



# **Tribunalisation of Justice in India**

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## **Boon or Bane**

## Reasons for Establishment of Tribunals

- Burden on courts
- Traditional judicial system considered to be costly, complex and formalistic.
- Tribunals may work rapidly and more efficiently than ordinary courts.
- Huge backlog of cases in Courts and need for specialization.
- Tribunals to follow principles of natural justice, thus less procedural delay and legal obligations.

## Tribunals/Commissions/Boards

1. Airport Appellate Tribunal
2. Central Electricity Regulatory Commission
3. Appellate Tribunal for Electricity (ATE)
4. Appellate Tribunal for Foreign Exchange
5. Appellate Tribunal for Forfeited Property
6. Armed Forces Tribunal
7. The Authority for Advance Rulings (under Income-tax Act)
8. The Authority for Advance Rulings (Central Excise, Customs and Service Tax)
9. Central Sales Tax Appellate Authority (Central Sales Tax Act, 1956)
10. Central Administrative Tribunal
11. Competition Commission of India
12. Competition Appellate Tribunal
13. Copyright Board
14. Custom Excise and Service Tax Appellate Tribunal
15. Cyber Appellate Tribunal
16. Debts Recovery Tribunal

# Tribunals/Commissions/Boards

17. Debts Recovery Appellate Tribunal
18. Film Certification Appellate Tribunal
19. Food Safety and Standards Authority of India
20. Food Safety Appellate Tribunal
21. Goods and Services Tax Appellate Tribunal 
22. Employees Provident Fund Appellate Tribunal
23. Income Tax Appellate Tribunal
24. Intellectual Property Appellate Board
25. Intellectual Property Appellate Tribunal
26. Motor Accident Claims Tribunal
27. National Company Law Tribunal
28. National Company Law Appellate Tribunal
29. National Environment Tribunal
30. National Green Tribunal

## Tribunals/Commissions/Boards

31. National Highways Tribunal
32. Industrial Tribunal
33. National Industrial Tribunal
34. Railway Claims Tribunal
35. Railway Rates Tribunal
36. Securities Appellate Tribunal
37. Telecom Dispute Settlement Appellate Tribunal
38. Water Disputes Tribunal
39. State Consumer Disputes Redressal Commission
40. National Consumer Disputes Redressal Commission
41. State Human Rights Commission
42. National Human Rights Commission

\* There may be more Tribunals as per State Acts, such as State Service Tribunal, Education Tribunal, State Transport Appellate Tribunal, Sales Tax Tribunals etc.

# Airport Appellate Tribunal

(Airports Authority of India Act, 1994)

Section	Detail
28-1 Establishment	
28- K Appeals to Tribunal	From an order of the Eviction Officer passed under AAI Act.
28-I(2) Composition	Chairperson
28-I(5) Qualification	<b>Chairperson</b> is, or has been, or is qualified to be Judge of High Court
28-I(6) Term	<b>Chairperson</b> -3 years or 62 years ] <i>*Verified from the Tribunal</i>
28-M Remedy against the order passed	Order passed by the Tribunal is final

# Central Electricity Regulatory Commission

(The Electricity Act, 2003)

Section	Detail
76(1)- Establishment	
76(2) Composition	Chairperson Members Secretary and other members
77- Qualification	<b>Chairperson</b> -is, or has been, a Judge of the Supreme Court or the Chief Justice of High Court <b>Members</b> Private persons
Term	Not provided in the Act
Remedy against the order passed	Not provided in the Act

# Appellate Tribunal for Electricity

(Electricity Act, 2003)

<i>Section</i>	<i>Details</i>
110- Establishment	
111 – Appeals to Tribunal	Appeals against the orders of the Adjudicating Officer or the Appropriate Commission
112- Composition	Chairperson and 3 other Members
113- Qualification	<b>Chairperson</b> <i>is</i> or has been, a judge of the Supreme Court or the Chief Justice of High Court – <b>(to be appointed by the Central Govt. after consultation with the CJI)</b>

# Appellate Tribunal for Electricity

(Electricity Act, 2003)

<i>Section</i>	<i>Details</i>
113- Qualification	<b>Members</b> <ul style="list-style-type: none"><li>• is or has been, a Judge of High Court;</li><li>• is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government dealing with economic affairs or matters of infrastructure;</li><li>• Private Person having special knowledge in subject.</li></ul> <b>(To be appointed by the Central Govt. on recommendations of the Selection Committee constituted under Section 78 of the Act)</b>
114- Term	Chairperson (3 years-extendable once, maximum 70 years) Members (3 years-extendable once, maximum 65 years)
125- Remedy against the order passed	Appeal - Supreme Court

# Appellate Tribunal for Foreign Exchange

(Foreign Exchange Management Act, 1999)

Section	Detail
18-Establishment	
19 – Appeal to Appellate Tribunal	Appeal against an order passed by an Adjudicating Authority or the Special Director (Appeals) levying penalty
20-Composition	<b>Chairperson, Members</b>
21-Qualification	<b>Chairperson</b> is or has been, or is qualified to be a Judge of High Court; <b>Member</b> is or has been, or is qualified to be a District Judge
22-Term	Chairperson (5 years or 65 years) Member (5 years or 62 years)
35-Remedy against the order passed	Appeal - High Court

# Appellate Tribunal for Forfeited Property

[The Smugglers & Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976

Section	Detail
12-Establishment	
12(4) – Appeal to Appellate Tribunal	Appeal against the order of Competent Authority passed under Section 7(1), 9 and 10 of the Act
12- Composition	Chairman and other Members
12(2) Qualification	<b>Chairman</b> Is or has been or is qualified to be a Judge of the Supreme Court or of a High Court <b>Members</b> - officers of the Central Government not below the rank of a Joint Secretary to the Government as the Central Government thinks fit, to be appointed by the Government
Term	3 years ( <i>*'Verified from the Tribunal'</i> )
Remedy against the order passed	None provided in the Act

# Armed Force Tribunal

(Armed Forces Tribunal Act, 2007)

Section	Detail
4 – Establishment	
5 – Composition	<b>Chairperson</b> <b>and such number of Judicial Members and</b> <b>Administrative Members, as the Central Govt. may</b> <b>deem fit</b>
6- Qualification	<b>Chairperson</b> Retired Judge of the SC or a retired Chief Justice of a High Court <b>Judicial Member</b> Is or has been a Judge of High Court

# Armed Force Tribunal

Section	Detail
	<p><b>Administrative Member</b></p> <p>He has held or has been holding the rank of Major General or above for a total period of 3 years in the Army or equivalent rank in the Navy or the Air Force;</p> <p>He has served for not less than one year as Judge Advocate General in the Army or the Navy or the Air Force, and is not below the rank of Major General, Commodore and Air Commodore, respectively.</p> <p><b>(All appointments are to be made by the President in consultation with Chief Justice of India)</b></p>
8 - Term	<p><b>Chairperson</b></p> <p>(4 years-extendable, Max. 70 years for SC Judge) (4 years-extendable, Max. 65 years for CJ of High Court)</p> <p><b>Member</b></p> <p>4 Years-extendable, Max. 65 years</p>
30 - Remedy against the order passed	Appeal - Supreme Court

## Benches of Armed Forces Tribunal and their Territorial Jurisdiction

S.No	Name of the Bench	Territorial Jurisdiction
1	Principle Bench, New Delhi	New Delhi
2	Chandigarh	Punjab, Haryana, Himachal Pradesh and Union Territory, Chandigarh
3	Chennai	Andhra Pradesh, Telangana, Puducherry, Andaman and Nicobar
4	Guwahati	Nagaland, Manipur, Meghalaya, Arunachal Pradesh
5	Jabalpur	Madhya Pradesh, Bihar, Chhattisgarh and Odisha
6	Jaipur	Rajasthan

## Benches of Armed Forces Tribunal and their Territorial Jurisdiction

S.No	Name of the Bench	Territorial Jurisdiction
7	Kochi	Kerala, Karnataka and Lakshadweep(U.T.)
8	Kolkata	West Bengal, Jharkhand, Odisha, Bihar and Andaman Nicobar
9	Lucknow	Uttar Pradesh, Uttrakhand
10	Mumbai	Maharashtra, Gujrat, Goa, Daman and Diu
11	Srinagar(Jammu)	Jammu and Kashmir

# The Authority for Advance Rulings

(Income-tax Act)

Section	Detail
245-O Establishment	
245-O(2) Composition	Chairman, Vice Chairman, Revenue Members and Law Members
245-O(3) Qualification	<p><b>Chairman-</b> who has been a Judge of the Supreme Court</p> <p><b>Vice Chairman-</b> Who has been a Judge of a High Court</p> <p><b>Revenue Members-</b> From Indian Revenue Service, who is a Principal Chief Commissioner or Principal Director General or Chief Commissioner or Director General;</p> <p><b>Law Members-</b> From Indian legal service, who is or is qualified to be, an Additional Secretary to the Government of India.</p> <p><b>(To be appointed by the Central Govt.)</b></p>

# The Authority for Advance Rulings

(Income-tax Act)

Section	Detail
245-O(4) Term	Terms and conditions of service to be as prescribed. *Chairman (3 years or 70 years) *Member (3 years or 62 years) <i>*Verified from the Tribunal</i>
Remedy against order passed	Not provided in the Act

# The Authority for Advance Rulings

(Central Excise, Customs and Service Tax)

Section	Detail
28F(1)- Establishment	
28F(2)- Composition	Chairperson Members
28F(2)- Qualification	<b>Chairperson</b> - A retired Judge of Supreme Court <b>Member</b> - An officer of the Indian Customs and Central Excise Service who is qualified to be a Member of the Board; - An officer of the Indian Legal Service who is, or is qualified to be, an Additional Secretary to the Government of India.
28F(2A)	-The Central Govt. may by notification authorize the Authority constituted under Section 45-O of the Income-tax Act, 1961 to act as an authority under the Act.

