यह सुनिश्चित करेगी कि जिन व्यक्तियों का साक्षात्कार के लिए लघु सूचीयन किया गया है उनके पास अधिनियम की धारा 5 में यथा-विनिर्दिष्ट उच्चतर अर्हताएं और अनुभव हैं।

(5) लघु सूचीयन अभ्यर्थियों को चयन समिति के समक्ष साक्षात्कार के लिए उपस्थित होने के लिए बुलाया जाएगा।

6. वित्तीय और अन्य हित की घोषणा.—प्रत्येक व्यक्ति, यथास्थिति अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य के रूप में अपनी नियुक्ति पर, केन्द्रीय सरकार के समाधानप्रद रूप में, इन नियमों से संलग्न प्ररूप में यह घोषणा करेगा कि उसका कोई ऐसा वित्तीय या अन्य हित नहीं है। जिससे यथास्थिति अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है।

अध्याय 3

अध्यक्ष, न्यायिक सदस्यों और विशेषज्ञ सदस्यों के वेतन और भत्ते तथा सेवा-शर्तें

7. वेतन और भत्ते.—(1) (क) अध्यक्ष किसी मासिक वेतन और ऐसे भत्तों का हकदार होगा जो कि उच्चतम न्यायालय के किसी आसीन न्यायाधीश को अनुज्ञेय हैं;

(ख) न्यायिक सदस्य उतने मासिक वेतन और भत्तों का हकदार होगा, जो कि किसी उच्च न्यायालय के किसी पदासीन न्यायाधीश को अनुज्ञेय हैं; और

(ग) विशेषज्ञ सदस्य किसी मासिक वेतन और ऐसे भत्तों का हकदार होगा, जो कि भारत सरकार के सचिव को अनुज्ञेय हैं :

परन्तु यदि यथास्थिति, अध्यक्ष या किसी सदस्य के रूप में नियुक्त किया गया कोई व्यक्ति कोई पेंशन प्राप्त कर रहा है तो ऐसे व्यक्ति के वेतन में से उसके द्वारा आहरित की जाने वाली पेंशन की सकल रकम घटा दी जाएगी :

परन्तु यह और कि यथास्थिति, अध्यक्ष या किसी सदस्य वेतन के ऐसे नियतन से पूर्व मूल वेतन पर भत्ते पाने का हकदार होगा।

(2) नियुक्ति पर मूल सेवा से प्रतिनियुक्ति.—कोई विशेषज्ञ सदस्य, जो कि अधिकरण में अपनी नियुक्ति की तारीख को केन्द्रीय सरकार या किसी राज्य सरकार के अधीन सेवारत था, या तो सीधी भर्ती द्वारा या प्रतिनियुक्ति के आधार पर नियुक्ति के लिए विकल्प कर सकता है और उच्चतम न्यायालय या किसी उच्च न्यायालय के किसी

आसीन न्यायाधीश की दशा में, जिसे यथास्थिति, अध्यक्ष या न्यायिक सदस्य के रूप में नियुक्त किया जाता है, अधिकरण में उसकी सेवा संविधान की दूसरी अनुसूची के भाग घ के पैरा 11 के खंड (ख) के उपखंड (i) के अर्थान्तर्गत वास्तविक सेवा मानी जाएगी।

8. छुट्टी.—(1) कोई व्यक्ति, अधिकरण में अध्यक्ष, न्यायिक सदस्य और विशेषज्ञ सदस्य के रूप में नियुक्ति पर निम्नलिखित छुट्टी का हकदार होगा:—

(i) सेवा के प्रत्येक संपूरित कलेंडर वर्ष के लिए पन्द्रह दिनों की दर से उपाजित छुट्टी;

(ii) सेवा के प्रत्येक संपूरित वर्ष की बाबत चिकित्सा प्रमाणपत्र पर या निजी कार्य के लिए बीस दिन की दर से अर्ध वेतन छुट्टी और अर्ध वेतन छुट्टी के लिए छुट्टी वेतन उपाजित छुट्टी के दौरान अनुज्ञेय वेतन छुट्टी के आधे के समतुल्य होगा;

(iii) अर्ध वेतन छुट्टी, यथास्थिति अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य के विवेकानुसार पूर्ण वेतन छुट्टी में परिवर्तित की जा सकती है परंतु यह छुट्टी चिकित्सा आधारों पर ली गई है और इसके साथ सक्षम चिकित्सा प्राधिकारी से किसी चिकित्सा प्रमाणपत्र से समर्पित है;

(iv) एक पदावधि में अधिकतम एक सौ अस्सी दिनों की अवधि तक वेतन और भत्तों के बिना असाधारण छुट्टी।

(2) यदि, यथास्थिति अध्यक्ष या कोई न्यायिक सदस्य या कोई विशेषज्ञ सदस्य अधिकरण में अपनी व्यस्तता के कारण पूर्ण प्रावकाश का उपभोग करने में असमर्थ रहता है तो वह प्रावकाश की अनुपभोग की अवधि को छुट्टी के खाते में जोड़ने का हकदार होगा।

स्पष्टीकरण.—इस उप-नियम के प्रयोजनार्थ "प्रावकाश" से अधिकरण द्वारा किया जाने वाला प्रत्येक कलेंडर वर्ष में तीस दिन का प्रावकाश अभिप्रेत है।

(3) अधिकरण में अपनी पदावधि के अवसान पर, यथास्थिति, अध्यक्ष या कोई न्यायिक सदस्य या कोई विशेषज्ञ सदस्य अपने खाते में बकाया उपाजित छुट्टी की बाबत इस शर्त के अधीन रहते हुए छुट्टी वेतन के समतुल्य नकद प्राप्त करने का हकदार होगा कि इस उप-नियम के अधीन भुनाई गई अधिकतम छुट्टी किसी भी दशा में तीन सौ से अधिक नहीं होगी।

(4) यथास्थिति, अध्यक्ष या कोई न्यायिक सदस्य या कोई विशेषज्ञ सदस्य उप-नियम (2) के अधीन छुट्टी वेतन पर यथा-अनुज्ञेय उन्हीं दरों पर मंहगाई भत्ता प्राप्त करने का हकदार होगा जो कि अधिकरण में उसके द्वारा पद त्याग करने की तारीख को प्रवृत्त थीं।

(5) छुट्टी मंजूर करने वाला प्राधिकारी.—अध्यक्ष, किसी न्यायिक सदस्य या किसी विशेषज्ञ सदस्य की छुट्टी मंजूर करने के लिए सक्षम प्राधिकारी होगा और राष्ट्रपति, अध्यक्ष की छुट्टी मंजूर करने के लिए समक्ष प्राधिकारी होगा।

9. पेंशन उपदान या भविष्य निधि.—(1) यदि उच्चतम न्यायालय या किसी उच्च न्यायालय के किसी आसीन न्यायाधीश या सरकार में सेवारत किसी व्यक्ति की नियुक्ति यथास्थिति, अध्यक्ष या

न्यायिक सदस्य या विशेषज्ञ सदस्य के पद पर की जाती है तो अधिकरण में की गई सेवा की गणना, उस सेवा के, जिसका वह है, नियमों के अनुसार ली जाने वाली पेंशन के लिए की जाएगी और वह साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1950 के उपबंधों द्वारा भी शासित होगा।

(2) अन्य सभी मामलों में, सदस्य अंशदायी भविष्य निधि (भारत) नियम, 1962 के उपबंधों द्वारा शासित होगा।

(3) अधिकरण में की गई सेवा के लिए अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होगा।

10. यात्रा भत्ता.—(1) अध्यक्ष, स्थानांतरण पर दौरे के दौरान (जिसके अंतर्गत अधिकरण में पदभार ग्रहण करने या अधिकरण में अपनी कार्याविधि समाप्त होने पर अपने गृह नगर जाने के लिए की जाने वाली यात्रा भी है) उन्हीं मापमानों और उन्हीं दरों पर यात्रा भत्ते, दैनिक भत्ते, व्यक्तिगत चीजबस्त के परिवहन और अन्य समरूप बातों का हकदार होगा जो कि उच्चतम न्यायालय के किसी न्यायाधीश को यात्रा भत्तों को शासित करने वाले सुसंगत नियमों के अधीन अनुज्ञेय हैं।

(2) न्यायिक सदस्य, स्थानांतरण पर दौरे के दौरान (जिसके अंतर्गत अधिकरण में पदभार ग्रहण करने या अधिकरण में अपनी कार्याविधि समाप्त होने पर अपने गृह नगर जाने के लिए की जाने वाली यात्रा भी है) उन्हीं मापमानों और उन्हीं दरों पर यात्रा भत्ते, दैनिक भत्ते, व्यक्तिगत चीजबस्त के परिवहन और अन्य समरूप बातों का हकदार होगा जो कि उच्च न्यायालय के किसी न्यायाधीश को यात्रा भत्तों को शासित करने वाले सुसंगत नियमों के अधीन अनुज्ञेय हैं।

(3) विशेषज्ञ सदस्य, स्थानांतरण पर दौरे के दौरान (जिसके अंतर्गत अधिकरण में पदभार ग्रहण करने या अधिकरण में अपनी कार्याविधि समाप्त होने पर अपने गृह नगर जाने के लिए की जाने वाली यात्रा भी है) उन्हीं मापमानों और उन्हीं दरों पर यात्रा भत्ते, दैनिक भत्ते, व्यक्तिगत चीजबस्त के परिवहन और अन्य समरूप बातों का हकदार होगा जो कि केन्द्रीय सरकार की समूह 'क' सेवा के किसी अधिकारी को यात्रा भत्तों को शासित करने वाले सुसंगत नियमों के अधीन अनुज्ञेय हैं।

11. छुट्टी यात्रा रियायत.—अध्यक्ष, कोई न्यायिक सदस्य और कोई विशेषज्ञ सदस्य छुट्टी यात्रा रियायत का उसी दर पर और उन्हीं मापमानों पर और उन्हीं शर्तों पर हकदार होगा जो केन्द्रीय सरकार के समतुल्य वेतन पाने वाले समूह 'क' अधिकारी के लिए अनुज्ञेय हैं।

12. वास सुविधा.—अध्यक्ष, कोई न्यायिक सदस्य और कोई विशेषज्ञ सदस्य को आहरित मूल वेतन के तीस प्रतिशत की दर पर मकान किराया भत्ते का दावा करने का विकल्प होगा।

परंतु यदि उसे दिल्ली में साधारण पूल निवास स्थान के लिए पात्र घोषित कर दिया जाता है तो वह मकान किराया भत्ते के लिए पात्र नहीं होगा।

13. वाहन सुविधा.—अध्यक्ष, कोई न्यायिक सदस्य और विशेषज्ञ सदस्य, शासकीय और निजी प्रयोजनों के लिए यात्रा करने के लिए भारत सरकार के स्टाफ कार नियमों के अनुसार स्टाफ कार की सुविधा का हकदार होगा।

14. चिकित्सीय उपचार के लिए सुविधाएं.—अध्यक्ष, कोई न्यायिक सदस्य और कोई विशेषज्ञ सदस्य, अभिदायी स्वास्थ्य सेवा स्कीम नियम, 1954 में यथा-उपबोधित चिकित्सीय उपचार और अस्पताल की सुविधाओं का हकदार होगा और ऐसे स्थानों में, जहां केन्द्रीय स्वास्थ्य सेवा स्कीम प्रवर्तन में नहीं है, वहां अध्यक्ष, कोई न्यायिक सदस्य और कोई विशेषज्ञ सदस्य, केन्द्रीय सेवा (चिकित्सीय परिचर्या) नियम, 1944 में यथा-उपबोधित सुविधाओं का हकदार होगा।

15. टेलिफोन सुविधा, शासकीय बैठकें और सत्कार खर्च.—अध्यक्ष और कोई न्यायिक सदस्य और कोई विशेषज्ञ सदस्य, केन्द्रीय सरकार के समतुल्य वेतन पाने वाले समूह 'क' अधिकारी को यथा-अनुज्ञेय टेलिफोन सुविधाओं, शासकीय बैठकों और सरकारी खर्चों के लिए पात्र होगा।

16. अध्यक्ष या न्यायिक सदस्य के रूप में नियुक्त उच्चतम न्यायालय के आसीन न्यायाधीश या किसी उच्च न्यायालय के न्यायाधीश की सेवा शर्तें.—इन नियमों में अंतर्विष्ट किसी बात के होते हुए भी, जहां उच्चतम न्यायालय के किसी आसीन न्यायाधीश या किसी उच्च न्यायालय के मुख्य न्यायमूर्ति को अधिकरण का, यथास्थिति, अध्यक्ष या न्यायिक सदस्य नियुक्त किया जाता है वहां, यथास्थिति, उच्चतम न्यायालय न्यायाधीश (सेवा शर्तें) अधिनियम, 1954 या उच्च न्यायालय न्यायाधीश (सेवा शर्तें) अधिनियम, 1954 में तथा उसके अधीन बनाए गए नियमों में अंतर्विष्ट सेवा-शर्तें उसे लागू होंगे।

17. नियमों को शिथिल करने की शक्ति.—केन्द्रीय सरकार को व्यक्तियों के किसी वर्ग या प्रवर्गों की बाबत इस अध्याय के उपबंधों को शिथिल करने की शक्ति होगी।

18. अवशिष्ट शक्तियां.—यथास्थिति, अध्यक्ष या किसी सदस्य की सेवा के निबंधन और शर्तों से संबंधित ऐसा मामला, जिसकी बाबत इन नियमों के अधीन कोई अभिव्यक्त उपबंध नहीं किया गया है, अधिकरण द्वारा केन्द्रीय सरकार को उसके विनिश्चय के लिए निर्दिष्ट किया जाएगा।

अध्याय 4

धारा 10 की उप-धारा (4) और उप-धारा (5) के अधीन अधिकरण के अध्यक्ष अथवा किसी न्यायिक सदस्य या किसी विशेषज्ञ सदस्य के विलुद्ध आरोपों की जांच के लिए प्रक्रिया

19. जांच का संस्थित किया जाना.—केन्द्रीय सरकार लिखित शिकायत प्राप्त होने पर धारा 10 की उप-धारा (4) या उप-धारा (5) के अधीन अधिकरण के किसी न्यायिक या विशेषज्ञ सदस्य के विलुद्ध आरोपों की जांच संस्थित करेगी।

20. शिकायतों के अन्वेषण के लिए समिति.—(1) यदि अध्यक्ष या किसी न्यायिक सदस्य या किसी विशेषज्ञ सदस्य की बाबत पद के कृत्यों का निर्वहन करने के लिए कदाचार या असमर्थता के किसी निश्चित आरोप का अभिकथन करते हुए कोई लिखित शिकायत केन्द्रीय सरकार को प्राप्त होती है तो वह ऐसी शिकायत की प्रारंभिक संवीक्षा करेगी।

(2) यदि, प्रारंभिक संवीक्षा पर, केन्द्रीय सरकार अभिकथन का अन्वेषण करने के लिए ऐसा करना आवश्यक समझती है, तो वह

समर्थक सामग्री के साथ उस शिकायत को एक समिति के समक्ष रखेगी, जो शिकायत में लगाए गए आरोपों को अन्वेषण करने के लिए निम्नलिखित अधिकारियों से मिलकर बनेगी, अर्थात् :—

- | | |
|--|----------|
| (i) प्रिंसिपल सचिव | —अध्यक्ष |
| (ii) सचिव पर्यावरण और वन मंत्रालय | —सदस्य |
| (iii) सचिव, विधि कार्य विभाग, विधि और न्याय मंत्रालय | —सदस्य |

(3) समित अन्वेषण की अपनी स्वयं की ऐसी प्रक्रिया और पद्धति अपनाएगी जिसके अंतर्गत शिकायतकर्ता के साक्ष्य को अभिलिखित किया जाना और ऐसी जांच से सुसंगत सामग्री एकत्र करना भी है, जो उच्चतम न्यायालय के किसी न्यायाधीश द्वारा इन नियमों के अधीन की जा सकेगी।

(4) समिति अपने निष्कर्ष यथासंभव शीघ्र उस अवधि के भीतर जो राष्ट्रपति द्वारा इस निमित्त विनिर्दिष्ट की जाए, राष्ट्रपति को प्रस्तुत करेगी।

21. जांच करने वाला न्यायाधीश.—(1) यदि समिति के निष्कर्ष प्राप्त होने पर राष्ट्रपति की यह राय है कि अध्यक्ष या किसी न्यायिक सदस्य या किसी विशेषज्ञ सदस्य के कदाचार या असमर्थता के किसी अभ्यारोपण की सत्यता की जांच करने के युक्तियुक्त आधार हैं तो वह भारत के मुख्य न्यायमूर्ति को, उससे जांच करने के लिए उच्चतम न्यायालय के किसी न्यायाधीश को नामनिर्दिष्ट करने का अनुरोध करते हुए, निर्देश करेगा।