# The Central Sales Tax Appellate Authority

(The Central Sales Tax Act, 1956)

Section	Detail
19(1)- Establishment	
19(2)-Composition	Chairman, Members
19(2)- Qualification	<b>Chairperson</b> <ul style="list-style-type: none"><li>• a retired Judge of the Supreme Court or</li><li>• a retired Chief Justice of a High Court;</li></ul> <b>appointed by the Central Government</b> <b>Member</b> <ul style="list-style-type: none"><li>• an officer of the Indian Legal Service who is, or is qualified to be, an Additional Secretary to the Government of India;</li><li>• an officer of a State Government not below the rank of Secretary or an officer of the Central Government not below the rank of Additional Secretary, who is an expert in sales tax matter</li></ul>
Term	Not provided in the Act.
20. Remedy against the order passed	Any aggrieved person against any order of the highest appellate authority of a State

# Central Administrative Tribunal

(Administrative Tribunals Act, 1985)

Section	Detail
4- Establishment	
5-Composition	Chairman, Judicial Member (1), Administrative Member (1)
6. Qualification	<p><b>Chairman</b></p> <ul style="list-style-type: none"><li>- is, or has been, a Judge of High Court</li></ul> <p><b>Judicial Member</b></p> <ul style="list-style-type: none"><li>- is or qualified to be a Judge of a High Court or he has for at least two years held the post of the Secretary to Govt. of India.</li></ul> <p><b>Administrative Member</b></p> <ul style="list-style-type: none"><li>- Additional Secretary under the Central or a State Govt.</li><li>- Joint Secretary under the Central or a State Govt.</li></ul> <p><b>(Chairman and Members are to be appointed by the President in consultation with CJI)</b></p>
8- Term	<p>Chairman (5 years or 68 years)</p> <p>Member (5 years or 65 years)</p> <p><b><i>Term of Member can be extended only once.</i></b></p>

# Jurisdiction of Benches of Central Administrative Tribunal

Bench	Jurisdiction of the Bench
Principal Bench, New Delhi	National Capital Territory of Delhi
Ahmadabad Bench	State of Gujarat
Allahabad Bench	State of U.P., excluding the Districts under the jurisdiction of Lucknow Bench
Lucknow Bench	Districts of Lucknow, Hardoi, Kheri, Rai-Bareilly, Sitapur, Unnao, Faizabad, Ambedkar Nagar, Baharaich, Shravasti, Barabanki, Gonda, Balrampur, Pratapgarh, Sultanpur
Banguluru Bench	State of Karnataka
Kolkata Bench	State of Sikkim State of West Bengal U.T. of Andaman and Nicobar Islands

# Jurisdiction of Benches of Central Administrative Tribunal

Bench	Jurisdiction of the Bench
Chandigarh Bench	State of Jammu & Kashmir State of Haryana; State of Himachal Pradesh; State of Punjab U.T., Chandigarh
Cuttack Bench	State of Odisha
Ernakulam Bench	State of Kerala U.T. Of Lakshadweep
Guwahati Bench	State of Assam; State of Manipur; State of Meghalaya State of Nagaland; State of Tripura; State of Arunachal Pradesh; State of Mizoram

## Jurisdiction of Benches of Central Administrative Tribunal

Bench	Jurisdiction of the Bench
Hyderabad Bench	State of Andhra Pradesh State of Telangana
Jabalpur Bench	State of Madhya Pradesh State of Chhatisgarh
Jodhpur Bench	State of Rajasthan excluding the Districts mentioned in the jurisdiction of Jaipur Bench
Jaipur Bench	Districts of Ajmer, Alwar, Baran, Bharatpur, Bundi, Dausa, Dholpur, Jaipur, Jhallawar, Jhunjhunu, Kota, Sawai Madhopur, Sikar, Tonk and Karauli
Chennai Bench	State of Tamil Nadu U.T. of Puducherry
Mumbai Bench	State of Maharashtra State of Goa U.T. of Dadra and Nagar Haveli, U.T. of Daman and Diu
Patna Bench	State of Bihar State of Jharkhand

# Competition Commission of India

(The Competition Act, 2002)

Section	Detail
7-Establishment	
8(1)-Composition	Chairperson, Other Members ( Min. 2 to Max. 6)
8(2) – Qualification	<p>Chairperson and every other member shall be a person of ability, integrity and standing and who has special knowledge of, and such professional experience of not less than fifteen years in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs or competition matters, including competition law and policy, which in the opinion of the Central Government, may be useful to the Commission.</p> <p><b>(To be appointed by the Central Govt. on recommendations by the Selection Committee headed by CJI or his nominee)</b></p>
10-Term	5 years-extendable, Max. 65 years
Remedy against	Competition Appellate Tribunal

# Competition Appellate Tribunal

(The Competition Act, 2002)

Section	Detail
53A - Establishment	
53 B – Appeal to Appellate Tribunal	Appeal against any direction, decision, order passed by the Commission
53C -Composition	Chairperson and not more than two Members
53D Qualification	<p><b>Chairperson</b> is or has been a Judge of Supreme Court or the Chief Justice of a High Court</p> <p><b>Member</b> Shall be a person of ability, integrity and standing having special knowledge of, and professional experience of not less than 25 years in, competition matters, including competition law and policy, international trade, economics, business, commerce , law, finance, accountancy, management, industry, public affairs, public administration or in any other matter which in the opinion of the Central Government, may be useful to the Appellate Tribunal</p>

# Competition Appellate Tribunal

(The Competition Act, 2002)

Section	Detail
	<b>(To be appointed by the Central Govt. on recommendations by the Selection Committee headed by CJI or his nominee)</b>
53F Term	Chairperson ( 5 years- extendable, Max. 68 years) Member (5 years-extendable, Max. 65 years)
53T Remedy against the order passed	Appeal -Supreme Court

# Copyright Board

(Copyright Act 1957)

Section	Detail
11 -Establishment	
11- Composition	Chairman Two Members
11(3)- Qualification Read with Rule 3 of the Copyright Rules, 2013)	<b>Chairman</b> Is or has been , a Judge of High Court or is qualified for the appointment as a Judge of High Court <b>Member</b> -Is, or has been, a member of Indian Legal Service(Grade I) (Min. 3 years) -Has held a Judicial Office (Min. 10 years) -Is, or has been, a Member of a Tribunal or Civil Services not below the rank of a Joint Secretary to the Govt. of India with 3 years experience in the field of Copyright. - has been an Advocate of a proven specialized experience in Copyright Law(Min. 10 years)

# Copyright Board

(Copyright Act 1957)

Section	Detail
Term ( <b>As per Copyright Rules,2013</b> )	Chairman (5 years-extendable, Max. 65 years ) <b>(To be appointed in consultation with CJI)</b> Member (5 years-extendable, Max. 62 years)
72(2) -Remedy against the order passed	Appeal- High Court

# Custom Excise and Service Tax Appellate Tribunal

(The Customs Act, 1962)

Section	Detail
129 – Establishment	
129 A- Appeals to Appellate Tribunal	Appeal against order passed by the <ul style="list-style-type: none"><li>➤ Commissioner of Customs as an Adjudicating Authority</li><li>➤ Commissioner (Appeals)</li><li>➤ Board or the Collector of Customs</li></ul>
129(1) Composition	President, Vice- President, Judicial Members and Technical Members
129(3) Qualification	<b>President-</b> <ul style="list-style-type: none"><li>- is or has been a Judge of a High Court or</li><li>-one of the members of Appellate Tribunal</li></ul> <b>Judicial Members</b> <ul style="list-style-type: none"><li>- has held Judicial office(min.10 Years),or</li><li>- has been a member of Indian Legal Service (Grade I) Min. 3 years, or</li><li>- has been an Advocate (min.10 Years)</li></ul> <b>Technical Members</b> <p>Member of the Indian Customs &amp; Excise Service ,Group A and post equivalent or higher to Collector of Customs or Central Excise (Min.</p>

# Cyber Appellate Tribunal

(Information Technology Act, 2000)

Section	Details
48- Establishment	
57 – Appeals to Appellate Tribunal	Against an order passed by Controller or Adjudicating Officer under Information Technology Act
49- Composition	Chairperson and other Members <b>(Appointment to be made by the Central Govt. in consultation with CJI)</b>
50- Qualification	<b>Chairperson</b> is, or has been, or is qualified to be, a Judge of High Court <b>Member</b> -having special knowledge of, and Professional experience in, information technology, telecommunication, industry, management or consumer affairs.

# Cyber Appellate Tribunal

(Information Technology Act, 2000)

Section	Details
	<b>Judicial Member</b> -is or has been, a member of Indian Legal Service and has held the post of Additional Secretary for the period of not less than 1 year or (Grade 1) (Min.5 years)
51-Term	Chairperson (5 years or 65 years) Member (5 years or 65 years)
62-Remedy against the order passed	Appeal- High Court

# Debts Recovery Tribunal

(The Recovery of Debts due to Banks and Financial Institutions Act, 1993)

Section	Detail
3-Establishment	
4-Composition	Presiding Officer <b>(to be appointed by the Central Govt.)</b>
5-Qualification	<b>Presiding Officer</b> -Is or has been, or is qualified to be a District Judge
6-Term	5 years or 62 years, whichever is earlier
20- Remedy against the order passed	Appeal – Debts Recovery Appellate Tribunal

# Debts Recovery Appellate Tribunal

(The Recovery of Debts Due to Banks & Financial Institutions Act, 1993)

Section	Detail
8- Establishment	
20 – Appeal to the Appellate Tribunal	against orders passed by the Debts Recovery Tribunal
9-Composition	Chairperson <b>(to be appointed by the Central Govt.)</b>
10- Qualification	<ul style="list-style-type: none"><li>- is or has been, or is qualified to be, a Judge of High Court;</li><li>- has been a member of Indian Legal Service (Grade I) for at least three years;</li><li>- has held office as the Presiding Officer of a Debts Recovery Tribunal for at least 3 years</li></ul>
11- Term	Five years or five terms, whichever is earlier

# Employees Provident Fund Appellate Tribunal

(The Employees' Provident Fund & Miscellaneous Provisions Act, 1952)

Section	Detail
7D (1) Establishment	
7- I – Appeals to Tribunal	Against the order passed by Central Govt., Central Provident Fund Commissioner, Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner ,
7D(2)- Composition	Presiding Officer <b>(to be appointed by the Central Govt.)</b>
7D(3)- Qualification	is, or has been, or is qualified to be a Judge of High Court or; District Judge
7E –Term	Presiding Officer- 5 years or 62 years, whichever is earlier

# Film Certification Appellate Tribunal

(The Cinematograph Act, 1952)

Section	Detail
5D (1) Establishment	
5 C – Appeal to the Appellate Tribunal	By any order passed by the Board
5D(3) Composition	Chairman and not more than 4 Members <b>(to be appointed by the Central Govt.)</b>
5D(4) Qualification	<b>Chairman</b> Retired Judge of a High Court or a person qualified to be a judge of a High Court <b>Members</b> Qualified to judge the effect of films on the public
Rule 3(2) of the Cinematograph (Certification) Rules, 1983	Chairman -3 years and shall continue to hold office until his successor is appointed Members – 3 years - <b>Extendable</b>

# Food Safety & Standards Authority of India

(The Foods Safety and Standards Act, 2006)

Section	Detail
4- Establishment	
5(1)- Composition	Chairperson and 22 Members, out of which 1/3 <sup>rd</sup> shall be women
5(1)(a)- Qualification	<p>-Seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the ministries or Departments of the Central Government dealing with</p> <p>(i) Agriculture, (ii) Commerce, (iii) Consumer Affairs, (iv) Food Processing, (v) Health, (vi) Legislative Affairs, (vii) Small Scale industries</p> <p>Who shall be Members <i>ex officio</i>;</p> <p>(b) Two representatives from food industry of which one shall be from small scale industries;</p> <p>(c) two representatives from consumer organizations</p>

# Food Safety & Standards Authority of India

(The Foods Safety and Standards Act, 2006)

Section	Detail
	<p>(d) Three eminent food technologists or scientists;</p> <p>(e) Five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union Territories;</p> <p>(f) Two persons to represent farmers, organisations;</p> <p>(g) One person to represent retailers' organisations</p>
7- Term	Chairperson ( 3 years or 65 years) ] Extendable for Member (3 years and 62 years) ] 3 years
Remedy against the order passed	Food Safety Appellate Tribunal

# Food Safety Appellate Tribunal

(The Food Safety and Standards Act, 2006)

Section	Detail
70(1) Establishment	To hear appeal against the order of Adjudicating Officer(s) under Section 68 of the Act
70(3) Composition Qualification	Presiding Officer  Is or has been a District Judge <b>(to be appointed by the Central Govt.)</b>
70(4)-Term	As may be prescribed by the Central Govt.
71(6)-Remedy against the order passed	Appeal- High Court

# Goods and Services Tax Appellate Tribunal

(The Central Goods & Services Tax Act, 2017)

Section	Detail
109 (1)-Establishment	National Bench of the Appellate Tribunal
109(3)- Composition	President, Judicial Member, Technical Member (Centre) (One) and Technical Member (State) (One)
109(4)-Regional Benches	Regional Benches can be constituted, as required
110- Qualification	<b>President-</b> He has been a Judge of SC or the CJ of HC or has been a Judge of HC (5 years) <b>Judicial Member-</b> - has been a Judge of a High Court; or - is or has been a District Judge qualified to be appointed as a Judge of High Court or; - is or has been a Member of Indian Legal Service and Additional Secretary (Min 3 years);

# Goods and Services Tax Appellate Tribunal

(The Central Goods & Services Tax Act, 2017)

Section	Detail
110- Qualification	<p><b>Technical Member (Centre)</b> is or has been a Member of Indian Revenue (Customs and Central Excise) Service, Group A, (min 15 years of service);</p> <p><b>Technical Member (State)</b> Is or has been an officer of the State Govt. not below the rank of Additional Commissioner of VAT or the State Goods &amp; Services Tax.</p> <p><b>(President and the Judicial Member of the National and Regional Benches are to be appointed by the Govt. in consultation with CJI or his nominee)</b></p>
110(9)-Term	<p>President (3 years-extendable Max. age 70 years) Judicial Member (3 years-extendable Max. age 65 years) Technical Member (Centre and State) (5 years-extendable Max. age 65 years)</p>
118-Remedy against the order passed	Supreme Court-Appeal

# Income Tax Appellate Tribunal

(Income-tax Act, 1961)

Section	Detail
252- Establishment	
252- Composition	President, Vice President, Judicial Member & Accountant Member
252- Qualification	<b>President-</b> -is a sitting or retired Judge of HC with 7 years of service <b>Judicial Member-</b> has held a Judicial Office (Min.10 years), or has been a member of Indian Legal Service (Grade II) (minimum 3 years) or Advocate (minimum 10 years)

# Income Tax Appellate Tribunal

(Income-tax Act, 1961)

Section	Detail
252-Qualification	<b>Accountant Member</b> <ul style="list-style-type: none"><li>-Shall be a person in practice of Accountancy Chartered Accountant (for Min. 10 years), or</li><li>- a registered Accountant under any law formerly in force</li><li>-Partly a registered Accountant and a Chartered Accountant</li><li>-Has been a Member of Indian Income-tax Service( Group A) and has held the post of Additional Commissioner of Income-tax of any equivalent or higher post (Min. 3 years)</li></ul>
260 A-Remedy against the order passed	Appeal- High Court

# Intellectual Property Appellate Board

(Trade Marks Act, 1999)

Section	Detail
83-Establishment	
91- Appeal to the Tribunal	Order passed by the Registrar under the Act.
84-Composition	Chairman, Vice Chairman, Other Members (Judicial & Technical)
85-Qualification	<b>Chairman-</b> Is or has been a Judge of HC or; held the office of Vice President (Min. 2 years); <b>(To be appointed in consultation with CJI)</b> <b>Judicial Member</b> has been a Member of the Indian Legal Service (Grade I) (minimum 3 years); Civil Judicial Office (minimum 10 years)

# Intellectual Property Appellate Tribunal

(Trade Marks Act, 1999)

Section	Detail
	<p><b>Technical Member</b> Exercised functions of a Tribunal under this Act or under the Trade and Merchandise Marks Act, 1958 or both, (minimum 10 years) and has held a post not lower than the post of a Joint Registrar (minimum 5 years)</p>
86-Term	<p><b>Chairman</b> ] 5 years or 65 years <b>Vice Chairman</b> ]</p> <p><b>Member</b> 5 years or 62 years</p>

# Motor Accident Claims Tribunal

(The Motor Vehicles Act, 1988)

Section	Detail
165- Establishment	
165(2)- Composition	Chairman Other Members( Number as prescribed by the State Govt. and where it consist of two or more members, one of them shall be appointed as the Chairman thereof)
165(3) Qualification	<b>Chairman and other Members</b> - is, or has been, a Judge of a High Court, or - is, or has been, a District Judge, or - is qualified for appointment as a High Court Judge (or as a District Judge)
173 Remedy against the order passed	Appeal-High Court

# National Company Law Tribunal

(The Companies Act, 2013)