(2) राष्ट्रपति, आदेश द्वारा, भारत के मुख्य न्यायमूर्ति द्वारा जांच करने के प्रयोजन के लिए नामनिर्दिष्ट उच्चतम न्यायालय के न्यायाधीश को नियुक्त करेगा।

(3) उपनियम (2) के अधीन किसी न्यायाधीश की नियुक्ति की सूचना संबंधित सदस्य को दी जाएगी।

(4) राष्ट्रपति, न्यायाधीश को निम्नलिखित की प्रति अग्रेषित करेगा—

- संबंधित सदस्य के विरुद्ध आरोपों की मर्दे, अभ्यारोपणों का कथन ;
- साक्षियों का, कथन यदि कोई हो; और
- जांच से सुसंगत तात्त्विक दस्तावेज।

(5) उपनियम (2) के अधीन नियुक्त न्यायाधीश ऐसे समय या अतिरिक्त समय के भीतर जो राष्ट्रपति द्वारा विनिर्दिष्ट किया जाए, जांच पूरी करेगा।

(6) संबंधित सदस्य को, ऐसे समय के भीतर, जो न्यायाधीश द्वारा इस निमित्त विनिर्दिष्ट किया जाए, प्रतिवाद का लिखित कथन प्रस्तुत करने का युक्तियुक्त अवसर प्रदान किया जाएगा।

(7) जहाँ यह अभिकथन किया जाता है कि संबंधित सदस्य किसी शारीरिक या मानसिक असमर्थता के कारण अपने पदीय कर्तव्यों का दक्षतापूर्वक निर्वहन करने में असमर्थ है और उस अभिकथन का प्रत्याख्यान किया जाता है तो न्यायाधीश उस सदस्य की ऐसे चिकित्सा बोर्ड द्वारा, जो राष्ट्रपति द्वारा तत्प्रयोजनार्थ नियुक्त किया जाए, चिकित्सा परीक्षा करने की व्यवस्था कर सकेगा और संबंधित सदस्य ऐसी

चिकित्सीय परीक्षा के लिए न्यायाधीश द्वारा इस निमित्त विनिर्दिष्ट समय के भीतर उपस्थित होगा।

(8) चिकित्सा बोर्ड उस सदस्य की ऐसी चिकित्सीय परीक्षा करेगा, जो वह आवश्यक समझे और न्यायाधीश को एक रिपोर्ट, उसमें यह कथन करते हुए प्रस्तुत करेगा कि असमर्थता ऐसी है जो कि सदस्य को पद पर बने रहने के लिए अयोग्य बनाती है।

(9) यदि वह सदस्य ऐसी चिकित्सा परीक्षा, जो चिकित्सा बोर्ड द्वारा आवश्यक समझी जाए, कराने से इनकार करता है तो बोर्ड न्यायाधीश को एक रिपोर्ट, उसमें ऐसी परीक्षा का कथन करते हुए, जिसके कराने के लिए सदस्य ने इनकार किया है, प्रस्तुत करेगा और न्यायाधीश ऐसी रिपोर्ट होने पर यह उपधारणा करेगा कि वह सदस्य ऐसी शारीरिक या मानसिक असमर्थता से ग्रस्त है जैसाकि सदस्य के विरुद्ध अभिकथन किया गया है।

(10) न्यायाधीश सदस्य के लिखित कथन और चिकित्सा रिपोर्ट, यदि कोई हो, पर विचार करने के पश्चात् उपनियम (4) के खंड (i) में निर्दिष्ट आरोपों में संशोधन कर सकेगा और ऐसी दशा में सदस्य को प्रतिवाद का नए सिरे से लिखित कथन प्रस्तुत करने का युक्तियुक्त अवसर प्रदान किया जाएगा।

(11) केंद्रीय सरकार उस सदस्य के विरुद्ध मामला पेश करने के लिए अपना अधिकारी या कोई अधिवक्ता नियुक्त करेगी।

(12) जहाँ केंद्रीय सरकार ने न्यायाधीश के समक्ष अपना मामला पेश करने के लिए किसी अधिवक्ता को नियुक्त किया है, वहाँ संबंधित सदस्य को भी अपने द्वारा चुने गए किसी अधिवक्ता द्वारा अपना मामला प्रस्तुत करने की अनुज्ञा दी जाएगी।

22. विभागीय जांच (साक्षियों का हाजिर कराना तथा दस्तावेज पेश कराना) अधिनियम, 1972 का इन नियमों के अधीन की जांचों को लागू होना.—विभागीय जांच (साक्षियों का हाजिर कराना और दस्तावेज पेश कराना) अधिनियम, 1972 (1972 का 18) के उपबंध इन नियमों के अधीन की गई जांचों को उसी प्रकार लागू होंगे जैसे वे विभागीय जांचों के संबंध में लागू होते हैं।

23. न्यायाधीश की शक्तियाँ.—न्यायाधीश, सिविल प्रक्रिया संहिता, 1908 (1908 का 5) में अधिकथित प्रक्रिया से आबद्ध नहीं होगा बल्कि वह नैसर्गिक न्याय के सिद्धांतों से मार्गदर्शित होगा और उसे अपनी स्वयं की प्रक्रिया, जिसके अंतर्गत अपनी जांच के स्थान तथा समय नियत करना भी है, विनियमित करने की शक्ति होगी।

24. न्यायिक सदस्य का निलंबन.—राष्ट्रपति, नियम 6 में अंतर्विष्ट किसी बात के होते हुए भी और उक्त नियम के अनुसार की जाने वाली किसी कार्रवाई पर प्रतिकूल प्रभाव डाले बिना, आरोपों की गंभीरता को ध्यान में रखते हुए, अधिकरण के उस न्यायिक सदस्य को निलंबित कर सकेगा जिसके विरुद्ध उच्चतम न्यायालय को निर्देश किया गया है।

25. निर्वाह भत्ता.—निलंबनाधीन किसी सदस्य को निर्वाह भत्ते का संदाय भारत सरकार के सचिव को तत्समय लागू नियमों और आदेशों के अनुसार विनियमित होगा।

26. जांच रिपोर्ट.—न्यायाधीश, अन्वेषण की समाप्ति के पश्चात् राष्ट्रपति को, आरोपों की प्रत्येक मद के बारे में पृथक् रूप से

अपने निष्कर्षों और संपूर्ण मामले पर ऐसी मताभिव्यक्तियों सहित, जो वह ठीक समझे, उनके कारणों का कथन करते हुए एक रिपोर्ट प्रस्तुत करेगा।

प्रारूप

(देखिए नियम 6)

किसी प्रतिकूल वित्तीय या अन्य हित के अर्जन के विरुद्ध घोषणा

में राष्ट्रीय हरित अधिकरण के अध्यक्ष/न्यायिक/विशेषज्ञ सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में नियुक्त होने पर सत्यनिष्ठा से यह प्रतिज्ञान और घोषणा करता हूँ कि मेरा कोई ऐसा वित्तीय या अन्य हित नहीं है और न ही भविष्य में होगा जिससे राष्ट्रीय हरित अधिकरण के अध्यक्ष/न्यायिक/विशेषज्ञ सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में मेरे कामकाज पर प्रतिकूल प्रभाव पड़ने की संभावना है।

तारीख :

स्थान :

(अध्यक्ष/न्यायिक/विशेषज्ञ सदस्य का नाम)

राष्ट्रीय हरित अधिकरण

[फा. सं. 17(1)/2010-पी.एल.]

डॉ. रजनीश दुबे, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 26th November, 2010

G.S.R. 927(E).—In exercise of the powers conferred by clauses (e), (f) and (g) of (2) of Section 35 of the National Green Tribunal Act, 2010 (19 of 2010), the Central Government hereby makes the following rules, namely :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and Procedure for Inquiry) Rules, 2010.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

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

(a) "Act" means the National Green Tribunal Act, 2010 (19 of 2010);

(b) "Section" means a Section of the Act;

(c) "Tribunal" means the National Green Tribunal established under Section 3 of the Act.

(2) The words and expression used and not defined in these rules, but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

MANNER OF APPOINTMENT OF JUDICIAL MEMBERS AND EXPERT MEMBERS

3. Selection Committee.—The Judicial Members and Expert Members of the Tribunal shall be appointed by the Central Government on the recommendation of a Selection Committee comprising of the following, namely :—

- | | |
|---|--------------|
| (a) Sitting Judge of the Supreme Court to be nominated by the Chief Justice of India in consultation with the Minister of Law and Justice | Chairperson; |
| (b) Chairperson of the Tribunal | Member; |
| (c) Secretary to the Government of India in the Ministry of Environment and Forests | Member; |
| (d) Director, Indian Institute of Technology, Kanpur | Member; |
| (e) Director, Indian Institute of Management, Ahmadabad | Member; |
| (f) President, Centre for Policy Research, New Delhi | Member. |

4. Method of recruitment.—The method of recruitment of the Expert Member shall be by direct recruitment on Contract basis :

Provided that any person in the service in the Government or Autonomous bodies or Statutory bodies or Universities may opt for appointment either by direct recruitment or on deputation basis :

Provided further that no person shall be appointed on deputation, unless he holds an analogous posts on regular basis or a post which is one level below that of analogous post.

5. Procedure for inviting and processing of applications.—(1) The Central Government shall invite application for the appointment of Judicial Members and Expert Members from the persons having qualifications specified under Section 5 through an advertisement published on all India basis :

(2) The Chairperson or a Member of the Selection Committee may nominate an eligible candidate of national or international repute to the Central Government.

(3) The applications or nominations received under sub-rule (1) or sub-rule (2), as the case may be, shall be screened and shortlisted, if necessary, by the Central Government.

(4) The Screening Committee while screening the applications shall ensure that the persons shortlisted for interview possess higher qualifications and experience as specified under Section 5 of the Act,

(5) The shortlisted candidates shall be called to appear before the Selection Committee for interview.

6. Declaration of financial or other interest.—Every person, on his appointment as the Chairperson or the Judicial Member or the Expert Member, as the case may be, shall give a declaration in Form appended to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interests as is likely to affect prejudicially his functions as such Chairperson or the Judicial Member or the Expert Member, as the case may be.

CHAPTER III

SALARIES, ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRPERSON, JUDICIAL MEMBERS AND EXPERT MEMBERS

7. Salary and allowances.—(1) (a) The Chairperson shall be entitled to a monthly salary and to such allowances as are admissible to a sitting judge of the Supreme Court;

(b) the Judicial Member shall be entitled to a monthly salary and to such allowances as are admissible to a sitting judge of a High Court; and

(c) the Expert Member shall be entitled to a monthly salary and to such allowances as are admissible to a Secretary to the Government of India :

Provided that in case a person appointed as the Chairperson or a 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 :

Provided further that the Chairperson or a Member, as the case may be, shall be entitled to draw allowances on the original basic pay before such fixation of pay.

(2) Deputation from parent service on appointment.—An Expert Member who on the date of his appointment to the Tribunal, was in service under the Central Government or a State Government, can opt for appointment either by direct recruitment or on deputation basis and in the case of a sitting Judge of the Supreme Court or a High Court who is appointed as the Chairperson or the Judicial Member, as the case may be, his service in the Tribunal shall be treated as actual service within the meaning of sub-clause (i) of clause (b) of paragraph 11 of Part D of the Second Schedule to the Constitution.

8. Leave.—(1) A person, on appointment in the Tribunal as a Chairperson, a Judicial Member and an Expert Member shall be entitled to leave as follows :

- (i) earned leave at the rate of fifteen days for every completed calendar year of service;
- (ii) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) leave on half pay can be commuted to full pay leave at the discretion of the Chairperson or Judicial Member or Expert Member, as the case may be, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority;

(iv) extraordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office.

(2) If the Chairperson or a Judicial Member or an Expert Member, as the case may be, is unable to enjoy full vacation on account of his occupation with the Tribunal, he shall be entitled to add the unenjoyed period of vacation to the leave account.

Explanation.—For the purpose of this sub-rule "vacation" means vacation of thirty days in each calendar year observed by the Tribunal.

(3) On the expiry of the term of his office in the Tribunal, the Chairperson or a Judicial Member or an Expert Member, as the case may be, shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, subject to the condition that the maximum of leave encashed under this sub-rule shall not in any case exceed three hundred days.

(4) The Chairperson or a Judicial Member or an Expert Member, as the case may be, shall be entitled to receive the dearness allowance as admissible on the leave salary under sub-rule (2) at the rates in force on the date of the relinquishment of the office in the Tribunal.

(5) Leave sanctioning authority.—The Chairperson shall be the authority competent to sanctioning leave to a Judicial Member or an Expert Member and the President shall be the authority competent to sanction leave to the Chairperson.

9. Pension, Gratuity or Provident fund.—(1) In case a serving judge of the Supreme Court or a High Court or a person in the service of the Government is appointed to the post of the Chairperson or Judicial Member or an Expert Member, as the case may be, the service rendered in the Tribunal shall count for pension, to be drawn in accordance with the rules of the service to which he belongs, and he shall also be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960.

(2) In all other cases, the Member shall be governed by the provision of the Contributory provident Fund (India) Rules, 1962.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal.

10. Travelling Allowance.—(1) The Chairperson, while on tour as on transfer (including the journey undertaken to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same scales and the same rates as admissible to a

Judge of the Supreme Court under the relevant rules governing travelling allowances.

(2) The Judicial Member while on tour as on transfer (including the journey undertaken to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same scales and the same rates as admissible to a Judge of the High Court under the relevant rules governing travelling allowances.

(3) The Expert Member while on tour as on transfer (including the journey undertaken to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same scales and the same rates as admissible for an officer of Group 'A' service of the Central Government under the relevant rules governing travelling allowances.

11. Leave Travel Concession.—The Chairperson, a Judicial Member and an Expert Member shall be entitled to leave travel concession at the same rate, and at the same scales and on the same conditions as are admissible to a Group 'A' officer of the Central Government drawing an equivalent pay.

12. Accommodation.—The Chairperson, a Judicial Member and an Expert Member shall have the option of claiming house rent allowance at the rate of thirty per cent of the basic pay drawn :

Provided that he shall not be eligible for house rent allowance in case he is declared eligible for General Pool Residential Accommodation in Delhi and occupy such a Government accommodation allotted to him.

13. Facility of conveyance.—The Chairperson, a Judicial Member and an Expert Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the Staff Car Rules of the Government of India.

14. Facilities for medical treatment.—The Chairperson, a Judicial Member and an Expert Member shall be entitled to medical treatment and hospital facilities as provided in the Contributory Health Service Scheme Rules, 1954 and in places where the Central Health Services Scheme is not in operation, the Chairperson, a Judicial Member and an Expert Member shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944.

15. Telephone facility, official meetings and entertainment expenses.—The Chairperson and a Judicial Member and an Expert Member shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to a Group 'A' officer of the Central Government drawing an equivalent pay.

16. Conditions of service of sitting Judge of Supreme Court or a Judge of a High Court appointed as Chairperson or Judicial Member.—Notwithstanding anything contained in these rules, where a sitting judge of the Supreme Court or a Chief Justice of a High Court is appointed as the Chairperson or a Judicial Member of the Tribunal, as the case may be, the service conditions as contained in the Supreme Court Judges (Conditions of Service) Act, 1958 or the High Court Judges (Conditions of Service) Act, 1954, as the case may be, and the rules made thereunder shall apply to him.

17. Powers to relax rules.—The Central Government shall have power to relax the provisions of this chapter in respect of any class or categories of persons.

18. Residuary provisions.—Matter relating to the terms and conditions of service of the Chairperson or a Member, as the case may be, with respect to which no express provision has been made under these rules, shall be referred by the Tribunal to the Central Government for its decision.

CHAPTER IV

PROCEDURE FOR INQUIRY OF CHARGES AGAINST A CHAIRPERSON OR A JUDICIAL MEMBER OR AN EXPERT MEMBER OF TRIBUNAL UNDER SUB-SECTIONS (4) AND (5) OF SECTION 10

19. Institution of inquiry.—The Central Government shall institute an inquiry of the charges against the Chairperson or a Judicial Member or an Expert Member of the Tribunal under Sub-section (4) or Sub-section (5) of Section 10 of the Act on receipt of written complaint.