Section	Detail
408-Establishment	
408- Composition	President, Judicial Member and Technical Member
409-Qualification	<p><b>President-</b> Is or has been a Judge of High Court for 5 years; <b>(to be appointed after consultation with CJI)</b></p> <p><b>Judicial Member-</b> is or has been a Judge of High Court, or is or has been a District Judge for at least 5 years; or has been an Advocate for at least 10 years.</p> <p><b>Technical Member-</b> -has, for at least 15 years been a member of the Indian Corporate Law Service out of which at least three years shall be in the pay scale of Joint Secretary to the Government of India or equivalent or above in that service; or -Is, or has been, in practice as a chartered accountant for at least 15 years; or -Is, or has been, in practice as a cost accountant for at least 15 years: or</p>

# National Company Law Tribunal

(The Companies Act, 2013)

Section	Detail
409-Qualification	<ul style="list-style-type: none"><li>-is, or has been, in practice as a company secretary for at least 15 years; or</li><li>-is a person of proven ability, integrity and standing having special knowledge and experience, of not less than fifteen years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy, labour matters, or such other disciplines related to management, conduct of affairs, revival, rehabilitation and winding up of companies; or</li><li>-is or has been for at least 5 years, a presiding officer of a Labour Court, Tribunal or National Tribunal constituted under the Act.</li></ul>
413-Term	<p>President (5 years-extendable Max. age 67 years) Members (5 years-extendable Max. age 65 years)</p>
421-Remedy against the order passed	Appeal to National Company Law Appellate Tribunal

# National Company Law Appellate Tribunal

(The Companies Act, 2013)

Section	Detail
410-Establishment	
410-Composition	Chairperson, Judicial Member and Technical Member
411-Qualification	<b>Chairperson-</b> is or has been a Judge of the Supreme Court or the Chief Justice of a High Court; <b>Judicial Member-</b> is or has been a Judge of High Court or Judicial Member of the Tribunal for 5 years; <b>(Chairperson &amp; Judicial Member to be appointed in consultation with CJI)</b> <b>Technical Member</b> (Private person)
413(3)-Term	Chairperson (5 years-extendable Max. age 70 years) Members (5 years-extendable Max. age 67 years)
423-Remedy against the order passed	Appeal-Supreme Court

# National Environment Tribunal

(The National Environment Tribunal Act, 1995)

Section	Detail
8-Establishment	
9-Composition	Chairperson, Vice Chairperson, Judicial & Technical Member
10-Qualification	<p><b>Chairperson-</b></p> <ul style="list-style-type: none"><li>- is or has been a Judge of SC or a HC , or</li><li>- held the office of Vice Chairperson (Min. 2 years)</li></ul> <p><b>Vice Chairperson-</b></p> <ul style="list-style-type: none"><li>-is or has been a Judge of a HC, or</li><li>-Secretary to the Govt. of India or State for at least 2 years</li><li>-Additional Secretary to the Govt. of India or State for at least 5 years</li><li>- 3 years as Judicial or Technical Member</li></ul> <p><b>-(Chairperson and Vice Chairperson to be appointed in consultation with CJI)</b></p>

# National Environment Tribunal

(The National Environment Tribunal Act, 1995)

Section	Detail
	<p><b>Judicial Member</b></p> <ul style="list-style-type: none"><li>- is or has been, or is qualified to be, a Judge of HC, or</li><li>- a member of Indian Legal Service (Grade I)(Min 3 years)</li></ul> <p><b>Technical Member-</b> Specialized knowledge</p>
12-Term	<p>Chairperson ( 5 years-extendable Max. age 70 years) Vice Chairperson ( 5 years-extendable Max. age 65 years) Member (5 years-extendable Max. age 62 years)</p>
24-Remedy against the order passed	<p>Appeal -Supreme Court</p>

# National Green Tribunal

(The National Green Tribunal Act, 2010)

Section	Detail
3- Establishment	
4- Composition	<b>Chairperson , Judicial members (10 to 20), Expert members</b>
5-Qualification	<b>Chairperson &amp; Judicial Member</b> A Judge of the Supreme Court or Chief Justice of a High Court; Provided that a sitting or retired Judge of the High Court is eligible for being appointed as Judicial Member <b>(Chairperson to be appointed in consultation with CJI)</b> <b>Expert Member (Private Person with specialized knowledge)</b>
7-Term	Chairperson & Judicial Member (5 years or 70 years in case of a Judge of Supreme Court and 5 years or 67 years in case of Chief Justice of High Court) Expert Member – (5 years or 65 years)
16-Appellate jurisdiction of the Tribunal	The Tribunal exercises appellate jurisdiction against the orders passed by different authorities, as prescribed in the Section
22-Remedy against the order passed	Appeal-Supreme Court

# National Highways Tribunal

[The control of National Highways (Land and Traffic) Act, 2002 ]

Section	Detail
5-Establishment	
6-Composition	Presiding Officer <b>(to be appointed by the Central Govt.)</b>
7-Qualification	-is qualified to be a Judge of High Court; or - has been a member of Indian Legal Service (Grade II)
8-Term	62 Years
14	To hear appeals against the orders passed by various authorities under Sections 26, 27, 28, 36, 37 and 38 of the Act.
41	Order passed by the Tribunal is final

# Industrial Tribunal

(Industrial Disputes Act, 1947)

Section	Detail
7A(1)- Establishment	
7A(2)-Composition	Presiding Officer
7A(3)-Qualification	<p>-is, or has been, a Judge of a High Court; or</p> <p>-He has, for a period of not less than three years, been a District Judge or an Additional District Judge;</p> <p>-Is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the labour department including three years of experience as Conciliation officer;</p>
7C- Term	-65 years

# National Industrial Tribunal

(Industrial Disputes Act, 1947)

Section	Detail
7-B (1) Establishment	
7-B(2) Composition	Presiding Officer
7-B(3) Qualification	Is or has been a Judge of High Court
7-C Term	Max. upto the age of 65 years.

# Railway Claims Tribunal

(Railway Claims Tribunal , 1987)

Section	Detail
3-Establishment	
4-Composition	Chairman, Vice – Chairman (4), Judicial Member and Technical Member
5-Qualification	<p><b>Chairman-</b></p> <ul style="list-style-type: none"><li>- is, or has been, a Judge of HC or</li><li>- has held the office of Vice Chairman (Min. 2 years);</li></ul> <p><b>(to be appointed in consultation with CJI)</b></p> <p><b>Vice Chairman</b></p> <ul style="list-style-type: none"><li>- is or has been, or is qualified to be, a Judge of a HC or</li><li>- member of Indian Legal Service (Grade I) (Min. 5 years)</li><li>- has held a post under Railway Administration carrying scale of pay not less than that of a Joint Secretary (Min. 5 years)</li><li>- held office as a Judicial Member or a Technical Member( Min. 3 years)</li></ul>

# Railway Claims Tribunal

(Railway Claims Tribunal , 1987)

Section	Details
	<b>Judicial Member-</b> <ul style="list-style-type: none"><li>- is or has been, or is qualified to be, a Judge of a High Court or</li><li>- member of Indian Legal Service (Grade I) (Min. 3 years)</li><li>- has held a Civil Judicial Post carrying a scale of pay not less than that of a Joint Secretary (Min. 3 years)</li></ul>
5-Qualification	<b>Technical Member</b> <ul style="list-style-type: none"><li>- held a post under a Railway Administration carry a scale of pay which is not less than that of a Joint Secretary to the Govt. of India and has adequate knowledge of rules and procedure of , and experience in, claims and commercials matter related to railways.</li></ul>
7-Term	<b>Chairman ( 5 years or 65 years, whichever is earlier)</b> <b>Vice Chairman or any other member (5 years of 62 years, whichever is earlier)</b>
23-Remedy against the order passed	High Court-Appeal

# Railway Rates Tribunal

(The Railways Act, 1989)

Section	Detail
33- Establishment	
33(2)- Composition	Chairman and two other Members <b>(to be appointed by the Central Govt.)</b>
33(3)- Qualification	<b>Chairman-</b> Is or has been a Judge of the Supreme Court or of a High Court; <b>Other Members- (specialized knowledge)</b>
33(4)- Term	5 years -Not extendable

# Securities Appellate Tribunal

(The Securities and Exchange Board of India Act, 1992)

Section	Detail
15K-Establishment	
15T	To hear appeals against the order passed by SEBI and any adjudicating officer under the Act.
15L-Composition	Presiding Officer <b>(to be appointed by the Central Govt. in consultation with CJI or his nominee)</b> Two Members
Qualification	<b>Presiding Officer-</b> sitting or retired Judge of Supreme Court or Chief Justice of a High Court sitting or retired Judge of a High Court (minimum 7 years) <b>Members</b> –specialized knowledge
15-N-Term	Presiding officer (5 years-extendable Max. age 68 years) Members (5 years-extendable Max. age 62 years)
Remedy against the order passed	Appeal-Supreme Court

# Telecom Dispute Settlement Appellate Tribunal

(Telecom Regulatory Authority of India Act, 1997)

Section	Detail
14-Establishment	To adjudicate disputes pertaining to telecom and hear appeals against any decision of the Telecom Regulatory Authority
14B-Composition	Chairperson and not more than two Members <b>(to be appointed by the Central Govt.)</b>
14C- Qualification	<b>Chairperson-</b> is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court <b>Member</b> Post of Secretary to the Government of India or any equivalent post in the Central or the State Govt. (minimum 2 years) or Private person
14D- Term	Chairperson (3 years or 70 years, whichever is earlier) Member (3 years or 65 years, whichever is earlier)
14N	All appeals pending in the High Court before commencement of Telecom Regulatory Authority of India (Amendment) Act, 2000 were transferred to the Tribunal
18-Remedy against the order passed	Appeal-Supreme Court

# Water Disputes Tribunal

(Inter-State Water Disputes Act, 1956)

Section	Detail
4(1)- Establishment	
4(2)- Composition	Chairman Two Members <b>(To be nominated by CJI from sitting Supreme Court or High Court Judges)</b>

# State Consumer Disputes Redressal Commission

(The Consumer Protection Act, 1986)

Section	Detail
9(b)- Establishment	
16-Composition	President Other Members (Min. 2), 50% with judicial background
16- Qualification	<b>President-</b> Is or has been a Judge of a High Court <b>To be appointed by State Govt. in consultation with the Chief Justice of the High Court</b> <b>Members</b> To be selected by a committee headed by Chairman of the Commission.
16(3)-Term	5 years or 67 years, whichever is earlier –Extendable
19- Remedy of appeal	National Consumer Disputes Redressal Commission

# National Consumer Disputes Redressal Commission

(The Consumer Protection Act, 1986)

Section	Detail
9-Establishment	
20-Composition	President Other Members, not less than 4. 50% to be from legal background.
20- Qualification	<b>President-</b> Is or has been a Judge of the Supreme Court, in consultation with CJI <b>Members,</b> to be appointed by a committee headed by a judge of Supreme Court nominated by CJI
20(3)-Term	5 years or 70 years –Extendable
23- Remedy against the order passed	Supreme Court- Appeal

# State Human Rights Commission

(The Protection of Human Rights Act, 1993)

Section	Detail
21-Establishment	
21:Composition	Chairperson- Ex Chief Justice of High Court Other Members ( one judicial and one expert)
22- Qualifications	<b>Chairperson and members</b>  <b>To be appointed by Governor headed by the Chief Minister, speaker and minister incharge of the department concerned.</b>
24-Term	5 years or 70 years, whichever is earlier - Extendable
23- Remedy against the order passed	National Human Rights Commission

# National Human Rights Commission

(The Protection of Human Rights Act, 1993)

Section	Detail
3-Establishment	
Composition	Chairperson, who had been CJI Other Members : 1. Judge of the Supreme Court 2. Chief Justice of the High Court 3. Two Persons with special knowledge. To be appointed by a committee headed by PM
6-Term	5 years or 70 years, whichever is earlier - Extendable

## Maximum age of Chairperson

70 Years	68 Years	67 Years	65 Years	62 Years
National Green Tribunal <b>(Supreme Court Judge)</b>	Competition Appellate Tribunal	National Company Law Tribunal	Appellate Tribunal for Forfeited Property	Employees Provident Fund Appellate Tribunal
Armed Force Tribunal <b>(Supreme Court Judge)</b>	Securities Appellate Tribunal	National Green Tribunal <b>(CJ of HC)</b>	Armed Force Tribunal <b>(CJ of HC)</b>	National Highways Tribunal
Appellate Tribunal for Electricity (ATE) Either Supreme Court Judge or CJ of High Court		State Consumer Disputes Redressal Commission	Cyber Appellate Tribunal	
Goods and Services Tax Appellate Tribunal			Appellate Tribunal for Foreign Exchange	

## Age of Chairperson

70 Years	68 Years	67 Years	65 Years	62 Years
The Airport Economic Regulatory Authority Appellate Tribunal			Debts Recovery Appellate Tribunal	
Telecom Disputes Settlement Appellate Tribunal			Railway Claims Tribunal	
Authority for Advanced Rulings (Income Tax Act, 1961)			Intellectual Property Appellate Board	
National Company Law Appellate Tribunal			Food Safety Appellate Tribunal	
National Environment Tribunal			Central Administrative Tribunal	
National Consumer Disputes Redressal Commission			National Industrial Tribunal	
State Human Rights Commission			Copyright Board	
National Human Rights Commission			Customs Excise and Service Tax Appellate Tribunal	

## Maximum age of Members

67 Years	65 Years	62 Years
National Company Law Appellate Tribunal	Appellate Tribunal for Electricity (ATE)	Appellate Tribunal for Foreign Exchange
	Central Administrative Tribunal	Authority of Advanced Rulings (Income Tax Act, 1961)
	Cyber Appellate Tribunal	Copyright Board
	Armed Forces Tribunal	Customs Excise and Service Tax Appellate Tribunal
	Competition Appellate Tribunal	Intellectual Property Rights Board
	Goods and Services Tax Appellate Tribunal	National Environment Tribunal
	National Company Law Tribunal	Railway Claims Tribunal
	National Green Tribunal	Securities Appellate Tribunal
	Telecom Disputes Settlement Appellate Tribunal	

# Historical Background

- Vide 42<sup>nd</sup> amendment in the Constitution of India Articles 323A and 323B were added. (effective from 03.01.1977).
- Art. 323A provides for the establishment of Administrative Tribunals by the Parliament for adjudication of service matters. Article 323B provides for the establishment of Tribunals, to adjudicate on the matters with regard to which the respective State Legislature has power to make laws, as specified in Article 323 B(2)
- After the 42<sup>nd</sup> amendment, The Administrative Tribunals Act, 1985 was enacted under which Central Administrative Tribunal was established.

## **S.P Sampath Kumar vs. UOI (1987) 1 SCC 124**

- During the pendency of the matter, certain amendments were made in the Act.
- Section 4 providing for manner of appointment exclusively by the Govt. was held to be bad.
- Section 6(1)(c) providing that Secretary to the Govt. of India with 2 years service as eligible for appointment as Chairman of the Tribunal was struck down.
- Section 6(2) was directed to be amended providing that only District Judge or Advocate, qualified to be High Court Judge, shall be eligible for appointment as Vice Chairman.
- Section 8 'term of appointment', which was provided as 5 years, was directed to be re-considered.

## R.K.Jain v. Union of India (1993) 4 SCC 119

The Supreme Court opined that these Tribunals could not be effective substitutes of High Courts under Articles 226 and 227. This case reflect the dissatisfaction of the Supreme Court in regard to the functioning and effectiveness of Administrative Tribunals specially with respect to their power of judicial review. Apex Court in **para 67** held that:

*"The Tribunals set up under Articles 323A and 323B of the Constitution or under an Act of legislature are creatures of the Statute and in no case can claim the status as Judges of the High Court or parity or as substitutes. However, the personnel appointed to hold those offices under the State are called upon to discharge judicial or quasi-judicial power. So they must have judicial approach and also knowledge and expertise in that particular branch of constitutional, administrative and tax laws. The legal input would undeniably be more important and sacrificing the legal input and not giving it sufficient weightage and teeth would definitely impair the efficacy and effectiveness of the judicial adjudication. It is, therefore, necessary that those who adjudicate upon these matters should have legal expertise, judicial experience and modicum of legal training as on many an occasion different and complex questions of law which baffle the minds of even trained judges in the High Court and Supreme Court would arise for discussion and decision."*

## L. Chandra Kumar v. UOI [AIR 1997 SC 1125]

- Constitution Bench Judgment of Hon'ble Supreme Court in **S.P. Sampath Kumar** was referred to be considered by a larger Bench.

It was held that (**Para 99**)

1. Articles 323A(2)(d) and 323B (3)(d) of the Constitution were held to be unconstitutional which excluded jurisdiction of High Courts
2. The powers of Judicial review vested in the Supreme Court and High Courts under Arts.32 and 226 form part of the basic structure of the Constitution.
3. The power of High Courts under Art.227 to exercise superintendence on all courts and Tribunals under its jurisdiction is also basic to the Constitution and therefore even if Tribunals are allowed the power to perform judicial review, they may do it in a supplementary role and not as substitute to the High Courts.
4. Though Tribunals may act as courts of first instance for the areas they are dealing with, their orders are subject to appeal before a Division Bench of the High Court under whose jurisdiction they fall.
5. In order to supervise the administration of tribunals and to increase their efficiency an independent agency has to be set up and till then a nodal Ministry has to see these aspects.

## Article 323A(2)(d)

- **323A. Administrative Tribunals.-** Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned and controlled by the Government.

(2) A law made under clause (1) may-

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**(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);**



**Union of India Vs. Delhi High Court Bar Association,  
(2002) 4 SCC 275**

Validity of the Recovery of Debts  
Due to Banks and Financial  
Institutions Act, 1993 was upheld.