20. Committee for investigation of complaints.—
(1) If a written complaint alleging any definite charge of misbehaviour or incapacity to perform the functions of the office in respect of the chairperson or a Judicial Member or an Expert Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) If, on preliminary scrutiny, the Central Government considers it necessary to investigate into the allegation, it shall place the complaint together with supporting material as may be available, before a Committee consisting of the following officers to investigate into the charges made in the complaint, namely :—

- | | |
|---|--------------|
| (i) Cabinet Secretary | —Chairperson |
| (ii) Secretary, Ministry of Environment and Forests | —Member |
| (iii) Secretary, Department of Legal Affairs, Ministry of Law and Justice | —Member |

(3) The Committee shall devise its own procedure and method of investigation which may include recording of evidence of the complainant and collection of material evidence relevant to the inquiry which may be conducted by a Judge of the Supreme Court under these rules.

(4) The Committee shall submit its findings to the President as early as possible within a period that may be specified by the President in this behalf.

21. Judge to conduct inquiry.—(1) If on the receipt of the findings of the Committee, the President is of the opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehaviour of incapacity of the chairperson or a Judicial or an Expert Member, he shall make a reference to the Chief Justice of India requesting him to nominate a Judge of the Supreme Court to conduct the inquiry.

(2) The President shall, by order, appoint the Judge of the Supreme Court nominated by the Chief Justice of India for the purpose of conducting the inquiry.

(3) Notice of appointment of a Judge under sub-rule (2) shall be given to the Member concerned.

(4) The President shall forward to the Judge a copy of—

- (i) the articles of charges against the Member concerned or the statement of imputations;
- (ii) the statement of witnesses, if any; and
- (iii) material documents relevant to the inquiry.

(5) The Judge appointed under sub-rule (2) shall complete the inquiry within such time or further time as may be specified by the President.

(6) The Member concerned shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the Judge.

(7) Where it is alleged that the Member concerned is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may arrange for the medical examination of the Member by such Medical Board as may be appointed for the purpose by the President and the Member concerned shall submit himself to such medical examination within the time specified in this behalf by the Judge.

(8) The Medical Board shall undertake such medical examination of the Member as may be considered necessary and submit a report to the Judge stating therein whether the incapacity is such as to render the Member unfit to continue in office.

(9) If the Member refuses to undergo such medical examination as considered necessary by the Medical Board, the Board shall submit a report to the Judge stating therein the examination which the Member has refused to undergo, and the Judge may, on receipt of such report, presume that the Member suffers from such physical or mental incapacity as is alleged against the Member.

(10) The Judge may, after considering the written statement of the Member and the Medical Report, if any, amend the charges referred to in clause (i) of sub-rule (4) and in such a case, the Member shall be given a reasonable opportunity of presenting a fresh written statement of defence.

(11) The Central Government shall appoint its officer or an advocate to present the case against the Member.

(12) Where the Central Government has appointed an advocate to present its case before the Judge, the Member concerned shall also be allowed to present his case by an advocate chosen by him.

22. Application of the Departmental Inquiries (Enforcement of Witness and Production of Documents) Act, 1972, to inquiries under these rules.—The provisions of the Departmental Inquiries (Enforcement of Witness and Production of Documents) Act, 1972 (18 of 1972), shall apply to the inquiries made under these rules as they apply to departmental inquiries.

23. Powers of Judge.—The Judge shall not be bound by the procedure laid down in 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 his own procedure including the fixing of places and times of his inquiry.

24. Suspension of Judicial Member.—Notwithstanding anything contained in rule 6 and without prejudice to any action being taken in accordance with the said rule, the President, keeping in view the gravity of charges, may suspend the Judicial Member of the Tribunal against whom a reference has been made to the Supreme Court.

25. Subsistence Allowance.—The payment of subsistence allowance to a Member under suspension shall be regulated in accordance with the rules and orders for the time being applicable to a Secretary to the Government of India.

26. Inquiry Report.—After the conclusion of the investigation, the Judge shall submit his report to the President stating therein his findings and the reasons thereof on each of the articles of charges separately with such observations on the whole case as he thinks fit.

FORM

(See rule 6)

Declaration against acquisition of any adverse financial or other interest

I,....., having been appointed as the Chairperson/Judicial/Expert Member (*cross out portion not applicable*) of the National Green Tribunal, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Judicial/Expert Member (*cross out portion not applicable*) of the National Green Tribunal.

Dated : (Name of the Chairperson/Judicial/Expert Member) National Green Tribunal
Place :

[F.No.17 (I)/2010-PL]

Dr. RAJNEESH DUBE, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 11 जुलाई, 2012

सा.का.नि. 556(अ).— केन्द्रीय सरकार, राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) की धारा 6 की उपधारा (3) के साथ पठित धारा 35 की उपधारा (2) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय हरित अधिकरण (न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति की रीति, अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा के अन्य निबंधन तथा शर्तें और जांच की प्रक्रिया) नियम, 2010 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. इन नियमों का संक्षिप्त नाम 'राष्ट्रीय हरित अधिकरण (न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति की रीति, अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा के अन्य निबंधन तथा शर्तें और जांच की प्रक्रिया) (संशोधन) नियम, 2012' है।

2. ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

3. राष्ट्रीय हरित अधिकरण (न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति की रीति, अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा के अन्य निबंधन तथा शर्तें और जांच की प्रक्रिया) नियम, 2010 (जिसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 3 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

"(3) चयन समिति - अधिकरण के न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति केन्द्रीय सरकार द्वारा निम्नलिखित से मिलकर बनने वाली चयन समिति की सिफारिश पर की जाएगी :-

(क) विधि और न्याय मंत्री के परामर्श से भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाने वाला उच्चतम न्यायालय का पीठासीन न्यायाधीश - अध्यक्ष ;

(ख) अधिकरण का अध्यक्ष - सदस्य ;

(ग) निदेशक, भारतीय प्रौद्योगिकी संस्थान, (चक्रानुक्रम में) - सदस्य ;

(घ) पर्यावरण और वन मंत्री द्वारा नामनिर्दिष्ट किया जाने वाला पर्यावरण नीति विशेषज्ञ - सदस्य ;

(ड) पर्यावरण और वन मंत्री द्वारा नामनिर्दिष्ट किया जाने वाला वन नीति विशेषज्ञ - सदस्य ;

(घ) सचिव, पर्यावरण और वन मंत्रालय, भारत सरकार - सदस्य सचिव ।"

4. उक्त नियमों के नियम 5 के उपनियम (g) में, "यदि आवश्यक हो, केन्द्रीय सरकार द्वारा" शब्दों के स्थान पर, "निम्नलिखित से मिलकर बताने वाली समिति:-

(i) पर्यावरण और वन मंत्री द्वारा नामनिर्दिष्ट किया जाने वाला अपर सचिव, पर्यावरण और वन मंत्रालय

(ii) पर्यावरण और वन मंत्री द्वारा नामनिर्दिष्ट किया जाने वाला अपर महानिदेशक वन, की पंक्ति से अन्यून कोई अधिकारी, और

(iii) सचिव द्वारा नामनिर्दिष्ट किया जाने वाला पर्यावरण और वन मंत्रालय में उस विषय से संबंध रखने वाला संयुक्त सचिव, जो सदस्य-समन्वय होगा" शब्द रखे जाएंगे ।

5. उक्त नियमों के नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

"6. वित्तीय या अन्य हित की घोषणा - (1) प्रत्येक व्यक्ति, यथास्थिति, अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य के रूप में अपनी नियुक्ति पर इन नियमों से उपाबद्ध प्ररूप में केन्द्रीय सरकार के समाधानप्रद रूप में घोषणा करेगा कि उसका कोई वित्तीय या अन्य हित नहीं है ; या वह संस्थाओं में, भारत सरकार, राज्य सरकार, बोर्ड और स्वायत्त निकायों में सदस्य या किसी अधिकारी के रूप में सिफारिश करने के लिए और उन विषयों में विनिश्चय करने के लिए भी जहां पर्यावरण से संबंधित कोई सारवान प्रश्न अंतर्बलित है, और ऐसा प्रश्न राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की अनुसूची 1 में विनिर्दिष्ट अधिनियमितियों के विनियामक कार्यान्वयन या भावी या निदेशकारी उपायों से उदभूत होता है, जिससे कि, यथास्थिति, अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य के रूप में उसके कृत्यों पर प्रतिकूल रूप से प्रभाव पड़ने की संभावना है, संबंधित नहीं रहा है ।

(2) पहले से ही इस प्रकार नियुक्त न्यायिक और विशेषज्ञ सदस्य उन विनिश्चयों से, जिनमें हित का द्वंद है, (विमुख हो जाएंगे) अलग हो जाएंगे ।

6. उक्त नियमों के नियम 8 के उपनियम (5) में निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :-

"परंतु यह कि, यथास्थिति, अध्यक्ष, न्यायिक और विशेषज्ञ सदस्य की छुट्टी मंजूर करने वाला सक्षम प्राधिकारी भारत से बाहर यात्रा करने के लिए छुट्टी मंजूर करने के लिए सक्षम होगा ।"

7. इन नियमों से उपाबद्ध 'प्ररूप' के स्थान पर निम्नलिखित 'प्ररूप' रखा जाएगा, अर्थात् :-

"प्ररूप

(नियम 6 देखें)

किसी प्रतिकूल वित्तीय या अन्य हित के अर्जन के विरुद्ध घोषणा

में राष्ट्रीय हरित अधिकरण के अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में नियुक्त होने पर सत्यनिष्ठा से और प्रतिज्ञान से घोषणा करता हूँ कि मेरा कोई ऐसा वित्तीय या अन्य हित नहीं है ; या मैं भारत सरकार, राज्य सरकार, बोर्ड और स्वायत्त निकायों के स्तर पर सिफारिश करने में और उन विषयों में विनिश्चय करने में जहां पर्यावरण से संबंधित (पर्यावरण से संबंधित विधिक अधिकार के परिवर्तन सहित) सारवान प्रश्न अंतर्बलित है और ऐसा प्रश्न राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की अनुसूची 1 में विनिर्दिष्ट अधिनियमितियों के विनियामक या विहितकारी या निदेशकारी उपायों के कार्यान्वयन से उदभूत होता है, जिससे राष्ट्रीय हरित अधिकरण के अध्यक्ष या न्यायिक सदस्य या विशेषज्ञ सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में मेरे कामकाज पर प्रतिकूल प्रभाव पड़ने की संभावना है, संबंधित नहीं रहा हूँ ।"

तारीख :

स्थान :

(अध्यक्ष/न्यायिक सदस्य/विशेषज्ञ सदस्य का नाम)

राष्ट्रीय हरित अधिकरण

[फा. सं. 17(1)/2010-पीएल]

सुरजीत सिंह, संयुक्त सचिव

टिप्पण : राष्ट्रीय हरित अधिकरण (न्यायिक और विशेषज्ञ सदस्यों की नियुक्ति की शक्ति, अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा के अन्य निबंधन तथा शर्तें और जांच की प्रक्रिया) नियम, 2010 भारत के राजपत्र में अधिसूचना सा.का.नि. सं. 927(अ), तारीख 26 नवम्बर, 2010 में प्रकाशित किए गए थे।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 11th July, 2012

G.S.R. 556(E).—In exercise of the powers conferred by clause (e) of sub-section (2) of Section 35 read with sub-section (3) of Section 6 of the National Green Tribunal Act, 2010 (No. 19 of 2010), the Central Government hereby makes the following rules to amend the National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and Procedure for Inquiry) Rules, 2010.

1. These rules may be called 'the National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and Procedure for Inquiry) (Amendment) Rules, 2012'.

2. They shall come into force on the date of their publication in the Official Gazette.

3. For rule 3 of the National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members Rules, 2010 (hereinafter referred to as the said rules), the following rule shall be substituted, namely :—

"(3) Selection Committee.—The Judicial Members and Expert Members of the Tribunal shall be appointed by the Central Government on the recommendation of a Selection Committee comprising the following, namely :—

- (a) Sitting Judge of the Supreme Court to be nominated by the Chief Justice of India in consultation with the Minister for Law and Justice—Chairperson;
- (b) Chairperson of the Tribunal—Member;
- (c) Director, Indian Institute of Technology, (By rotation)—Member;
- (d) An expert in Environmental Policy to be nominated by the Minister for Environment and Forests—Member;
- (e) An expert in Forests Policy to be nominated by the Minister for Environment and Forests—Member;
- (f) Secretary to the Government of India in the Ministry of Environment and Forests—Member-Secretary".

4. In rule 5 of the said rules, in sub-rule (3), for the words "if necessary, by the Central Government" the words "by a committee comprising :

- (i) Additional Secretary, Ministry of Environment and Forests, to be nominated by the Minister for Environment and Forests,
- (ii) An officer not below the level of Additional Director General of Forests, to be nominated by the Minister for Environment and Forests, and
- (iii) Joint Secretary, dealing with the subject matter in the Ministry of Environment and Forests to be nominated by the Secretary, who shall be the Member-Convenor" shall be substituted.

5. For rule 6 of the said rules, the following rule shall be substituted, namely :—

"6. Declaration of financial or other interest.—(1) Every person, on his appointment as the Chairperson or the Judicial Member or the Expert Member, as the case may be, shall give a declaration in a form appended to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interests; or has not been involved either as Member or as an Official in institutions at the level of Government of India, State Government, Boards and Autonomous Bodies in making recommendations and also in decision-making in matters where a substantial question relating to environment (including enforcement of legal right relating to environment) is involved and such question arises out of the implementation of the regulatory or prescriptive or directory measures of the enactments specified in Schedule 1 of the National Green Tribunal Act, 2010, that are likely to affect prejudicially his functions as such Chairperson or the Judicial Member or the Expert Member, as the case may be.

(2) The Judicial and Expert Members already so appointed shall withdraw (recuse themselves) from decisions that present potential conflicts”.

6. In rule 3 of the said rules, in sub-rule (5), the following proviso shall be inserted, namely:—

“Provided that the leave sanctioning authority for the Chairperson, Judicial and Expert Member, as the case may be, shall be competent to sanction leave for travel outside India.”

7. For ‘Form’ appended to the said rules, the following ‘Form’, shall be substituted, namely:—

“FORM
(Sample 6)

Declaration against acquisition of any adverse financial or other interest

I, having been appointed as the Chairperson or Judicial Member or Expert Member (cross out portion not applicable) of the National Green Tribunal, do solemnly affirm and declare that I do not have any such financial or other interests; or have not been involved either as Member or as an Official in institutions at the level of Government of India, State Government, Boards and Autonomous Bodies in making recommendations and also in decision-making in matters where a substantial question relating to environment (including enforcement of legal right relating to environment) is involved and such question arises out of the implementation of the regulatory or prescriptive or directory measures of the enactments specified in Schedule 1 of the National Green Tribunal Act, 2010, that are likely to affect prejudicially my functioning as the Chairperson or Judicial Member or Expert Member (cross out portion not applicable) of the National Green Tribunal.”

Dated:

(Name of the Chairperson/Judicial Member/Expert Member) National Green Tribunal

Place:

[F. No. 17(1)/2010-PL]

SURJIT SINGH, Jt. Secy.

Note: The National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and Procedure for Inquiry) Rules, 2010 were published in the Gazette of India vide notification No. G.S.R. 927(E), dated the 26th November, 2010.

mo. ct. signed car



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228989
CG-DL-E-13082021-228989

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45]

नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)

No. 45]

NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

An Act further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Tribunals Reforms Act, 2021.

(2) It shall be deemed to have come into force on the 4th April, 2021.

Short title and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(b) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member of a Tribunal;

(c) "notified date" means the 4th April, 2021;

(d) "Schedule" means the Schedule appended to this Act;

(e) "Tribunal" means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the First Schedule.

CHAPTER II

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNAL

Qualifications, appointment, etc., of Chairperson and Members of Tribunal.

3. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Central Government may, by notification in the Official Gazette, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and other conditions of service of the Chairperson and Member of a Tribunal after taking into consideration the experience, specialisation in the relevant field and the provisions of this Act:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member.

(2) The Chairperson and the Member of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee, except for the State Administrative Tribunal, shall consist of—

(a) a Chairperson, who shall be the Chief Justice of India or a Judge of Supreme Court nominated by him;

(b) two Members, who are Secretaries to the Government of India to be nominated by that Government;

(c) one Member, who —

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of that Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of that Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India:

Provided that in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947;

14 of 1947.

(ii) Debt Recovery Tribunal and Debt Recovery Appellate Tribunal established under the Recovery of Debts and Bankruptcy Act, 1993;

51 of 1993.

(iii) where the Chairperson or the outgoing Chairperson, as the case may be, of a Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government, in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary:

Provided that the Search-cum-Selection Committee for a State Administrative Tribunal shall consist of—

(a) the Chief Justice of the High Court of the concerned State—Chairman;

(b) the Chief Secretary of the concerned State Government—Member;

(c) the Chairman of the Public Service Commission of the concerned State—Member;

(d) one Member, who—

(i) in case of appointment of a Chairman of the Tribunal, shall be the outgoing Chairman of the Tribunal; or

(ii) in case of appointment of a Member of the Tribunal, shall be the sitting Chairman of the Tribunal; or

(iii) in case of the Chairman of the Tribunal seeking re-appointment, shall be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State:

Provided that such Member shall always be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State, if the Chairperson or the outgoing Chairperson of the State Administrative Tribunal, as the case may be, is not a retired Chief Justice or Judge of a High Court;

(e) the Secretary or the Principal Secretary of the General Administrative Department of the concerned State—Member-Secretary.

(4) The Chairperson of the Search-cum-Selection Committee shall have the casting vote.

(5) The Member-Secretary of the Search-cum-Selection Committee shall not have any vote.

(6) The Search-cum-Selection Committee shall determine the procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Search-cum-Selection Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations made by that Committee, preferably within three months from the date of such recommendation.

(8) No appointment shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

4. The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Chairperson or a 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 Chairperson or Member; or

Removal of
Chairperson or
Member of
Tribunal.

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Term of office of Chairperson and Member of Tribunal.

5. Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date, and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment, subject to a maximum term of office of five years.

Eligibility for re-appointment.

6. (1) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this Act:

Provided that, in making such re-appointment, preference shall be given to the service rendered by such person.

(2) All re-appointments shall be made in the same manner as provided in sub-section (2) of section 3.

Salary and allowances.

7. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for the salary of the Chairperson and Member of a Tribunal and they shall be paid allowances and benefits to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided that, if the Chairperson or Member takes a house on rent, he may be reimbursed a house rent higher than the house rent allowance as are admissible to a Central Government officer holding the post carrying the same pay, subject to such limitations and conditions as may be provided by rules.

(2) Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or Member of the Tribunal may be varied to his disadvantage after his appointment.

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

8. In section 7D of the Industrial Disputes Act, 1947, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER IV

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

9. In the Cinematograph Act, 1952,—Amendment
of Act 37 of
1952.

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word "Tribunal", at both the places where it occurs, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words and brackets "or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)" shall be omitted;

(e) in sections 7A and 7C, for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(f) in sections 7D, 7E and 7F, the words "the Tribunal,", wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j) and (k) shall be omitted.

CHAPTER V

AMENDMENTS TO THE COPYRIGHT ACT, 1957

10. In the Copyright Act, 1957,—Amendment
of Act 14 of
1957.

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

'(fa) "Commercial Court", for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;';

(iii) for clause (u), the following clause shall be substituted, namely:—

'(u) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;';

(b) in section 6,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) the words and figures "constituted under section 11 whose decision thereon shall be final" shall be omitted;

(c) in Chapter II, in the Chapter heading, the words "AND APPELLATE BOARD" shall be omitted;

(d) sections 11 and 12 shall be omitted;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(f) in section 50, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 53A,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) in sub-section (2), the words "and the decision of the Appellate Board in this behalf shall be final" shall be omitted;

(h) in section 54, for the words "Appellate Board", the words "Commercial Court" shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

"72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.";

(j) in sections 74 and 75, the words "and the Appellate Board", wherever they occur, shall be omitted;

(k) in section 77, the words "and every member of the Appellate Board" shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (cA) and (ccB) shall be omitted;

(ii) in clause (f), the words "and the Appellate Board" shall be omitted.

CHAPTER VI

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment
of Act 43 of
1961.

11. In section 252A of the Income-tax Act, 1961, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017.

CHAPTER VII

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment
of Act 52 of
1962.

12. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

(i) in sub-section (1), for the words "Appellate Authority", at both the places where they occur, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words "or Appellate Authority", wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words "and Appellate Authority" shall be omitted;

(ii) sub-section (2) shall be omitted;

(g) in section 129, in sub-section (7), for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017.

CHAPTER VIII

AMENDMENTS TO THE PATENTS ACT, 1970

13. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words "Appellate Board or", wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words "the Appellate Board or", wherever they occur, shall be omitted;

(ii) the words "as the case may be" shall be omitted;

(d) in section 59, the words "the Appellate Board or" shall be omitted;

(e) in section 64, in sub-section (1), the words "by the Appellate Board" shall be omitted;

(f) in section 71, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 76, the words "or Appellate Board" shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words "the Appellate Board or", wherever they occur, shall be omitted;

(B) the words "as the case may be" shall be omitted;

(ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;

Amendment
of Act 39 of
1970.

(i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(i) in sub-section (1), the words "or the Appellate Board", at both the places where they occur, shall be omitted;

(ii) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER IX

AMENDMENT TO THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

Amendment
of Act 13 of
1976.

14. In section 12A of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER X

AMENDMENT TO THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Amendment
of Act 13 of
1985.

15. In section 10B of the Administrative Tribunals Act, 1985, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XI

AMENDMENT TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment
of Act 54 of
1987.

16. In section 9A of the Railway Claims Tribunal Act, 1987, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Amendment
of Act 15 of
1992.

17. In section 15QA of the Securities and Exchange Board of India Act, 1992, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

18. In the Recovery of Debts and Bankruptcy Act, 1993,—Amendment
of Act 51 of
1993.

7 of 2017.

(a) in section 6A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted;

7 of 2017.

(b) in section 15A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XIV

AMENDMENTS TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

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

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word "Tribunal", at both the places where it occurs, the words "Central Government" shall be substituted;

(c) sections 28-I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words "Tribunal in such form as may be prescribed", the words "High Court" shall be substituted;

(B) in the proviso, for the word "Tribunal", the words "High Court" shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words "or the Tribunal" shall be omitted;

(g) in section 28N, in sub-section (2), for the word "Tribunal", the words "High Court" shall be substituted;

(h) in section 33, the words "or the Chairperson of the Tribunal" shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER XV

AMENDMENT TO THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

7 of 2017.

20. In section 14GA of the Telecom Regulatory Authority of India Act, 1997, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 24 of
1997.

CHAPTER XVI

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment
of Act 47 of
1999.

21. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1),—

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

'(s) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;';

(b) in section 10, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 26, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(d) in section 46, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in section 47, —

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(f) in section 55, in sub-section (1), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(g) in section 57, —

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(h) in section 71, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(i) in Chapter XI, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

"94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members shall not appear before the Registrar.;"

(n) sections 95 and 96 shall be omitted;

(o) in section 97, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

Bar to
appear before
Registrar.

(p) in section 98, for the words "Appellate Board" or "Board", wherever they occur, the words "High Court" shall be substituted;

(q) sections 99 and 100 shall be omitted;

(r) in section 113,—

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(s) in section 123, the words "and every Member of the Appellate Board" shall be omitted;

(t) in sections 124 and 125, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(u) in section 130, the words "the Appellate Board or" shall be omitted;

(v) in section 141, for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(w) in section 144, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(x) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), for the words "Appellate Board", the words "High Court" shall be substituted.

CHAPTER XVII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

22. In the Geographical Indications of Goods (Registration and Protection) Act, 1999,— Amendment
of Act 48 of
1999.

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 23, for the words "and before the Appellate Board before which", the words "before whom" shall be substituted;

(d) in section 27,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(f) in section 31,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(*h*) in sections 34 and 35, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*i*) section 36 shall be omitted;

(*j*) in section 48,—

(*i*) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(*ii*) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*k*) in sections 57 and 58, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*l*) in section 63, the words "the Appellate Board or" shall be omitted;

(*m*) in section 72, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*n*) in section 75, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*o*) in section 87, in sub-section (2), clause (*n*) shall be omitted.

CHAPTER XVIII

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

23. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(*a*) in section 2,—

(*i*) clauses (*d*), (*n*) and (*o*) shall be omitted;

(*ii*) for clause (*q*), the following clause shall be substituted, namely:—

'(*q*) "prescribed" means,—

(*i*) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(*ii*) in other cases, prescribed by rules made under this Act;'

(*iii*) clauses (*y*) and (*z*) shall be omitted;

(*b*) in section 44, the words "or the Tribunal" shall be omitted;

(*c*) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(*d*) sections 54 and 55 shall be omitted;

(*e*) in section 56,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (3) shall be omitted;

(*f*) in section 57,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (5) shall be omitted;

(*g*) sections 58 and 59 shall be omitted;

(h) in section 89, the words "or the Tribunal" shall be omitted.

CHAPTER XIX

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

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

Amendment
of Act 13 of
2003.

(a) in section 2,—

(i) clause (a) shall be omitted;

(ii) after clause (d), the following clause shall be inserted, namely:—

'(da) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;'

(iii) clause (l) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words "AND TRIBUNALS, ETC." shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

"14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.";

Appeal.

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words "or every order passed or decision made on appeal under this Act by the Tribunal" shall be omitted;

(ii) the words "or Tribunal" shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XX

AMENDMENT TO THE ELECTRICITY ACT, 2003

7 of 2017.

25. In section 117A of the Electricity Act, 2003, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 36 of
2003.

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

7 of 2017.

26. In section 9A of the Armed Force Tribunal Act, 2007, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the

Amendment
of Act 55 of
2007.

section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XXII

AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

27. In section 10A of the National Green Tribunal Act, 2010, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIII

AMENDMENT TO THE COMPANIES ACT, 2013

Amendment
of Act 18 of
2013.

28. In section 417A of the Companies Act, 2013, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIV

AMENDMENT TO THE FINANCE ACT, 2017

Amendment
of Act 7 of
2017.

29. In the Finance Act, 2017, sections 183 and 184 and the Eighth Schedule shall be omitted.

CHAPTER XXV

AMENDMENT TO THE CONSUMER PROTECTION ACT, 2019

Amendment
of Act 35 of
2019.

30. In section 55 of the Consumer Protection Act, 2019, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) Notwithstanding anything contained in sub-section (I), the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the National Commission appointed after the commencement of the Tribunal Reforms Act, 2021, shall be governed by the provisions of the said Act."

CHAPTER XXVI

MISCELLANEOUS

Power to
amend the
Schedule.

31. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification published in the Official Gazette, amend the Schedule and thereupon, the said Schedule shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is issued.

Rules to be
laid before
Parliament.

32. Every rule 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 both Houses agree that the rule should not be made, the rule 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.

33. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Second Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional provisions.

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Second Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

43 of 1961.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the court before which it would have been filed had this Act been in force on the date of filing of such appeal or application or initiation of the proceeding, and the court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or *de novo*, as the court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the notified date.

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

Ord. 2 of 2021.

35. (1) The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby repealed.

Repeal and saving.

37 of 1952.
14 of 1957.
52 of 1962.
39 of 1970.
55 of 1994.
47 of 1999.
48 of 1999.
53 of 2001.
13 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Cinematograph Act, 1952, the Copyright Act, 1957, the Customs Act, 1962, the Patents Act, 1970, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999, the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Protection of Plant Varieties and Farmers' Rights Act, 2001 and the Control of National Highways (Land and Traffic) Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

THE FIRST SCHEDULE

[See section 2(e)]

Sl. No.	Tribunal/Appellate Tribunal/Board/ Authority	Acts
(1)	(2)	(3)
1.	Industrial Tribunal constituted by the Central Government	The Industrial Disputes Act, 1947 (14 of 1947)
2.	Income-tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
3.	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
4.	Appellate Tribunal	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)
5.	Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
6.	State Administrative Tribunals	The Administrative Tribunals Act, 1985 (13 of 1985)
7.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
8.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
9.	Debts Recovery Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
10.	Debts Recovery Appellate Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
11.	Telecom Disputes Settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
12.	National Company Law Appellate Tribunal	The Companies Act, 2013 (18 of 2013)
13.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)
14.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
15.	Armed Forces Tribunal	The Armed Forces Act, 2007 (55 of 2007)
16.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010).

THE SECOND SCHEDULE

(See section 33)

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

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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वित्त मंत्रालय
(राजस्व विभाग)
अधिसूचना

नई दिल्ली, 15 सितम्बर, 2021

सा.का.नि. 635(अ).—केंद्रीय सरकार, अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अधिकरण, अपील अधिकरण और प्राधिकरण (सदस्यों की अर्हताएं, अनुभव और सेवा की अन्य शर्तें) नियम, को उन बात के सिवाय अधिक्रान्त करते हुए, जिन्हें ऐसे अधिक्रमण से पहल किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात् :-

अध्याय 1
प्रारंभिक

1. संक्षिप्त नाम, प्रारंभ और लागू होना—

- (1) इन नियमों का संक्षिप्त नाम अधिकरण (सेवा की शर्तें) नियम, 2021 है।
- (2) इन नियमों में यथा उपबंधित के सिवाय, ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- (3) ये नियम, अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की पहली अनुसूची के स्तंभ (2) में यथाविनिर्दिष्ट अधिकरण के अध्यक्ष और सदस्य को लागू होंगे।

2. परिभाषाएं—

इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) “अधिनियम” से अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की पहली अनुसूची के स्तंभ (3) में में विनिर्दिष्ट कोई अधिनियम अभिप्रेत है;
- (ख) “अध्यक्ष” का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (क) में है;
- (ग) “समिति” से अधिनियम की धारा 3 की उपधारा (3) में निर्दिष्ट खोज-सह-चयन समिति अभिप्रेत है ;
- (घ) “सदस्य” का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (ख) में है;
- (ङ) “अधिकरण” का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (ड.) में है;
- (च) उन शब्दों और पदों के, जो उसमें प्रयुक्त हैं और परिभाषित नहीं हैं, किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे, जो उस अधिनियम में हैं।

अध्याय 2**अध्यक्ष और सदस्य की नियुक्ति**

3. अर्हताएं—(1) औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के अधीन औद्योगिक अधिकरण की दशा में, कोई व्यक्ति पीठासीन अधिकारी के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह—

(क) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ख) दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो।

(2) आय-कर अधिनियम, 1961 (1961 का 43) के अधीन आय-कर अपील अधिकरण की दशा में कोई व्यक्ति:--

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह किसी उच्च न्यायालय का वर्तमान या सेवानिवृत्त न्यायाधीश न हो और जो किसी उच्च न्यायालय में एक न्यायाधीश के रूप में कम से कम सात वर्ष की सेवा न की हो या आय-कर अपील अधिकरण का उपाध्यक्ष न रह चुका हो;

(ख) उपाध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह सदस्य न रह चुका हो ; और

(ग) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—

(i) वह दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ; या

(ii) वह मुकदमों में दस वर्ष के अनुभव के साथ भारतीय विधिक सेवा का सदस्य न रहा हो या दो वर्ष की अवधि के लिए अपर सचिव या कोई समतुल्य या उच्चतर पद धारित न किया हो ; या

(iii) आय-कर अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में आय-कर विधियों के अधीन मुकदमों में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(घ) लेखा सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—

(i) वह लेखा-कर्म में पच्चीस वर्ष का अनुभव न रखता हो,—

(अ) चार्टर्ड अकाउन्टेन्ट अधिनियम, 1949 (1949 का 38) के अधीन चार्टर्ड अकाउन्टेन्ट न रह चुका हो ; या

(आ) पूर्ववर्ती प्रवृत्त किसी विधि के अधीन पंजीकृत लेखापाल; या भागतः उक्त पंजीकृत लेखापाल और भागतः चार्टर्ड अकाउन्टेन्ट न रह चुका हो ; या

(ii) वह भारतीय राजस्व सेवा (आय-कर सेवा समूह 'क') का सदस्य न रह चुका हो ; और आय-कर प्रधान आयुक्त या इसके समतुल्य या उच्चतर पद को धारित न कर चुका हो तथा तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या निर्णायक कृत्यों को न कर चुका हो ।

(3) सीमा-शुल्क अधिनियम, 1962 (1962 का 52) के अधीन सीमा-शुल्क, उत्पाद-शुल्क और सेवा-कर अपील अधिकरण की दशा में, कोई व्यक्ति,—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि —

(i) वह किसी उच्च न्यायालय का न्यायाधीश न हो और जो किसी उच्च न्यायालय में न्यायाधीश के रूप में कम से कम सात वर्ष तक की सेवा न कर चुका हो या न रह चुका हो ; या

(ii) वह अपील अधिकरण का सदस्य न रह चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—

(i) वह दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ; या

(ii) वह मुकदमें में दस वर्ष के अनुभव के साथ भारतीय विधिक सेवा का सदस्य न रह चुका हो या दो वर्ष की अवधि के लिए अपर सचिव या कोई समतुल्य या उच्चतर पद धारित न किया हो ; या

(iii) सीमा-शुल्क, उत्पाद-शुल्क और सेवा-कर अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में अप्रत्यक्ष-कर विधियों के अधीन मुकदमें में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ग) तकनीकी सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह भारतीय राजस्व सेवा (सीमा-शुल्क और केंद्रीय उत्पाद-शुल्क सेवा समूह 'क') का सदस्य न रह चुका हो ; और सीमा-शुल्क प्रधान आयुक्त या केंद्रीय उत्पाद-शुल्क या इसके समतुल्य या उच्चतर पद धारित न कर चुका हो या तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या न्याय निर्णायक को न कर चुका हो ।