## Recommendations by Law Commission after L. Chandra Kumar's case

*In 2008 Law Commission of India made following recommendations :*

- Chairman of the Tribunal may be given powers akin to that of the Chief Justice of the High Court.
- Nodal Ministry for the Tribunal can be Ministry of Law and Justice instead of Ministry of Public Grievances and Pension.
- Appeal may be provided against the order of the Tribunal before a larger Bench of the Tribunal before the matter reaches to the Supreme Court .
- Only sitting or former Chief Justice of the High Court or Judge of the Supreme Court will be qualified for appointment as Chairman.

**UOI v. R. Gandhi, (2010)11 SCC 1**  
**(National Company Law Tribunal case) (Constitution Bench)**

**Para 106:**

- Jurisdiction of the courts can be transferred to specially constituted Tribunal.
- The Members of the Tribunal have to be of the same rank, capacity and status as that of the court, which shall be dealing with the matters sought to be transferred to the Tribunal. The Members of the Tribunal should have independence and security of tenure.
- There is no presumption that in all Tribunals, technical Members are required. These can be appointed where issues involved are highly technical.
- Indiscriminate appointment of Technical Members in all Tribunals will dilute and adversely affect independence of judiciary.
- Legislature can re-organise the jurisdiction of the Tribunals such as the categories of cases to be tried by lower courts and the higher courts.
- Qualifications and eligibility criteria for the Members can be prescribed which will be subject to judicial review.

## **UOI v. R. Gandhi, (2010)11 SCC 1 (NCLT)**

Corrections recommended to set right the defects in Parts IB and IC of the Act :

- (i) Only Judges and Advocates can be considered for appointment as Judicial Members of the Tribunal.
- (ii) Officers holding Group 'A' post in Central or State Government in legal department were held not to be eligible to be appointed as Judicial members.
- (iii) As the NCLT takes over the functions of High Court, the members should as nearly as possible have the same position and status as High Court Judges.

This can be achieved, not by giving the salary and perks of a High Court Judge to the members, but by ensuring that persons who are as nearly equal in rank, experience or competence to High Court Judges are appointed as members.

## UOI vs. R. Gandhi, (2010)11 SCC 1 (NCLT)

Only officers who are holding the ranks of Secretaries or Additional Secretaries alone can be considered for appointment as Technical members of the National Company Law Tribunal. Clauses (c) and (d) of sub-section (2) and Clauses (a) and (b) of sub-section (3) of section 10FD which provide for persons with 15 years experience in Group A post or persons holding the post of Joint Secretary or equivalent post in Central or State Government, being qualified for appointment as Members of Tribunal **is invalid.**

- A 'Technical Member' presupposes an experience in the field to which the Tribunal relates. A member of Indian Company Law Service who has worked with Accounts Branch or officers in other departments who might have incidentally dealt with some aspect of Company Law cannot be considered as 'experts' qualified to be appointed as Technical Members. Therefore **Clauses (a) and (b) of sub-section (3) are not valid.**
- The first part of clause (f) of sub-section (3) providing that any person having special knowledge or professional experience of 20 years in science, technology, economics, banking, industry could be considered to be persons with expertise in company law, for being **appointed as Technical Members in Company Law Tribunal, is invalid.**

## UOI v. R. Gandhi, (2010)11 SCC 1 (NCLT)

- Persons having ability, integrity, standing and special knowledge and professional experience of not less than fifteen years in industrial finance, industrial management, industrial reconstruction, investment and accountancy, may however be considered as persons having **expertise** in rehabilitation/revival of companies and therefore, eligible for being considered for appointment as Technical Members.
- In regard to category of persons referred in clause (g) of sub-section (3) at least five years experience should be specified.
- Only Clauses (c), (d), (e), (g), (h), and later part of clause (f) in sub-section (3) of section 10FD and officers of civil services of the rank of the Secretary or Additional Secretary in Indian Company Law Service and Indian Legal Service can be considered for purposes of appointment as Technical Members of the Tribunal.

## **UOI v. R. Gandhi, (2010)11 SCC 1 (NCLT)**

- Instead of a five-member Selection Committee with Chief Justice of India (or his nominee) as Chairperson and two Secretaries from the Ministry of Finance and Company Affairs and the Secretary in the Ministry of Labour and Secretary in the Ministry of Law and Justice as members mentioned in section 10FX, the Selection Committee should broadly be on the following lines:
  - (a) Chief Justice of India or his nominee - Chairperson (with a casting vote);
  - (b) A senior Judge of the Supreme Court or Chief Justice of High Court - Member;
  - (c) Secretary in the Ministry of Finance and Company Affairs - Member; and
  - (d) Secretary in the Ministry of Law and Justice – Member.

## UOI v. R. Gandhi, (2010)11 SCC 1 (NCLT)

- The term of office of three years shall be changed to a term of seven or five years subject to eligibility for appointment for one more term. The term of three years with the retirement age of 65 years is perceived as having been tailor-made for persons who have retired or shortly to retire and encourages these Tribunals to be treated as **post-retirement havens**. If these Tribunals are to function effectively and efficiently they should be able to attract younger members who will have a reasonable period of service.
- The second proviso to Section 10FE enabling the President and members to retain lien with their parent cadre/ministry/department while holding office as President or Members will not be conducive for the independence of members. **Any person appointed as members should be prepared to totally disassociate himself from the Executive. The lien cannot therefore exceed a period of one year.**

## UOI v. R. Gandhi, (2010)11 SCC 1 (NCLT)

- To maintain independence and security in service, sub-section (3) of section 10FJ and Section 10FV should provide that suspension of the President/Chairman or member of a Tribunal can be only with the concurrence of the Chief Justice of India.
- **The administrative support for all Tribunals should be from the Ministry of Law & Justice.** Neither the Tribunals nor its members shall seek or be provided with facilities from the respective sponsoring or parent Ministries or concerned Department.
- Two-Member Benches of the Tribunal should always have a judicial member. Whenever any larger or special benches are constituted, the number of Technical Members shall not exceed the Judicial Members.

## Comparison in Companies Act, 1956 and the corrections recommended in R.Gandhi's case

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Judicial Member	<p><b>10-FD (2)</b> – A person shall not be qualified for appointment as <b>Judicial Member</b> unless he-</p> <p>(a) has, for at least 15 years, held a judicial office in the territory of India; or</p> <p>(b) has, for at least 10 years, been an Advocate of High Court, or has partly held Judicial Office and has been partly in practice as an Advocate for a total period of 15 years; or</p>	<p>(i) High Court Judges</p> <p>(ii) District Judges with 5 years experience;</p> <p>(iii) Advocate with 10 years practice;</p>

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Judicial Member	<p>(c) Has held for at least 15 years a Group A post or an equivalent post under the Central Govt. or a State Govt. including at least 3 years of service as a Member of the Indian Company Law Service (Legal Branch) in Senior Administrative Grade in that service; or</p> <p>(d) Has held for at least fifteen years a Group A post or an equivalent post under the Central Government (including at least three years of service as a Member of the Indian Legal Service in Grade I of that service).</p>	

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Technical Member	<p>(3) A person shall not be qualified for appointment as Technical Member unless he-</p> <p>(a) has held for at least fifteen years a Group 'A' post or an equivalent post under the Central Govt. or a State Govt. [including at least three years of service as a Member of the Indian Company Law Service (Accounts Branch) in Senior Administrative Grade in that Service]; or</p>	<ul style="list-style-type: none"> <li>• As the NCLT takes over the functions of High Court, the members should as nearly as possible have the same position and status as HC Judges.</li> <li>• This can be achieved, not by giving the salary and perks of a HC Judge to the members, but by ensuring that persons who are as nearly equal in rank, experience or competence to HC Judges are appointed as members.</li> </ul>

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Technical Member	(b) is, or has been, a Joint Secretary to the Govt. of India under the Central Staffing Scheme, or any other post under the Central Govt. or a State Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India for at least five years and has adequate knowledge of, and experience in, dealing with problems relating to company law; or	<ul style="list-style-type: none"> <li>•Only officers who are holding the ranks of Secretaries or Additional Secretaries alone can be considered for appointment as Technical members of NCLT.</li> <li>•Clauses (c) &amp; (d) of sub-section (2) &amp; Clauses (a) &amp; (b) of sub-section (3) of section 10FD which provide for persons with 15 years experience in Group A post or persons holding the post of Joint Secretary or equivalent post in Central or State Govt, being qualified for appointment as Members of Tribunal <b>is invalid.</b></li> </ul>

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Technical Member	<p>(c) is, or has been, for at least 15 years in practice as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or</p> <p>(d) is, or has been, for at least 15 years in practice as a cost accountant under the Costs and Works Accountants Act, 1959 (23 of 1959); or</p>	<p>•A 'Technical Member' presupposes an experience in the field to which the Tribunal relates. A member of Indian Company Law Service who has worked with Accounts Branch or officers in other departments who might have incidentally dealt with some aspect of Company Law cannot be considered as 'experts' qualified to be appointed as Technical Members. <b>Therefore Clauses (a) and (b) of sub-section (3) are not valid.</b></p>