(4) तस्कर और विदेशी मुद्रा छलसाधक (संपत्ति समपहरण) अधिनियम, 1976 (1976 का 13) के अधीन अपील अधिकरण की दशा में, कोई व्यक्ति—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह उच्चतम न्यायालय का कोई न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रह चुका हो;

(ख) सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि भारत सरकार में अपर सचिव या उसके समतुल्य या उच्चतर पद धारित न कर चुका हो और तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या न्याय निर्णायक कृत्यों को न कर चुका हो ।

(5) प्रशासनिक अधिकरण अधिनियम, 1985 (1985 का 13) के अधीन अधिकरणों की दशा में, कोई व्यक्ति—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) केंद्रीय प्रशासनिक अधिकरण में प्रशासनिक सदस्य या न्यायिक सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पद धारित न कर चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(क) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ख) भारत सरकार में अपर सचिव या सदस्य-सचिव, भारत का विधि आयोग सहित विधि कार्य मामले विभाग या विधायी विभाग में इसके समतुल्य या उच्चतर पद धारित न कर चुका हो ;

(ग) वह दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ;

(घ) केंद्रीय प्रशासनिक अधिकरण, सशस्त्र बल अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में सेवा मामलों के मुकदमों में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ग) प्रशासनिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह भारत सरकार के अपर सचिव या केंद्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद धारित न कर चुका हो और ऐसा वेतनमान धारित न कर रहा हो, जो भारत सरकार के अपर सचिव के वेतनमान से कम न हो :

परंतु अखिल भारतीय सेवा के वे अधिकारी, जो किसी निम्नतर पद के लिए केंद्रीय प्रतिनियुक्ति पर थे या हैं, वे उस तारीख से, जिस तारीख से ऐसे अधिकारी प्रोफार्मा प्रोन्नति या वास्तविक प्रोन्नति प्रदान की गई थी, जो अपर सचिव के स्तर से पूर्वतर है, अपर सचिव के पद को धारित किया हुआ समझा जाएगा और ऐसी तारीख के पश्चात् केंद्रीय प्रतिनियुक्ति पर व्यतीत अवधि इस खंड के प्रयोजन के लिए अर्हक सेवा के रूप में गणना की जाएगी।

(6) रेल दावा अधिकरण अधिनियम, 1987 (1987 का 54) के अधीन रेल दावा अधिकरण की दशा में, कोई व्यक्ति—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) कम से कम तीन वर्ष की अवधि के लिए, यथास्थिति, उपाध्यक्ष, न्यायिक सदस्य या तकनीकी सदस्य न रह चुका हो।

(ख) उपाध्यक्ष (न्यायिक) के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) मुकदमों में दस वर्ष के अनुभव के साथ भारतीय विधिक सेवा का सदस्य न रह चुका हो और अपर सचिव या कोई समतुल्य या अन्य उच्चतर पद धारित न कर चुका हो ; या

(iii) कम से कम दो वर्ष के लिए सिविल न्यायिक पद, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो, धारित करता हो; या

(iv) कम से कम तीन वर्ष की अवधि के लिए न्यायिक सदस्य के रूप में पद धारित न कर चुका हो।

(ग) कोई व्यक्ति उपाध्यक्ष (तकनीकी) के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) कम से कम तीन वर्ष की अवधि के लिए तकनीकी सदस्य के रूप में पद धारित न रह चुका हो ; या

(ii) दो वर्ष की अवधि के लिए रेल प्रशासन के अधीन किसी पद को, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो, धारित न कर चुका हो और रेल से संबंधित दावे और वाणिज्यिक मामलों में नियम और प्रक्रिया तथा अनुभव में पर्याप्त ज्ञान न रखता हो।

(घ) कोई व्यक्ति, न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ;

(ii) दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ;

(iii) रेल दावा अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में जीवन और संपत्ति से क्षति से संबंधित दावे के निपटारे में मुकदमों में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ड.) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह रेल से संबंधित दावे और वाणिज्यिक मामले में कम से कम पच्चीस वर्ष का नियमों और प्रक्रिया में योग्यता, सत्यनिष्ठा और विशेष ज्ञान न रखता हो।

(7) भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1992 (1992 का 15) के अधीन प्रतिभूति अपील अधिकरण की दशा में, कोई व्यक्ति—

(क) पीठासीन अधिकारी के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह उच्चतम न्यायालय का कोई न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रह चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) भारतीय प्रतिभूति विनियम बोर्ड, प्रतिभूति अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष वित्तीय क्षेत्र से संबंधित मामलों में मुकदमेबाजी में पर्याप्त अनुभव सहित दस वर्ष तक अधिवक्ता न रहा हो ।

(ग) तकनीकी सदस्य, जब तक कि,-

(i) केन्द्रीय सरकार के मंत्रालय या विभाग में अपर सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार में कोई समतुल्य या उच्चतर पद धारण न किया हो; या

(ii) प्रमाणित योग्यता, सत्यनिष्ठा वाला ऐसा व्यक्ति जिसके पास वित्तीय क्षेत्रों में जिसके अंतर्गत प्रतिभूतियाँ चिन्हांकन या पेंशन निधि या वाणिज्य व्युत्पाद या बीमा भी है कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न हो :-

परन्तु बोर्ड या बीमा विनियामक और विकास प्राधिकरण का कोई सदस्य या अंशकालिक सदस्य या पेंशन निधि विनियामक और विकास प्राधिकरण, या बोर्ड में या ऐसे प्राधिकरणों में कार्यकारी निदेशक के समतुल्य ज्येष्ठ प्रबंधन स्तर पर कोई व्यक्ति, उसकी सेवा या कार्यकाल के दौरान यथास्थिति, बोर्ड के पीठासीन अधिकारी या प्रतिभूति अपील अधिकरण के सदस्य के रूप में नियुक्त नहीं किया जाएगा या ऐसे अधिकारियों के साथ उस तारीख से दो वर्ष के भीतर जिस पर वह बोर्ड या ऐसे अधिकरणों में पद धारण करने से प्रविरत न हो जाता ।

परन्तु यह और कि पीठासीन अधिकारी या सदस्य ऐसा व्यक्ति होगा जिसका कोई वित्तीय या अन्य हित नहीं है जैसा कि ऐसा पीठासीन अधिकारी या सदस्य के रूप में उनके कार्यों पर प्रतिकूल रूप से प्रभावित करने के लिए संभाव्य है ।

(8) बैंकों और वित्तीय संस्थाओं को शोध्य ऋण वसूली अधिकरण अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण की दशा में, कोई भी व्यक्ति तब तक वह ऋण वसूली अधिकरण में पीठासीन अधिकारी के रूप में नियुक्त के लिए अर्हित नहीं होगा जब तक वह जिला न्यायाधीश न हो या न रहा हो ।

(9) बैंकों और वित्तीय संस्थाओं को शोध्य ऋण वसूली अधिकरण अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण की दशा में, कोई भी व्यक्ति तब तक अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक कि वह-

(क) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ख) भारतीय विधिक सेवा का सदस्य न रहा हो जिसके पास मुकदमेबाजी का दस वर्ष का अनुभव न हो और अपर सचिव या कोई समतुल्य या किसी उच्चतम पद पर पदधारण न किया हो ; या

(ग) किसी ऋण वसूली अधिकरण में पीठासीन अधिकारी के रूप में तीन वर्ष तक पदधारण न किया हो ।

(10) भारतीय दूर-संचार विनियामक प्राधिकरण अधिनियम 1997 (1997 का 24) के अधीन दूर-संचार विवाद समाधान और अपील अधिकरण की बाबत कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए अर्हित नहीं होगा-

(क) अध्यक्ष, जब तक कि वह-

(i) उच्चतम न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रहा हो ।

(ख) सदस्य, जब तक कि वह योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन, दूर संचार या ऐसे अन्य मामले जो दूर-संचार विवाद समाधान और अपील अधिकरण पर उपयोगी हो में कम से कम पच्चीस वर्ष विशेष अनुभव और वृत्तिक अनुभव न हो ।

(11) कंपनी अधिनियम, 2013 (2013 का 18) के अधीन राष्ट्रीय कंपनी विधि अपील अधिकरण की दशा में, कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए तब तक अर्हित नहीं होगा

(क) अध्यक्ष जब तक कि वह उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का न्यायमूर्ति न हो या न रहा हो ।

(ख) न्यायिक सदस्य, जब तक कि वह-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) राष्ट्रीय कंपनी विधि अधिकरण में पांच वर्ष तक न्यायिक सदस्य न रहा हो ; या

(iii) ऐसा अधिवक्ता जिसके पास राष्ट्रीय कंपनी विधि अधिकरण, राष्ट्रीय कंपनी विधि अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष कंपनी कार्य संबंधी मामलों में मुकदमेबाजी का दस वर्ष तक का पर्याप्त अनुभव न रहा हो ।

(ग) तकनीकी सदस्य, जब तक कि वह प्रमाणित योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला व्यक्ति न हों जिनके पास विधि, औद्योगिक वित्त, औद्योगिक प्रबंधन या प्रशासन, औद्योगिक पुनर्निर्माण, विनिधान, लेखा कर्म या ऐसे अन्य मामले जो राष्ट्रीय कंपनी विधि अपील अधिकरण के लिए उपयोगी हों, में कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न हो ।

(12) उपभोक्ता संरक्षण अधिनियम, 2019 (2019 का 35) के अधीन राष्ट्रीय उपभोक्ता विवाद समाधान आयोग की दशा में कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए अर्हित नहीं होगा-

(क) अध्यक्ष, जब तक कि वह-

(i) उच्चतम न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रहा हो ।

(ख) सदस्य, जब तक कि वह-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) दस वर्ष की अवधि तक जिला न्यायाधीश और अपर न्यायाधीश के रूप में न रहा हो ; या

(iii) योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन या ऐसे अन्य मामले जो राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के लिए उपयोगी हों, में कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न रहा हो ।

(13) विद्युत अधिनियम, 2003 (2003 का 36) के अधीन विद्युत अपील अधिकरण की दशा में कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए अर्हित नहीं होगा-

(क) अध्यक्ष, जब तक कि वह-

(i) उच्चतम न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रहा हो ।

(ख) न्यायिक सदस्य, जब तक कि वह-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) दस वर्ष की सम्मिलित अवधि तक जिला न्यायाधीश या अपर जिला न्यायाधीश के रूप में न रहा हो ; या

(iii) ऐसा अधिवक्ता जिनके पास केन्द्रीय विद्युत विनियामक आयोग, राज्य विद्युत विनियामक आयोग, विद्युत अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष विद्युत क्षेत्र संबंधी मामलों में मुकदमेबाजी का दस वर्ष का विशेष अनुभव न हो ।

(ग) तकनीकी सदस्य, जब तक कि वह योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास विद्युत उत्पादन, पारेषण, वितरण, विनियम, अर्थशास्त्र कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन या ऐसे अन्य मामले जो अपील अधिकरण के लिए उपयोगी हों में कम से कम पच्चीस वर्ष तक का विशेष ज्ञान और वृत्तिक अनुभव न हो ।

(14) सशस्त्र बल अधिनियम, 2007 (2007 का 55) के अधीन सशस्त्र जब अधिकरण की दशा में कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए अर्हित नहीं होगा-

(क) अध्यक्ष, जब तक कि वह-

(i) उच्चतम न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायामूर्ति न हो या न रहा हो ।

(ख) न्यायिक सदस्य, जब तक कि वह-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) ऐसा अधिवक्ता जिसके पास केन्द्रीय प्रशासनिक अधिकरण, सशस्त्र बल अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में सेवा संबंधी मामलों का मुकदमेबाजी का दस वर्ष का पर्याप्त अनुभव न हो ।

(ग) प्रशासनिक सदस्य, जब तक कि

(i) जिसने सेना में मेजर जनरल या उससे ऊपर की पंक्ति का पद अथवा नौसेना या वायुसेना में समतुल्य पंक्ति का पद तीन वर्ष की कुल अवधि के लिए धारण किया हो या कर रहा हो ; या

(ii) जिसने सेना या नौसेना अथवा वायु सेना में जज एडवोकेट जनरल के रूप में एक वर्ष से अधिक सेवा न की हो और क्रमशः उसकी पंक्ति मेजर जनरल, कोमोडोर और एयर कोमोडोर से अन्यून न हो; या

(iii) कोई व्यक्ति जिसमें योग्यता, सत्यनिष्ठा तथा प्रतिष्ठा हो और जो अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक-कार्य, प्रशासन या कोई अन्य मामला जो सशस्त्र बल अधिकरण के लिए उपयोगी हो में तीस वर्ष से अनधिक का विशेष ज्ञान और वृत्तिक अनुभव न रखता हो ।

(15) राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) के अधीन राष्ट्रीय हरित अधिकरण की दशा में कोई व्यक्ति निम्नलिखित के रूप में नियुक्ति के लिए अर्हित नहीं होगा

(क) अध्यक्ष के रूप में, जब तक कि वह,-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रहा हो ।

(ख) न्यायिक सदस्य, जब तक कि -

(i) किसी उच्च न्यायाधीश न हो या न रहा हो ; या

(ii) दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश न रहा हो ; या

(iii) राष्ट्रीय हरित अधिकरण, किसी उच्च या उच्चतम न्यायालय में पर्यावरण और वन से संबंधित मामलों में मुकदमेबाजी के सारवान् अनुभव के साथ दस वर्ष के लिए अधिवक्ता न रहा हो ।

(ग) विशेषज्ञ सदस्य, जब तक कि वह-

(i) विज्ञान में डिग्री या स्नातकोत्तर डिग्री या डाक्टरेट डिग्री और प्रख्यात राष्ट्रीय स्तरीय संस्था में वन तथा पर्यावरण (जिसके अंतर्गत प्रदूषण नियंत्रण परिसंकटमय पदार्थ प्रबंध, पर्यावरण समाधान निर्धारण, जलवायु परिवर्तन प्रबंध, जैव-विज्ञान विविधता प्रबंध और पर्यावरण संरक्षण भी है) के क्षेत्र में पांच वर्ष के व्यावहारिक अनुभव सहित सुसंगत क्षेत्र में पच्चीस वर्ष का अनुभव न रखता हो ।

(ii) केन्द्रीय सरकार या राज्य सरकार या राष्ट्रीय या राज्य स्तरीय प्रख्यात संस्था में पर्यावरणीय मामलों के साथ व्यौहार करने के पांच वर्ष के अनुभव सहित पच्चीस वर्ष का प्रशासनिक अनुभव न रखता हो ।

4. सदस्यों और अध्यक्षों के पदों के लिए चयन,-

(1) समिति भरे जाने वाले सदस्यों के प्रस्तावित पदों का व्यौरा देते हुए सदस्य सचिव के माध्यम से रिक्ति परिपत्र ऐसे उपांतरण जो उचित समझा जाए करने के पश्चात् प्रूप 1 में जारी करा सकेगी, जिसमें निम्नलिखित सम्मिलित है -

(क) विद्यमान और भावी रिक्तियों की संख्या,

(ख) अर्हताएँ

(ग) वेतन और भत्ते

(घ) आवेदन के लिए रूप विधान, और

(ङ) आवेदन भरने के लिए अंतिम तारीख ।

(2) समिति परिपत्र के प्रत्युत्तर में प्राप्त प्रत्येक आवेदन की अर्हताओं की छानबीन करेगी या कराएगी और वैक्तिक अन्योन्यक्रिया के लिए पात्र अभ्यर्थियों को ऐसी संख्या में शार्टलिस्ट कर सकेगी जैसा वह उचित समझे ।

(3) अध्यक्ष के पद के लिए समिति या तो रिक्तियों का परिपत्र जारी करा सकेगी और आवेदन मांग सकेगी और/ या नियुक्ति के लिए पात्र उपयुक्त व्यक्तियों की खोज कर सकेगी और अध्यक्ष के पद पर चयन के लिए निर्धारण कर सकेगी,

(4) समिति अभ्यर्थी की पात्रता के संपूर्ण निर्धारण के आधार पर अपनी सिफारिशें कर सकेगी जिसके अंतर्गत उपयुक्तता पर ध्यान देने के पश्चात् वैक्तिक अन्योन्यक्रिया के माध्यम से निर्धारण पूर्व प्रदर्शन का अभिलेख, विश्वसनीयता साथ ही साथ अधिकरण की अपेक्षाओं को ध्यान में रखते हुए न्यायनिर्णायक अनुभव भी है और अधिनियम की धारा 3 की उपधारा (7) के उपबंधों के अनुसार प्रत्येक पद के लिए जिस हेतु चयन किया जाना है दो नाम के पैनल की सिफारिश करेगी ।

5. पुनर्नियुक्ति के लिए चयन -

(1) पुनर्नियुक्ति के लिए किसी आवेदन पर उसी रीति से अधिमानतः रिक्ति परिपत्र या अन्यथा के प्रत्युत्तर में शार्ट लिस्ट किए गए सभी व्यक्तियों के साथ विचार किया जाएगा, जो रीति मूल नियुक्ति के लिए है,

(2) किसी पद पर उपयुक्तता के लिए निर्धारण करते समय समिति पुनर्नियुक्ति चाहने वाले व्यक्तियों को अधिकरण में उनके अनुभव के लिए अतिरिक्त अधिमान देगी और ऐसा करते समय ऐसे व्यक्ति के अधिकरण के सदस्य या अध्यक्ष के रूप में कार्य करते समय प्रदर्शन का ध्यान रखेगी ।

6. अध्यक्ष और सदस्यों की चिकित्सीय उपयुक्तता:- कोई व्यक्ति अधिकरण के अध्यक्ष या सदस्य के रूप में नियुक्त नहीं किया जाएगा जब तक कि वह केन्द्रीय सरकार द्वारा इस संबंध में विनिर्दिष्ट किसी प्राधिकारी द्वारा चिकित्सीय रूप से उपयुक्त घोषित नहीं किया गया हो ।

7. आकस्मिक रिक्ति.— (1) निम्नलिखित के पद में आकस्मिक रिक्ति की दशा में,—

(क) अध्यक्ष की दशा में, केन्द्रीय सरकार को उपाध्यक्ष या उपसभाध्यक्ष या उपसभापति अथवा उसकी अनुपस्थिति में अधिकरण के किसी एक सदस्य को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी ।

(ख) ऋण वसूली अपील अधिकरण के अध्यक्ष की दशा में, केन्द्रीय सरकार को किसी अन्य ऋण वसूली अपील अधिकरण के अध्यक्ष को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी ।

(ग) ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी की दशा में, ऋण वसूली अधिकरण के अध्यक्ष को किसी अन्य ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी ।

(घ) राज्य प्रशासनिक अधिकरण के अध्यक्ष की दशा में, संबंधित राज्य सरकार को किसी एक सदस्य को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी ।

अध्याय 3

अध्यक्ष या सदस्य का त्यागपत्र या हटाया जाना

8. त्यागपत्र.— अध्यक्ष या सदस्य, किसी भी समय केन्द्रीय सरकार को लिखित में संबोधित करके अपने पद से त्यागपत्र दे सकेंगे:

परंतु अध्यक्ष या सदस्य जब तक कि उसे केन्द्रीय सरकार द्वारा पदमुक्त होना अनुज्ञात नहीं किया जाता है वह ऐसी सूचना की प्राप्ति की तारीख से तीन मास के अवसान तक या उत्तराधिकारी के रूप में सम्यक रूप से नियुक्त कोई व्यक्ति अपना पद धारण नहीं कर लेता अथवा उसकी पदावधि की समाप्ति तक, इनमें से जो पहले हो, पद धारण करता रहेगा।

9. शिकायतों की जांच करने के लिए प्रक्रिया.— (1) जहां केन्द्रीय सरकार द्वारा अध्यक्ष या सदस्य के संबंध में उसके पद के कृत्यों के पालन में कदाचार या असमर्थता के किसी निश्चित आरोप का अभिकथन करते हुए लिखित शिकायत प्राप्त की जाती है, तो वह ऐसी शिकायत की प्रारंभिक छानबीन करेगी ।

(2) जहां प्रारंभिक छानबीन पर केन्द्रीय सरकार की यह राय है कि अध्यक्ष या सदस्य के कदाचार या असमर्थता की सत्यता की जांच करने की लिए युक्तियुक्त आधार है तो वह समिति को निर्देश करेगी ।

(3) समिति जांच करेगी या किसी व्यक्ति द्वारा जांच कराएगी जो-

(क) जहां जांच अध्यक्ष के विरुद्ध है, उच्चतम न्यायालय का न्यायाधीश या उच्च न्यायालय का मुख्य न्यायमूर्ति है अथवा रहा है, या

(ख) जहां जांच सदस्य के विरुद्ध है, उच्च न्यायालय का न्यायाधीश है या रहा है ।

- (4) जांच ऐसे समय के भीतर या ऐसे अतिरिक्त समय के भीतर पूरी की जाएगी, जो केन्द्रीय सरकार द्वारा अधिमानतः छह माह के भीतर विनिर्दिष्ट किया जाए।
- (5) समिति, जांच के निष्कर्ष के पश्चात् केन्द्रीय सरकार को संपूर्ण मामले पर ऐसी टीका-टिप्पणियों के साथ जो वह उचित समझे पृथक रूप से प्रत्येक आरोप पर उसके निष्कर्ष और उस पर के कारणों का उसमें कथन करते हुए अपनी रिपोर्ट केन्द्रीय सरकार को प्रस्तुत करेगी।
- (6) समिति सिविल प्रक्रिया संहिता, 1908 (1908 का 5) द्वारा अधिकथित प्रक्रियाओं से बाध्य नहीं होगी लेकिन प्राकृतिक न्याय के सिद्धांतों द्वारा मार्गदर्शित होगी और उसे अपनी प्रक्रिया जिसके अंतर्गत उसकी जांच की तारीख, स्थान और समय नियत करना भी है, विनियमित करने की शक्ति होगी।

अध्याय 4

वेतन और भत्ते

- 10. वेतन.**—(1) अध्यक्ष को ऋण वसूली अधिकरण के पीठासीन अधिकारी और औद्योगिक अधिकरण के पीठासीन अधिकारी को छोड़कर, 2,50,000 रुपये (नियत) वेतन प्रतिमाह संदत्त किया जाएगा।
- (2) सदस्य को 2,25,000 रुपये वेतन प्रतिमाह संदत्त किया जाएगा।
- (3) केन्द्रीय सरकार द्वारा गठित ऋण वसूली अधिकरण के पीठासीन अधिकारी या औद्योगिक अधिकरण के पीठासीन अधिकारी को 1,44,200-2,18,200 रुपये वेतन संदत्त किया जाएगा।
- (4) किसी व्यक्ति के अध्यक्ष या सदस्य के रूप में नियुक्त किए जाने की दशा में यदि उसे पेंशन प्राप्त होती है तो ऐसे व्यक्ति के वेतन में से उसके द्वारा आहरित पेंशन की सकल रकम को घटा दिया जाएगा।
- 11. भत्ते.**—(1) अध्यक्ष और सदस्य ऐसे भत्ते और फायदों को प्राप्त करने के हकदार होंगे जो भारत सरकार के समान वेतन वाले समूह 'क' पद धारण करने वाले अधिकारियों को अनुज्ञेय है।
- (2) उप नियम (1) में अंतर्विष्ट किसी बात के होते हुए भी 1 जनवरी, 2021 से अध्यक्ष या सदस्य के पास तत्समय प्रवृत्त नियमों के अनुसार केन्द्रीय सरकार द्वारा उपलब्ध कराई जा रही आवास सुविधा का लाभ उठाने का विकल्प होगा अथवा वे निम्नलिखित सीमा के अध्यक्षीन रहते हुए मकान किराए की प्रतिपूर्ति के लिए पात्र होंगे-
- (क) ऋण वसूली अधिकरण के पीठासीन अधिकारी और औद्योगिक अधिकरण के पीठासीन अधिकारी के सिवाय अध्यक्ष की दशा में एक लाख पचास हजार रुपये प्रतिमाह; और
- (ख) अधिकरण के सदस्य और ऋण वसूली अधिकरण तथा औद्योगिक अधिकरण के पीठासीन अधिकारियों की दशा में एक लाख पच्चीस हजार रुपये प्रतिमाह।
- 12. परिवहन भत्ता.**—अध्यक्ष या सदस्य स्टाफ कार नियमों के उपबंधों के अनुसार भारत सरकार में समूह 'क' पद धारण करने वाले समान वेतन वाले अधिकारियों को अनुज्ञेय सुविधाओं के अनुसार शासकीय और निजी प्रयोजनों के लिए यात्रा हेतु स्टाफ कार की सुविधा के लिए हकदार होंगे।

अध्याय 5

पेंशन, भविष्य निधि, उपदान और छुट्टी

- 13. पेंशन, भविष्य निधि और उपदान.**—(1) उच्चतम न्यायालय या उच्च न्यायालय के सेवारत न्यायाधीश या किसी संगठित सेवा के सदस्य को अध्यक्ष या सदस्य के रूप में नियुक्त किए जाने की दशा में, अधिकरण की सेवा, उस सेवा जिससे वह संबंधित है के नियमों के अनुसार पेंशन आहरित किए जाने के लिए गणना में ली जाएगी और यथास्थिति साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 या अंशदायी पेंशन प्रणाली तथा उसे लागू पेंशन के लिए नियमों के उपबंधों द्वारा शासित होगी।
- (2) अन्य सभी मामलों में, सदस्य यथास्थिति अंशदायी भविष्य निधि (भारत) नियम, 1962 या अंशदायी पेंशन प्रणाली के उपबंधों द्वारा शासित होगी।
- (3) अधिकरण में दी गई सेवाओं के लिए अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होगी।

- 14. छुट्टी.—**(1) अध्यक्ष या सदस्य प्रत्येक वर्ष की सेवा के लिए तीस अर्जित छुट्टी के हकदार होंगे ।
- (2) किसी कैलेंडर वर्ष में अध्यक्ष या सदस्यों को आठ से अधिक आकस्मिक छुट्टी प्रदान नहीं की जा सकेगी ।
- (3) छुट्टी के दौरान, छुट्टी वेतन का संदाय केन्द्रीय सिविल सेवा (छुट्टी), नियम, 1972 के नियम 40 द्वारा शासित होगी ।
- (4) अध्यक्ष या सदस्य इस शर्त के अधीन रहते हुए, उसके खाते में विद्यमान अर्जित छुट्टी की बाबत छुट्टी भुनाने का हकदार होगा कि अधिकतम छुट्टी भुनाना जिसके अंतर्गत पूर्व सेवा से सेवानिवृत्ति के समय प्राप्त रकम भी है, किसी भी दशा में केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन विहित सीमा से अधिक नहीं होगी ।
- (5) छुट्टी स्वीकृत करने वाला प्राधिकारी निम्नानुसार होगा —
- (क) सदस्य के लिए अध्यक्ष;
- (ख) अध्यक्ष की अनुपस्थिति की दशा में, राज्य प्रशासनिक अधिकरण के अध्यक्ष या राज्य प्रशासनिक के अध्यक्ष के लिए संबंधित राज्य सरकार; और
- (ग) खंड (ख) में समाविष्ट से भिन्न की दशा में अध्यक्ष की अनुपस्थिति में अध्यक्ष या सदस्य के लिए केन्द्रीय सरकार ।
- (6) केन्द्रीय सरकार अध्यक्ष या सदस्यों की विदेश यात्रा के लिए मंजूरी प्राधिकारी होगा ।

अध्याय 6

प्रकीर्ण

15. वित्तीय और अन्य हितों की घोषणा.— अध्यक्ष या सदस्य अपना पद ग्रहण करने से पहले अपनी आस्तियों और अपने दायित्वों और वित्तीय तथा अन्य हितों की घोषणा करेगा ।

16. सेवा की अन्य शर्तें.—(1) अध्यक्ष या सदस्यों की सेवा के निबंधन और अन्य शर्तों जिसके लिए इन नियमों में स्पष्ट उपबंध नहीं बनाए गए हैं ऐसी होगी जो समूह 'क' पद धारण करने वाले भारत सरकार के समान वेतन वाले अधिकारी को अनुज्ञेय हैं ।

(2) अध्यक्ष या सदस्य उस अधिकरण की सेवाओं से सेवानिवृत्ति के पश्चात् अधिकरण के समक्ष कोई व्यवसाय नहीं करेगा ।

(3) अध्यक्ष या सदस्य अधिकरण में इन क्षमताओं में कार्य करते समय कोई माध्यस्थम् समनुदेशन नहीं करेगा ।

(4) अधिकरण का अध्यक्ष या सदस्य उस तारीख से जिसको वह पद पर बना नहीं रहता है दो वर्ष की अवधि के लिए कोई नियोजन किसी व्यक्ति जो अधिकरण के समक्ष कार्यवाहियों का पक्षकार है के प्रबंध या प्रशासन में या उससे संसक्त नियोजन स्वीकार नहीं करेगा:

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

17. पद और गोपनीयता की शपथ.— अध्यक्ष या सदस्य के रूप में नियुक्त किया गया प्रत्येक व्यक्ति अपना पद ग्रहण करने से पहले इन नियमों से उपाबंध प्ररूप 2 और प्ररूप 3 में पद और गोपनीयता की शपथ लेगा और हस्ताक्षर करेगा ।

प्ररूप I

(नियम 4 देखें)

[आवेदन के प्ररूप सहित रिक्ति परिपत्र का प्ररूप]

फा. सं.

भारत सरकार

_____मंत्रालय

_____विभाग

कमरा नं. _____

नई दिल्ली-110001

दिनांक: _____

रिक्ति परिपत्र**विषय:-** _____ अधिकरण में अध्यक्ष/सदस्य के पदों के लिए चयन-संबंधी।

1. अधिकरण:- (अधिकरण का नाम) _____ अधिकरण, _____ अधिनियम के अंतर्गत स्थापित एक अपीलीय अधिकरण है जो अधिनियम _____ के तहत विभिन्न अपीलों की सुनवाई करता है। _____ का मुख्यालय _____ में स्थित है तथा इसके क्षेत्रीय न्यायपीठ में स्थित है। सदस्य, को चयन के पश्चात इनमें से किसी भी स्थान पर तैनात किया जा सकता है।

2. रिक्ति:- निम्नलिखित विद्यमान और _____ प्रत्याशित रिक्तियों के लिए आवेदन आमंत्रित किए जा रहे हैं।

पद	स्थान	रिक्ति की तारीख

3. योग्यता:- अभ्यर्थी की नियुक्ति के लिए योग्यताएं, पात्रता, वेतन और अन्य निबंधन व शर्तें, अधिकरण (सेवा की शर्तें) नियम, 2021 के प्रावधानों के अधीन होंगी

4. चयन की प्रक्रिया:- उक्त पद पर नियुक्ति के लिए नामों की सिफारिश करने के लिए अधिकरण सुधार अधिनियम, 2021 के तहत गठित खोज सह-चयन समिति, अभ्यर्थियों की योग्यता और अनुभव को समुचित महत्व देते हुए पदों के लिए आवेदन की उपयुक्तता के संबंध में आवेदनों की छानबीन करेगी और वैयक्तिक परस्पर विचार-विमर्श करने के लिए अभ्यर्थियों को चुनेगी। योग्यता, अनुभव और वैयक्तिक विचार-विमर्श के आधार पर समिति द्वारा व्यापक मूल्यांकन के आधार पर अंतिम चयन किया जाएगा।

5. आवेदन की प्रक्रिया:- योग्य और इच्छुक अधिकारियों के आवेदन उचित माध्यम (जहां कहीं लागू हो) द्वारा आमंत्रित किए जाते हैं और जिसके साथ (i) अनुबंध- I पर दिए प्रपत्र में जीवन वृत्तांत (ii) अनुबंध - II में दिए गए नियोक्ता/कार्यालयध्यक्ष/अग्रेषण प्राधिकारी द्वारा दिए जाने वाला प्रमाणपत्र (iii) अधिकारी के अद्यतन सीआर/एपीएआर की स्पष्ट प्रतिलिपियां जिनमें किसी समूह 'क' अधिकारी द्वारा विधिवत प्रमाणित पिछले पांच वर्षों की सीआर/एपीएआर

शामिल हों (iv) संवर्ग सतर्कता (v) अनुबंध- III में सतर्कता एवं अनुशासनिक कोण से सत्यनिष्ठा प्रमाणपत्र/निकासी (vi) विगत दस वर्षों के दौरान अधिकारी पर लगाई गई छोटी या बड़ी शास्तियों, यदि कोई है, का विस्तृत विवरण, निम्नलिखित पते पर भेजदिया जाए, ताकि इस कार्यालय में _____ तक पहुँच जाए।

[नाम और पता]