Post	Section of the Companies Act, 1956	Recommendations made by the Supreme Court
Technical Member	e) is, or has been, for at least fifteen years working experience as a Secretary in whole-time practice as defined in clause (45A) of section 2 of this Act and is a member of the Institute of the Companies Secretaries of India constituted under the Company Secretaries Act, 1980 (56 of 1980); or	<ul style="list-style-type: none"><li>•The first part of clause (f) of sub-section (3) providing that any person having special knowledge or professional experience of 20 years in science, technology, economics, banking, industry could be considered to be persons with expertise in company law, for being <b>appointed as Technical Members in Company Law Tribunal, is invalid.</b></li></ul>

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Technical Member	<p>(f) is a person of ability, integrity and standing having special knowledge of, &amp; professional experience of not less than 20 years in, science, technology, economics, banking, industry, law, matters relating to industrial finance, industrial management, industrial reconstruction, administration, investment, accountancy, marketing or any other matter, the special knowledge of, or professional experience in, which would be in the opinion of the Central Govt. useful to the Tribunal; or</p>	<ul style="list-style-type: none"> <li>• Persons having special knowledge or professional experience of 20 years in science, technology, economics, banking, industry– for eligibility as technical member was held to be invalid.</li> <li>• Persons having ability, integrity, standing and special knowledge and professional experience of not less than 15 years in industrial finance, industrial management, industrial reconstruction, investment and accountancy, may however be considered as persons having <b>expertise</b> in rehabilitation/revival of companies and therefore, eligible for being considered for appointment as Technical Members.</li> </ul>

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Technical Member	<p>g) is, or has been, a Presiding Officer of a Labour Court, Tribunal or National Tribunal constituted under the Industrial Disputes Act, 1947; or</p> <p>h) is a person having special knowledge of, and experience of not less than fifteen years in, the matters relating to labour.</p>	<ul style="list-style-type: none"> <li>•In regard to category of persons referred in clause (g) of sub-section (3) at least 5 years experience should be specified.</li> </ul>

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Selection Committee	<p><b>10FX-Selection Committee:</b>            (1) The Chairperson and Members of the Appellate Tribunal and President and Members of the Tribunal shall be appointed by the Central Government on the recommendations of a Selection Committee consisting of:</p> <ul style="list-style-type: none"> <li>a) Chief Justice of India or his nominee Chairperson;</li> <li>b) Secretary in the Ministry of Finance and Company Affairs Member;</li> </ul>	<p>Only Clauses (c), (d), (e), (g), (h), and later part of clause (f) in sub-section (3) of section 10FD and officers of civil services of the rank of the Secretary or Additional Secretary in Indian Company Law Service and Indian Legal Service can be considered for purposes of appointment as Technical Members of the Tribunal.</p> <ul style="list-style-type: none"> <li>a) Chief Justice of India (or his nominee) as Chairperson (with a casting vote);</li> <li>b) A senior Judge of the Supreme Court or Chief Justice of High Court - Member;</li> <li>c) Secretary in the Ministry of Finance and Company Affairs - Member;</li> <li>d) Secretary in the Ministry of Law and Justice – Member.</li> </ul>

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Selection Committee	<p>(c) Secretary in the Ministry of Labour Member;</p> <p>(d) Secretary in the Ministry of Law and Justice (Department of Legal Affairs or Legislative Department) Member;</p> <p>(e) Secretary in the Ministry of Finance and Company Affairs (Department of Company Affairs) Member.</p>	

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Term of President and Member	<p><b>10FE. Term of office of President and Members:</b>  The President and every other Member of the Tribunal shall hold office as such for a term of 3 years from the date on which he enters upon his office but shall be eligible for reappointment:  Provided that no President or other Member shall hold office as such after he has attained,-  (a) in the case of the President, the age of 67 years;</p>	<p>The term of office of 3 years shall be changed to a term of 7 or 5 years subject to eligibility for appointment for 1 more term.</p>

Post	Section of the Companies Act, 1956	Recommendations made by the SC
Term of President and Member	<p>b) in the case of any other Member, the age of sixty-five years: Provided further that the President or other Member may retain his lien with his parent cadre or Ministry or Department, as the case may be, while holding office as such.</p>	<p><b>Any person appointed as members should be prepared to totally disassociate himself from the Executive. The lien cannot therefore exceed a period of one year.</b></p> <p>Action for suspension/ removal of President/Chairman or Member in terms of sub-section (3) of Section 10FJ and Section 10FV can be only with the concurrence of CJI.</p>

## UOI v. Debts Recovery Tribunal Bar Association (2013) 2 SCC 574

- The matter under consideration was regarding infrastructure available with Debts Recovery Tribunals.
- Besides giving directions for providing infrastructure as detailed in the judgment, it was directed that power of superintendence over the Tribunals also extends to the administrative functioning thereof.

*“The High Courts shall keep a close watch on the functioning of DRTs and DRAT, which fall within their respective jurisdictions. The High Courts shall ensure a smooth, efficient and transparent working of the said Tribunals. We are confident that through the timely and appropriate superintendence of the High Courts, the Tribunals shall adhere to the rigour of appropriate standards indispensable to the fair and efficient administration of justice.”*

# Rajiv Garg Vs. UOI

Petition(Civil) No. 120 of 2012 (Date of order: 8.2.2013)

- The question arose for consideration in this petition was whether different conditions of engagement/service be prescribed for Chairperson/President of different Tribunals/Commissions constituted under different Acts of Parliament.
- By order dated 8.2.2013, Hon'ble the Supreme Court directed the Central Government to fulfil the commitment made before the court on 20.4.2012, vide which the Government was to take a firm policy decision at the highest level on the issues raised in the petition.

## The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014

- Presented in Rajya Sabha, still pending.

- **‘Salient Features’ –**

*To provide for uniform conditions of service of the Chairman and Members, by whatever name called, of certain Tribunals, Appellate Tribunals and other authorities and for matters connected therewith or incidental thereto.*

	Age/Term	Salaries
Chairman	i. Judge of SC - 5 Years or 70 Years ii. Chief Justice Or a Judge of HC – 5Years or 67 Years iii. Any other – 65 Years	₹ 3,00,000
Member	5 Years or 65 Years	₹ 2,00,000

- No person while holding office as Chairman or Members shall act as an Arbitrator.
- 26 Tribunals/authorities were covered under the Act as mentioned in First Schedule.

# First Schedule to Bill, 2014

S.No	Tribunal/Appellate Tribunal / Authority/Board/Commission	Specified Acts
1	Company Law Board	The Companies Act, 1956
2	Cyber Appellate Tribunal	The Information Technology Act, 2000
3	Central Administrative Tribunal	The Administrative Tribunals Act, 1985
4	State Administrative Tribunal	The Administrative Tribunals Act, 1985
5	Joint Administrative Tribunal	The Administrative Tribunals Act, 1985
6	Income-Tax Appellate Tribunal	The Income-tax Act, 1961
7	Authority for Advance Rulings	The Income-tax Act, 1961
8	Telecom Disputes Settlement and Appellate Authority	The Telecom Regulatory Authority of India Act, 1997
9	Coastal Aquaculture Authority	The Coastal Aquaculture Authority Act, 2005
10	Appellate Tribunal for Electricity	The Electricity Act, 2003
11	Appellate Tribunal for Foreign Exchange	The Foreign Exchange Management Act, 1999

S.No	Tribunal/Appellate Tribunal / Authority/Board/Commission	Specified Acts
12	Film Certification Appellate Tribunal	The Cinematograph Act, 1952
13	National Green Tribunal	The National Green Tribunal Act, 2010
14	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992
15	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962
16	Authority for Advance Rulings (Central Excise, Customs and Service Tax)	The Customs Act, 1962
17	Armed Forces Tribunal	The Armed Forces Tribunal Act, 2007
18	Competition Appellate Tribunal	The Competition Act, 2002
19	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 1986
20	Debts Recovery Appellate Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993
21	Intellectual Property Appellate Board	The Trade Marks Act, 1999

S.No	Tribunal/Appellate Tribunal / Authority/Board/Commission	Specified Acts
22	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987
23	National Industrial Tribunal	The Industrial Disputes Act, 1947
24	Press Council of India	The Press Council Act, 1978
25	National Highways Tribunal	The Control of National Highways (Land and Traffic) Act, 2002
26	Airports Economic Regulatory Authority	The Airports Economic Regulatory Appellate Tribunal Authority of India Act, 2008

# Common Cause Vs. UOI

W.P.(C) No. 866/2010 decided on 11.12.2015

(Delhi High Court)

- PIL filed in Delhi High Court under Article 226 of Constitution seeking relief-(a) that no retired SC Judge can give chamber advice to any party; (b) that no retired SC or HC Judge will take up arbitration work while he/she is a Chairperson /Member of any government appointed constitutional /statutory body, commission, commission of enquiry, tribunal or appellate body.
- During the pendency of the petition, the Government introduced The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014 in Rajya Sabha.
- Matter was disposed with a direction to respondents to bestow special attention on the issue and to ensure that appropriate legislation is made at the earliest.