6. साक्षात्कार/परस्पर विचार विमर्श के लिए बुलाए गए अभ्यर्थियों को कोई यात्रा भत्ता/महँगाई भत्ता देय नहीं होगा। अभ्यर्थियों को अपनी व्यवस्था स्वयं करनी होगी।
7. विज्ञापन और निर्धारित आवेदन प्रपत्र मंत्रालय/अधिकरण की वेबसाइट से डाउनलोड किया जा सकता है।
8. अंतिम तारीख के बाद प्राप्त और उपर्युक्त उल्लिखित आवश्यक अनुबंध के बिना प्राप्त आवेदन पर विचार नहीं किया जाएगा।

सभी संगठनों और उनके क्षेत्रीय कार्यालयों में विस्तार से प्रचार किया जाए ताकि शीघ्र और इष्टतम संख्या में आवेदन प्राप्त हो सकें।

(हस्ताक्षर करने वाले अधिकारी का नाम)
अवर सचिव, भारत सरकार/निदेशक

अनुलग्नक-1

प्रपत्र

उम्मीदवार द्वारा
विधिवत
हस्ताक्षर हेतु
स्थान

1. नाम :
2. जन्म तिथि :
3. वर्ग (एससी/एसटी/ओबीसी/यूआर) :
4. पदनाम/व्यवसाय :
5. संपर्क विवरण :

	आवासीय		अधिकारिक
	वर्तमान	स्थायी	
पता			
मोबाईल/फोन नं.			
ईमेल:			

6. संवर्ग/सेवा [जहां कहीं लागू हो]

7. शैक्षिक योग्यता (उत्क्रम कालानुक्रम में)

क्रम.संख्या	विश्व विद्यालय /समकक्ष संस्थान का नाम	डिग्री	उत्तीर्ण करने का वर्ष	प्राप्त अंकों का प्रतिशत (%)	शैक्षणिक योग्यता	विषय/विशेषज्ञता

8. कार्य का अनुभव:

8क) वर्तमान रोजगार से शुरू करते हुए कालानुक्रम में कर्मचारी के रूप में अनुभव का रिकॉर्ड, उत्क्रम में बताएं:

क्रम. संख्या	नियोक्ता का नाम एवं पता (सरकार/पीएसयू/मंत्रालय/विभाग/कोई अन्य)	पदनाम/वेतन या वेतनमान (वेतन मैट्रिक्स में वेतन)*	सेवा की अवधि		कार्य की प्रकृति/अनुभव
			दिनांक से	तक	

*साथ ही ऊपर क्रम सं. दर्शाएं जो अपर सचिव/जिला न्यायाधीश/अपर जिला न्यायाधीश/मेजर जनरल (अर्हता के तहत जैसा भी लागू हो) अथवा उससे ऊपर के समकक्ष हो।

8ख) वर्तमान वचनबद्धता से शुरू करते हुए कालानुक्रम में पेशेवर अनुभव का रिकॉर्ड, उत्क्रम में बताएं

क्रम. संख्या	व्यवसाय का विवरण	सेवा की अवधि		किए गए कार्य की प्रकृति*
		से	तक	

*जैसे प्रशासन /सेवा मामले /न्यायिक अथवा अर्ध-न्यायिक /दांडिक /सिविल /कर-निर्धारण /कंपनी मामले /पर्यावरण संबंधी मामले /वित्त /लेखा /अर्थशास्त्र /व्यवसाय /वाणिज्य /प्रबंधन /सार्वजनिक मामले अथवा कोई अन्य, जैसा भी लागू हो/ सरकार के साथ नियोजन, यदि कोई हो, को दर्शाया जाए।

9. भारत सरकार के अपर सचिव/ :
जिला न्यायाधीश/अपर जिला न्यायाधीश/
मेजर जनरल अथवा कोई अन्य समकक्ष
रैंक (जहां कहीं लागू हो) के ग्रेड में वेतनमान
प्राप्त करने की तिथि
10. आवेदक के न्याय निर्णयन अनुभव पर :
आलेख (200 शब्दों में)
(जहां कहीं पर लागू हो)
11. संबंधित न्यायालयों/न्यायाधिकरणों के : ऐसे मामलों का विवरण
समक्ष मामलों के संचालन में संक्षिप्त (रिपोर्ट किए गए मामले/मामले जिनकी रिपोर्ट नहीं हुई) विवरण सहित
अनुभव (यदि लागू हो)
12. अनुभव का प्रमाण, जिसमें अधिवक्ता/चार्टर्ड आकउंटेंट :
आदि के रूप में नामांकन सं/पंजीकृत सं. शामिल हो।
[सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों के लिए]
13. वार्षिक आय, जिसके साथ अद्यतन आयकर विवरणिका :
हो [सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों
के लिए]
14. मुख्य उपलब्धियों पर 05 आलेख [200 शब्द प्रत्येक] :
15. पुरस्कार/सम्मान/प्रकाशन, यदि कोई हो, :
16. राजनैतिक दल सहित व्यावसायिक निकायों/संस्थानों/
सोसाइटियों/किसी अन्य निकाय के साथ संबंधन। :
17. कोई अतिरिक्त जानकारी, यदि कोई हो, जिसका पद के लिए
किए गए आवेदन के समर्थन में उल्लेख करना चाहे। :

घोषणा

1. मैं यह प्रमाणित करता हूँ कि ऊपर दी गई सूचना मेरी जानकारी एवं विश्वास के अनुसार पूर्णतः सही एवं पूर्ण है तथा इसमें कुछ भी छिपाया/विरुपित नहीं किया गया है। यदि किसी समय मेरे द्वारा किसी सामग्रीगत सूचना को छिपाने/विरुपित किए जाने का ज्ञान होगा तो मेरी उम्मीदवारी/सेवाएँ किसी प्रकार के नोटिस के बिना तत्काल समाप्त कर दी जाएंगी।
2. चयन समिति की बैठक के बाद मैं अपनी अभ्यर्थिता को वापस नहीं लूँगा।
3. नियुक्ति के लिए एसीसी द्वारा चयनित किए जाने पर मैं नियुक्ति को मना नहीं करूँगा।
4. मैं नियुक्ति के आदेश के जारी होने के 30 दिनों के भीतर कार्यभार ग्रहण करूँगा।
5. मैं इसे जानता हूँ कि यदि मैं क्रम सं.2 से 4 में उल्लिखित शर्तों में से किसी भी शर्त का उल्लंघन करूँगा तो भारत सरकार द्वारा मुझे संवर्ग-बाह्य तथा किसी स्वायत्त निकाय/सांविधिक निकाय तथा विनियामक निकाय में नियुक्ति हेतु विचार के लिए तीन वर्ष की अवधि के लिए विवर्जित कर दिया जाएगा।

स्थान:

दिनांक:

अभ्यर्थी के हस्ताक्षर

अनुलग्नक-II

नियोक्ता/कार्यालय प्रमुख/अग्रेषण प्राधिकारी द्वारा दिया जाने वाला प्रमाणपत्र

1. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी _____ द्वारा दिया गया विवरण सही है तथा उनके पास अनुबंध- I में उल्लिखित शैक्षणिक योग्यताएं और अनुभव हैं।
2. यह भी प्रमाणित किया जाता है कि उनके विरुद्ध कोई सतर्कता/अनुशासनात्मक मामला लंबित या विचाराधीन नहीं है और सीपीओ द्वारा संलग्न अनुलग्नक (III) में सतर्कता मंजूरी जारी की गई है।
3. उनका/उनकी सत्यनिष्ठा प्रमाणित की गई है।
4. पिछले 10 वर्षों की अवधि के दौरान श्री/श्रीमती/कुमारी _____ पर कोई गंभीर या मामूली जुर्माना नहीं लगाया गया।
5. पिछले वर्षों के एसीआर/एपीएआर के नवीनतम साक्ष्यांकित फोटोस्टेट प्रतियां (एसीआर/एपीएआर की प्रत्येक फोटोस्टेट प्रति साक्ष्यांकित होनी चाहिए) श्री/श्रीमती/कुमारी के संबंध _____ के संबंध में इसके साथ संलग्न है।

संवर्ग नियंत्रण प्राधिकारी की मुहर एवं हस्ताक्षर

अनुलग्नक-III

उस अधिकारी का विवरण जिसके लिए सतर्कता निकासी मांगी जा रही है।
(मुख्य सतर्कता अधिकारी अथवा विभाग के प्रमुख द्वारा हस्ताक्षर सहित दिया जाना)

1. अधिकारी का नाम (पूरा नाम) :
2. पिता का नाम :
3. जन्म तिथि :
4. सेवा निवृत्ति की तारीख :
5. सेवा में प्रवेश की तारीख :
6. अधिकारी किस सेवा से संबंधित है, (जिसमें, बैच/वर्ष/संवर्ग आदि जहाँ कहीं लागू हो, बताया जाए) :
7. धारित पद (पूर्ववर्ती दस वर्षों के दौरान) :

क्र.सं.	संगठन (पूरा नाम)	पदनाम तथा तैनाती का स्थान	संबंधित प्रशासनिक/नोडल मंत्रालय/विभाग का नाम (पीएसयू आदि के अधिकारियों के मामले में)	से	तक

8. क्या अधिकारी को संदिग्ध सत्यनिष्ठा की सहमत सूची या अधिकारी सूची में रखा गया है। (यदि हां, तो विवरण दिया जाए) :
9. क्या अधिकारी के विरुद्ध पिछले 10 वर्षों के दौरान सतर्कता : दृष्टि सहित किसी कदाचार के आरोप की जांच की गई है। यदि हां तो फैसला क्या था (*)
10. क्या अधिकारी को पिछले 10 वर्षों के दौरान कोई संज्ञा दी गई है, यदि हां तो उसकी तारीख तथा दंड(*) का विवरण :
11. क्या अधिकारी के विरुद्ध आज की तारीख में कोई अनुशासनात्मक/दांडिक कार्रवाई या चार्टशीट लंबित है। (यदि हां, तो संदर्भ संख्या, यदि किसी भी आयोग के, सहित विवरण दें) :
12. क्या अधिकारी के विरुद्ध आज की तारीख में कोई कार्रवाई विचाराधीन है।(यदि हां तो विवरण दें) (*) :

(*) यदि विगत समय में आयोग से सतर्कता निकासी प्राप्त की गई थी तो उसके बाद की अवधि के लिए सूचना उपलब्ध करें।

तारीख:

(नाम और हस्ताक्षर)

प्ररूप II

(नियम 17 देखें)

अध्यक्ष/सदस्य (अधिकरण का नाम) के लिए पद की शपथ का प्ररूप

मैं, ए.बी., के अध्यक्ष/सदस्य के रूप में नियुक्त किया गया हूँ (अधिकरण का नाम सत्यनिष्ठा से पुष्टि करता/करती हूँ या मैं ईश्वर के नाम की शपथ लेता/लेती हूँ कि मैं अध्यक्ष/सदस्य (अधिकरण का नाम) के रूप में अपने कर्तव्यों का निर्वहन ईमानदारी और कर्तव्यनिष्ठा से बिना किसी डर या पक्षपात, स्नेह या द्वेष के अपनी क्षमता, ज्ञान और निर्णय के अनुसार करूंगा/करूंगी और मैं संविधान और कानून की व्यवस्था को बनाए रखूंगा/रखूंगी।

प्ररूप III

(नियम 17 देखें)

अध्यक्ष/सदस्य (अधिकरण का नाम) के लिए गोपनीयता की शपथ का प्रपत्र

मैं, ए.बी., (न्यायाधिकरण का नाम) के अध्यक्ष/सदस्य के रूप में नियुक्त होने के पश्चात्, सत्यनिष्ठा से पुष्टि करता/करती हूँ या मैं ईश्वर के नाम की शपथ लेता/लेती हूँ कि मैं प्रत्यक्ष या परोक्ष रूप से किसी भी व्यक्ति या व्यक्तियों को कोई भी बात जिसे मेरे विचार के अधीन लाया जाएगा या मुझे अध्यक्ष/सदस्य/उक्त (अधिकरण का नाम) के अध्यक्ष/सदस्य के रूप में मेरे कर्तव्यों के उचित निर्वहन के लिए आवश्यक होने के लिए ज्ञात होगा, नहीं बताऊंगी या प्रकट करूंगी।

[फा.सं.ए-50050/9/2016-प्रशा.1 सी (सीईएसटीएटी) (भाग-1)]

ऋत्विक् पांडे, संयुक्त सचिव

स्पष्टीकारक ज्ञापन

नियम 11, 2020 के डब्ल्यूपी (सी) संख्या 804 में भारत के माननीय उच्चतम न्यायालय के निर्णय को प्रभावी करने के लिए 1 जनवरी, 2021 से पूर्वव्यापी प्रचालन देता है। यह प्रमाणित किया जाता है कि कोई भी व्यक्ति ऐसे पूर्वव्यापी प्रचालन से प्रतिकूल रूप से प्रभावित नहीं होगा।

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

New Delhi, the 15th September, 2021

G.S.R. 635 (E).—In exercise of the powers conferred by section 3 of the Tribunal Reforms Act, 2021 (33 of 2021) and in supersession of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

**CHAPTER I
PRELIMINARY****1. Short title, commencement and application.—**

- (1) These rules may be called the Tribunal (Conditions of Service) Rules, 2021.
- (2) Save as provided in these rules, they shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall apply to the Chairperson and Member of the Tribunal as specified in column (2) of the First Schedule of the Tribunal Reforms Act, 2021 (33 of 2021).

2. Definitions.— In these rules, unless the context otherwise requires, - (a)“Act” means an Act specified in column (3) of the First Schedule to the Tribunal Reforms Act, 2021 (33 of 2021);

- (b) “Chairperson” shall have the same meaning as assigned to it in clause (a) of the section 2 of the Act;
- (c) “Committee” means the Search-cum-Selection Committee referred to in sub-section (3) of section 3 of the Act;
- (d) "Member" shall have the same meaning as assigned to it in clause (b) of the section 2 of the Act;
- (e) “Tribunal” shall have the same meaning as assigned to it in clause (e) of section 2 of the Act;
- (f) 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.

**CHAPTER II
APPOINTMENT OF CHAIRPERSON AND MEMBER**

3. Qualifications.— (1) In case of Industrial Tribunal under the Industrial Disputes Act, 1947 (14 of 1947), a person shall not be qualified for appointment as *Presiding Officer*, unless he,-

- (a) is, or has been, a Judge of a High Court; or
- (b) has, for a combined period of ten years, been a District Judge and Additional District Judge.

(2) In case of Income-tax Appellate Tribunal under the Income-tax Act, 1961 (43 of 1961), a person shall not be qualified for appointment as ,-

- (a) *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;
- (b) *Vice-President*, unless he has been a Member; and
- (c) *Judicial Member*, unless,—
 - (i) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (ii) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or
 - (iii) he has been an advocate for ten years with substantial experience in litigation under Income-tax laws in Income-tax Appellate Tribunal, High Court or Supreme Court;
- (d) *Accountant Member*, unless, —
 - (i) he has for twenty-five years been in the practice of accountancy,—
 - (A) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or
 - (B) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or

(ii) he has been a member of the Indian Revenue Service (Income-tax Service Group 'A') and has held the post of Principal Commissioner of Income-tax or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.

(3) In case of Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962 (52 of 1962), a person shall not be qualified for appointment as,-

(a) *President* unless, —

(i) 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

(ii) he is the member of the Appellate Tribunal;

(b) *Judicial Member*, unless, —

(i) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or

(ii) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or

(iii) he has been an advocate for ten years with substantial experience in litigation under indirect tax laws in Customs, Excise and Service Tax Appellate Tribunal, High Court or Supreme Court;

(c) *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 and has performed judicial, quasi-judicial or adjudicating function for three years.

(4) In case of Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976), a person shall not be qualified for appointment as,-

(a) *Chairman*, unless he is, or has been, a Judge of a Supreme Court or Chief Justice of a High Court;

(b) *Member*, unless he has held the post of Additional Secretary to the Government of India or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.

(5) In case of Tribunals under the Administrative Tribunal Act, 1985 (13 of 1985), a person shall not be qualified for appointment as,-

(a) *Chairman*, unless he, —

(i) is, or has been, a Judge of a High Court; or

(ii) has, for a period of not less than three years, held office as Administrative Member or Judicial Member in the Central Administrative Tribunal.

(b) *Judicial Member*, unless he,—

(i) is, or has been, a Judge of a High Court; or

(ii) has held the post of Additional Secretary to the Government of India or any equivalent or higher post in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law Commission of India; or

(iii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or

(iv) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.

(c) *Administrative Member*, unless he has held the post of Additional Secretary to the Government of India or any other post under the Central Government or a State Government and carrying the scale of pay which is not less than that of an Additional Secretary to the Government of India:

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 Additional Secretary from the date such officers were granted proforma promotion or actual promotion whichever is earlier to the level of Additional Secretary and the period spent on Central deputation after such date shall count for qualifying service for the purpose of this clause.

(6) In case of Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987), a person shall not be qualified for appointment as,-

- (a) *Chairman*, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) 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.
- (b) *Vice-Chairman (Judicial)*, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
 - (iii) 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
 - (iv) has, for a period of not less than three years, held office as a Judicial Member.
- (c) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, –
 - (i) has, for a period of not less than three years, held office as a Technical Member; or
 - (ii) 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.
- (d) A person shall not be qualified for appointment as a Judicial Member, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in claim settlements pertaining to damage to life and property in Railway Claims Tribunal, High Court or Supreme Court.
- (e) 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.

(7) In case of Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992), a person shall not be qualified for appointment as,-

- (a) *Presiding Officer* unless he is, or has been, a Judge of the Supreme Court or a Chief Justice of a High Court;
- (b) *Judicial Member* unless, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been an advocate for ten years with substantial experience in litigation in matters relating to financial sector before Securities Exchange Board of India, Securities Appellate Tribunal, High Court or Supreme Court.
- (c) *Technical Member* unless, —
 - (i) has held the post of Additional Secretary in the Ministry or Department of the Central Government or any equivalent or higher post in the Central Government or a State Government; or
 - (ii) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in financial sectors including securities market or pension funds or commodity derivatives or insurance:

Provided that a Member or Part time Member of the Board or the Insurance Regulatory and Development Authority or the Pension Fund Regulatory and Development Authority, or any person at senior management level equivalent to Executive Director in the Board or in such Authorities, shall not be appointed as Presiding Officer or Member of the Securities Appellate Tribunal, during his service or tenure

as such with the Board or with such Authorities, as the case may be, or within two years from the date on which he ceases to hold office as such in the Board or in such Authorities:

Provided further that the Presiding Officer or Member shall be a person who does not have any financial or other interest as are likely to prejudicially affect their functions as such Presiding Officer or Member.

(8) In case of Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Presiding Officer* of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.

(9) In case of Debts Recovery Appellate 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 *Chairperson*, unless he, —

- (a) is, or has been, a Judge of a High Court; or
- (b) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
- (c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.

(10) In case of Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), a person shall not be qualified for appointment as, -

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *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.

(11) In case of National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013), a person shall not be qualified for appointment as, -

- (a) *Chairperson* unless he is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
- (b) *Judicial Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) is a Judicial Member of the National Company Law Tribunal for five years; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.
- (c) *Technical Member* unless he is 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.

(12) In case of National Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 (35 of 2019), a person shall not be qualified for appointment as, -

- (a) *President*, unless he, —
 - (i) is, or has been, a Judge of the Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) 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.

(13) In case of Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he,—
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to power sector before Central Electricity Regulatory Commission, State Electricity Regulatory Commission, Appellate Tribunal for Electricity, High Court or Supreme Court.
- (c) *Technical Member* unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in matters dealing with electricity generation, transmission, distribution, regulation, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which is useful to the Appellate Tribunal.

(14) In case of Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, -
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, a Chief Justice of a High Court.
- (b) *Judicial Member* unless he is-
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.
- (c) *Administrative Member*, unless he, -
 - (i) 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
 - (ii) 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
 - (iii) 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.

(15) In case of National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or

- (iii) has, for ten years, been an advocate with substantial experience in litigation in matters relating to environment and forest in National Green Tribunal, High Court or Supreme Court.
- (c) *Expert Member*, unless he, -
- (i) 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
- (ii) 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.

4. Selection for posts of Members and Chairpersons.— (1) The Committee may cause a vacancy circular to be issued through the Member-Secretary, giving details of the posts of Members proposed to be filled up, including the following—

- (a) number of existing and anticipated vacancies;
- (b) qualifications;
- (c) salary and allowances;
- (d) format for application; and
- (e) last date for filing of applications,

in Form-I after making such modifications as may be deemed fit.

(2) The Committee shall scrutinise, or cause to be scrutinised, every application received in response to the circular, against the qualifications and may shortlist such number of eligible candidates for personal interaction as it may deem fit.

(3) For the post of Chairperson, the Committee may, either cause a vacancy circular to be issued and call for applications or search for suitable persons eligible for appointment and make an assessment for selection to the post of Chairperson.

(4) The Committee shall make its recommendations based on the overall assessment of eligible candidates including assessment through the personal interaction after taking into account the suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirements of the Tribunal and shall recommend a panel of two names for every post for which selection is being done in accordance with the provisions of sub - section (7) of section 3 of the Act.

5. Selection for re - appointment.— (1) An application for re-appointment shall be considered in the same manner as that for the original appointment, preferably, alongwith all the persons shortlisted in response to the vacancy circular or otherwise.

(2) While making its assessment for suitability to a post, the Committee shall give additional weightage to the persons seeking re-appointment for their experience in the Tribunal and while doing so, shall take into account, the performance of the person while working as a Member or a Chairman in the Tribunal.

6. Medical fitness of Chairperson and Member.—No person shall be appointed as the Chairperson or Member of the Tribunal unless he is declared medically fit by an authority specified by the Central Government in this behalf.

7. Casual vacancy.— In case of a casual vacancy in the office of,—

- (a) the Chairperson, Central Government may appoint one of the Vice-Chairpersons or Vice-Chairman, Vice-Presidents or in their absence, one of the Members of the Tribunal, to officiate as Chairperson;
- (b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government may appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson;
- (c) the Presiding Officer of the Debts Recovery Tribunal, the Chairperson of the Debts Recovery Appellate Tribunal may appoint the Presiding Officer of another Debts Recovery Tribunal to officiate as Presiding Officer;
- (d) the Chairperson of the State Administrative Tribunals, the respective State Government may appoint one of the Members to officiate as Chairperson.

CHAPTER III
RESIGNATION OR REMOVAL OF CHAIRPERSON OR MEMBER

8. Resignation.— Chairperson or Member may, by writing under his hand addressed to the Central Government, resign his office at any time:

Provided that the Chairperson or 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.

9. Procedure for inquiry into complaints.— (1) Where a written complaint alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairperson or Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) Where, 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 Chairperson or Member, it shall make a reference to the Committee.

(3) The Committee shall conduct an inquiry or cause an inquiry to be conducted by a person who is, or has been, a -

(a) Judge of Supreme Court or Chief Justice of a High Court, where the inquiry is against a Chairperson; or

(b) Judge of a High Court, where the inquiry is against a Member.

(4) The inquiry shall be completed within such time or such further time as may be specified by the Central Government preferable within six months.

(5) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(6) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

CHAPTER IV
SALARY AND ALLOWANCES

10. Salary.— (1) The Chairperson, except for the Presiding Officer of Debts Recovery Tribunal and Presiding Officer of the Industrial Tribunal shall, be paid a salary of Rs. two lakh fifty thousand (fixed) per month.

(2) The Member shall be paid a salary of Rs. two lakh twenty-five thousand per month.

(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 in the pay level of Rs.1,44,200 – 2,18,200.

(4) In case of a person appointed as the Chairperson, or Member, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

11. Allowances.— (1) The Chairpersons and Members shall be entitled to draw allowances and benefits as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(2) Notwithstanding anything contained in sub-rule (1), with effect from the 1st January, 2021, the Chairperson or Members shall have option to avail of accommodation to be provided by the Central Government as per the rules for the time being in force or shall be eligible for reimbursement of house rent subject to a limit of -

(a) one lakh fifty thousand rupees per month in case of Chairperson, except for the Presiding Officer of Debts Recovery Tribunal and Presiding Officer of the Industrial Tribunal; and

(b) one lakh twenty-five thousand rupees per month in case of Members of Tribunals and Presiding Officers of Debts Recovery Tribunal and the Industrial Tribunal.

12. Transport allowance.— The Chairperson, 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.

CHAPTER V PENSION, PROVIDENT FUND, GRATUITY AND LEAVE

13. Pension, Provident Fund and Gratuity.— (1) In case of a serving Judge of the Supreme Court or a High Court or a Member of an organised Service appointed as the Chairperson or Member, the service in the Tribunal 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 or the Contribution Pension System, as the case may be, and the rules for pension applicable to him.

(2) In all other cases, the Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 or the Contribution Pension System, as the case may be.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal.

14. Leave. (1) The Chairperson 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 Chairperson 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 Chairperson 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.

(5) Leave sanctioning authority for the-

(a) Member, shall be Chairperson;

(b) Chairperson of the State Administrative Tribunal or Members of State Administrative Tribunal in case of absence of Chairpersons, shall be the respective State Government; and

(c) Chairperson or Member in case of absence of Chairperson, in cases other than covered in clause (b), shall be the Central Government.

(6) The Central Government shall be the sanctioning authority for foreign travel to the Chairperson, or a Member.

CHAPTER VI MISCELLANEOUS

15. Declaration of Financial and other Interests.— The Chairperson, or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

16. Other conditions of service.— (1) The terms and conditions of service of a Chairperson, 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 Chairperson, or Member shall not practice before the Tribunal, after retirement from the service of that Tribunals.

(3) The Chairperson, or Member shall not undertake any arbitration assignment while functioning in these capacities in the Tribunals.

(4) The Chairperson, or Member of the Tribunal, 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:

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).

17. Oath of office and secrecy.— Every person appointed to be the Chairperson, or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms II and III annexed to these rules.

FORM I

(See rule 4)

[Format for vacancy circular including the format for application]

F. No. _____.

Government of India

Ministry of _____.

Department of _____.

Room No. _____.

New Delhi-110001

Dated, the _____.

Vacancy Circular**Subject: - Selection for the posts of Chairperson/Member in _____ Tribunal-reg.**

1. **Tribunal:** - The _____ (Name of the Tribunal) _____ Tribunal is an Appellate authority established under _____ Act, _____ to hear various appeals under the _____ Act, _____. headquarter is situated at _____ and its regional Benches are situated at _____. A Member, upon selection, may be posted at any of these places.

2. **Vacancy:** - Applications are being invited for the following existing and ____ anticipated vacancies:

Post	Place	Date of Vacancy

3. **Qualification:-** The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunal (Conditions of Service) Rules, 2021,

4. **Procedure for selection:** - The Search-Cum-Section Committee constituted under the Tribunal Reforms Act 2021 for recommending names for appointment to the said post shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.

5. **Application Procedure:-** Applications of eligible and willing officers are requested through proper channel (wherever applicable) and are accompanied with (i) bio-data in the proforma at Annexure-I (ii) Certificate to be furnished by the employer/ head of office/ forwarding authority as in Annexure-II (iii) clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer (iv) cadre clearance (v) integrity certificate/clearance from vigilance and disciplinary angle as in Annexure-III (vi) statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years, to the following address, so as to reach this office latest by _____:-

[Name and Address]

Applicants can Log on to <https://.....> to access the home page of the Online Application to apply (wherever applicable).

6. No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make own arrangements.
7. Advertisement and Prescribed application form can be downloaded from Ministry's/Tribunals website (name of the website).
8. Any application received after due date without necessary Annexure as mentioned above will not be entertained.

Wide publicity may be given in all organizations and their field formations to facilitate early and optimum number of application.

(Name of the Signing Officer)

Under Secretary to the Govt. of India/Director

Annexure-I

PROFORMA

**Space for
photograph
duly signed by
candidate**

1. Name :
2. Date of Birth :
3. Category(SC/ST/OBC/UR) :
4. Designation/Profession :
5. Contact Details :

	Residential		Official
	Present	Permanent	
Address:			
Mobile/Phone No.			
Email:			

6. Cadre/Service [Wherever applicable] :

7. Educational qualification (in reverse chronological order):

Sl. No.	Name of University/ Equivalent Institution	Degree	Year of passing	Division/ % of marks obtained	Academic Distinction	Subject/ Specialization

8. Work Experience:

8A. For the experience as employee, Employment record in chronological order starting with present Employment, list in reverse:

Sl. No.	Name & address of employer (Govt./PSU/Ministry/ Department/any other	Designation, Pay or Scale of pay (Pay in Pay Matrix)*	Period of Service		Nature of work/ experience
			From	To	

*Also indicate SI No. in above, which is equivalent to Additional Secretary/District Judge/Additional District Judge/Major General (as applicable under the qualification) or above

8B. For the experience as Professional record in chronological order starting with present Engagement, list in reverse:

Sl. No.	Details of Profession	Period of Service		Nature of work done*
		From	To	

*Such as Administration /Service matters /Judicial or Quasi-Judicial /Criminal /Civil /Taxation /Company Affairs /Environmental matters /Finance /Accountancy /Economics /Business /Commerce /Management /Public Affairs or any other as may be applicable. Engagement with Government, if any, may be indicated.

9. Date from which drawing the pay scale :
in the grade of Additional Secretary/
District Judge/Additional District Judge/
Major General to the Government of India
or any equivalent rank (wherever applicable).
10. Write up on adjudicating experience :
of the applicant (200 words)
[Wherever applicable]
11. Experience alongwith brief write up in handling : Details of Such cases
Cases before relevant Courts/Tribunals/ (Reported Cases/UnreportedCases)
[if applicable]
12. Proof of Experience, including
Enrolment/Registration No. As an Advocate/CA etc.
[For candidates other than Govt. or Judicial
officers] :
13. Annual Income along with copy of :
latest ITR [For Candidates other than
Govt. or Judicial Officers]
14. Write up on 05, major achievement :
(200 words each)
15. Awards/honours/Publications, if any :
16. Affiliation with the professional bodies/ :
Institutions/societies/or any other body
Including political party.
17. Additional information, if any, which :
You would like to mention in support
of the application for the post.

DECLARATION

1. I certify that the foregoing information is correct and complete to the best of knowledge and belief and nothing has been concealed/distorted. If at any time I found to have concealed/distorted any material information; my appointment shall be liable to summary termination without notice.
2. I shall not withdraw my candidature after the meeting of the Selection Committee.

3. I shall not decline the appointment, if selected for appointment by the ACC.
4. I shall join within 30 days from the date of issue of order of appointment.
5. I am aware that in case I violate any of the conditions mentioned at SI.No.2 to 4, the Government of India is likely to debar me for a period of three years for consideration for appointment outside the cadre and in any Autonomous Body/Statutory Body/Regulatory Body.

Place :

Date:

Signature of the candidate

Annexure-II

**CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF
OFFICE/FORWARDING AUTHORITY**

1. Certified that the particulars furnished by Shri/Smt/Kum-----are correct and he/she possesses educational qualifications and experience mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being contemplated against him/her and vigilance clearance issued by CVO in the enclosed Annexure (III).
3. His/her integrity is certified.
4. No major or minor penalty was imposed on Shri/Smt/Kum-----during the last 10 years period.
5. The up-to-date attested Photostat copies of ACR/APAR of last years (each Photostat copy of ACR/APAR should be attested) in respect of Shri/Smt/Kum-----in enclosed herewith.

Seal & Signature of the cadre controlling Authority

Annexure-III

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Fathers name :
3. Date of Birth :
4. Date of Retirement :
5. Date of entry into service

6. Service to which the officer belongs :

including batch /year/ cadre etc. ,
wherever applicable

7. Positions held (During ten preceding years):

S. No	Organisation (name in full)	Designation & Place of Posting	Administrative/ Nodal Ministry/ Department concerned (in case of officers of PSUs etc.)	From	To

8. Whether the officer has been placed on :

the agreed list or list of Officer of
Doubtful Integrity (if yes, details to be given)

9. Whether any allegation of misconduct :

Involving vigilance angle was examined
against the officer during the last 10
Years and if so with what result (*)

10. Whether any punishment was awards to :

the officer during the last 10 years and if
so, the date of imposition and details of
penalty (*)

11. Is any disciplinary/ criminal proceedings :

or charge sheet pending against the
officer as on date (if so, details to be
furnished, including reference number, if
any of the Commission)

12. Is any action contemplated against the :

Officer as on date (if so, details to be
furnished (*)

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter,

Date:

(NAME AND SIGNATURE)

FORM II*(See rule 17)***Form of Oath of Office for Chairperson/ Member of the (Name of the Tribunal)**

I, A. B., having been appointed as Chairperson/ /Member of the (Name of the Tribunal) do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/ Member (Name of the Tribunal) 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

FORM III*(See rule 17)***Form of Oath of Secrecy for Chairperson/ Member of the (Name of Tribunal)**

I, A. B., having been appointed as the Chairperson /Member of the(Name of Tribunal), 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 Chairperson/ Member/ of the said (Name of Tribunal)except as may be required for the due discharge of my duties as the Chairperson/Member.

[F. No. A.50050/9/2016-Ad.1C (CESTAT) (Pt-1)]

RITVIK PANDEY, Jt. Secy.

Explanatory Memorandum

Rule 11 gives retrospective operation from the 1st January, 2021, in order to give effect to the judgment of the Hon'ble Supreme Court of India in W.P(C) No. 804 of 2020.It is certified that no person is adversely affected by giving such retrospective operation.