## **Madras Bar Association Vs. UOI (2014)10 SCC 1 (NTT' case)**

Held as under:

- Para 134 (i) The Parliament has the power to enact legislation, and to vest adjudicatory functions, earlier vested in the High Court, with an alternative court/tribunal. Exercise of such power by the Parliament would not per se violate the “basic structure” of the Constitution.
- Para 135 (ii) Recognized constitutional conventions pertaining to the Westminster model, do not debar the legislating authority from enacting legislation to vest adjudicatory functions, earlier vested in a superior court, with an alternative court/tribunal. Exercise of such power by the Parliament would per se not violate any constitutional convention.
- Para 136 (iii) The “basic structure” of the Constitution will stand violated, if while enacting legislation pertaining to transfer of judicial power, Parliament does not ensure, that the newly created court/tribunal, conforms with the salient characteristics and standards, of the court sought to be substituted.

## Madras Bar Association (NTT)

- Para 137 (iv) Constitutional conventions, pertaining to constitutions styled on the Westminster model, will also stand breached, if while enacting legislation, pertaining to transfer of judicial power, conventions and salient characteristics of the court sought to be replaced, are not incorporated in the court/tribunal sought to be created.
- Para 138 (v) The prayer made in Writ Petition (C) No.621 of 2007 is declined. Company Secretaries are held ineligible, for representing a party to an appeal before the NTT.
- Para 139 (vi) Examined on the touchstone of conclusions (iii) and (iv) above, Sections 5, 6, 7, 8 and 13 of the NTT Act (to the extent indicated hereinabove), are held to be unconstitutional. Since the aforesaid provisions, constitute the edifice of the NTT Act, and without these provisions the remaining provisions are rendered ineffective and inconsequential, the entire enactment is declared unconstitutional.

## **Sections 5 to 8 and 13 of NTT Act, 2005- Declared unconstitutional**

### **Sec 5. Constitution and jurisdiction of Benches.—**

- (1) The jurisdiction of the National Tax Tribunal may be exercised by the Benches thereof to be constituted by the Chairperson.
- (2) The Benches of the National Tax Tribunal shall ordinarily sit at any place in the National Capital Territory of Delhi or such other places as the Central Government may, in consultation with the Chairperson, notify: Provided that the Chairperson may for adequate reasons permit a Bench to hold its temporary sitting for a period not exceeding fifteen days at a place other than its ordinary place of seat.
- (3) The Central Government shall notify the areas in relation to which each Bench of the National Tax Tribunal may exercise its jurisdiction.
- (4) The Central Government shall determine the number of Benches and each Bench shall consist of two members.
- (5) The Central Government may transfer a Member from headquarters of one Bench in one State to the headquarters of another Bench in another State or to the headquarters of any other Bench within a State: 2  
[Provided that no Member shall be transferred without the concurrence of the Chairperson].

- 6. Qualifications for appointment of Chairperson and other Members.—**(1) The Chairperson of the National Tax Tribunal shall be a person who has been a Judge of the Supreme Court or the Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Member unless he— (a) is, or has been, or is eligible to be, a Judge of a High Court; or (b) is, or has been, a Member of the Income-tax Appellate Tribunal or of the Customs, Excise and Service Tax Appellate Tribunal for at least 1 [five years].
- 7. Appointment of Chairperson and other Members.—**(1) Subject to the provisions of sub-section (2), the Chairperson and every other Member shall be appointed by the Central Government. (2) The Chairperson and the other Members shall be appointed by the Central Government on the recommendations of a Selection Committee consisting of— (a) the Chief Justice of India or a Judge of the Supreme Court nominated by him; (b) the Secretary in the Ministry of Law and Justice (Department of Legal Affairs); (c) the Secretary in the Ministry of Finance (Department of Revenue). (3) No appointment of the Chairperson or of any other Member shall be invalidated merely by reason of any vacancy or any defect in the constitution of the Selection Committee.

**8. Terms of office of Chairperson and other Members.**—The Chairperson and every other Member shall hold office as such for a term of five years from the date on which he enters upon his office but shall be eligible for re-appointment: Provided that no Chairperson or other Member shall hold office as such after he has attained,— (a) in the case of Chairperson, the age of sixty-eight years; and (b) in the case of any other Member, the age of sixty-five years.

**13. Appearance before National Tax Tribunal.**—(1) A party to an appeal other than Government may either appear in person or authorise one or more chartered accountants or legal practitioners to present his or its case before the National Tax Tribunal. (2) The Government may authorise one or more legal practitioners or any of its officers to present its case before the National Tax Tribunal. Explanation.—For the purposes of this section,— (a) “chartered accountant” means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 (38 of 1949) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act; (b) “legal practitioner” means an advocate, a vakil or any attorney of any High Court, and includes a pleader in practice.

## **Madras Bar Association vs. UOI (2015) 8 SCC 583**

- After the judgment of Hon'ble the Supreme Court in Union of India v. R. Gandhi, (2010) 11 SCC 1 dealing with constitution of National Company Law Tribunal and National Company Law Appellate Tribunal, The Companies Act, 2013 was enacted providing for constitution of Tribunals. The same was challenged.

### **Following issues were considered:**

- Challenge to the validity of the constitution of NCLT and NCLAT
- Challenge to the prescription of qualification including term of their office and salary allowances, etc. of President and Members of NCLT as well as Chairman and Members of NCLAT;
- Challenge to the structure of the Selection Committee for appointment of President/Members of NCLT and Chairperson/Members of NCLAT.

## Madras Bar Association vs. UOI (2015) 8 SCC 583

### It was held as under:

- Constitution of the Tribunal and the Appellate Tribunal was upheld.
- Sections **409(3)(a) and (e)**, providing for qualifications for appointment as Technical Members to the NCLT, were **held to be invalid**.
- Section **411(3)**, providing for qualifications for appointment as Technical Members of NCLAT, was **held to be invalid**.
- For appointment of Technical Members to NCLT, directions as contained in **para 120(ii) to (v) of 2010 judgment have to be followed**.
- Section **412(2)**, providing for constitution of Selection Committee, was **held to be invalid**. The defect was directed to be removed by providing the provision in terms of the direction in para 120(viii) of the 2010 judgment regarding constitution of Selection Committee.

# Inter-State River Water Disputes (Amendment) Bill, 2017

- Introduced in Lok Sabha to amend Inter-State River Water Disputes Act, 1956
- Still pending
- Recommended that
  1. There shall be only one “**Tribunal**” for water dispute
  2. The Tribunal shall consist of one Chairperson, one Vice-Chairperson and maximum 6 other members.
  3. All existing water tribunals to be dissolved and pending adjudication shall be transferred to the said tribunal.

S.No.	Composition	Term
1	Chairperson	5 Years <b>or</b> 70 Years
2	Vice-Chairperson	Co-terminus with adjudication of water dispute
3	6-Other Members	-do-

# Finance Act, 2017

**Part XIV** provides for amendment of certain Acts for merger of Tribunals and other authorities and conditions of service of Chairperson and Members. **(Sections 156 to 189)**

The provisions contained in the following Acts with reference to Constitution of Tribunals/Boards/Commissions were amended:

1. The Industrial Disputes Act, 1947
2. Employees' Provident Funds and Miscellaneous Provisions Act, 1952
3. The Copyright Act, 1957
4. The Trademarks Act, 1999
5. The Railway Claims Tribunal Act, 1987
6. The Railways Act, 1989
7. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976
8. The Foreign Exchange Management Act, 1999

# Finance Act, 2017

- 9) The Airports Authority of India Act, 1994
- 10) The Control of National Highways(Land and Traffic) Act, 2002
- 11) The Telecom Regulatory Authority of India Act, 1997
- 12) The Information Technology Act, 2000
- 13) The Airports Economic Regulatory Authority of India Act, 2008
- 14) The Competition Act, 2002
- 15) The Companies Act, 2013
- 16) The Cinematograph Act, 1952
- 17)The Airports Authority of India Act, 1994

# Finance Act, 2017

- 18) The Customs Act, 1962
- 19) The Administrative Tribunals Act, 1985
- 20) The Consumer Protection Act, 1986
- 21) The Securities and Exchange Board of India Act, 1992
- 22) The Recovery of Debts due to Banks and Financial Institutions Act, 1993
- 23) The Electricity Act, 2003
- 24) The Armed Forces Tribunal Act, 2007
- 25) The National Green Tribunal Act, 2010

## Finance Act, 2017

**Section 184(1)** – Central Government was authorised to frame Rules to provide for qualifications/ appointments, term of office, salaries etc. of Chairperson, Vice Chairperson, Chairman, Vice Chairman, President, Vice President etc., as specified in column 2 of Eighth Schedule.

Maximum term was provided as 5 years with eligibility for re-appointment.

Post held	Age
Chairman/President	70 years
Vice Chairperson/Vice Chairman/Vice President/Presiding Officer/Member	67 years

**Section 185** provided for merger of Tribunal as provided in **Ninth Schedule** from the appointed date.

# Merger of Tribunals

## THE NINTH SCHEDULE

S.NO	Tribunal/Appellate Tribunal under the Acts	Tribunal/Appellate Tribunal/Authority to exercise the jurisdiction under the Acts.
1	The Employees Provident Fund Appellate Tribunal under the Employees Provident Funds and Miscellaneous Provisions Act, 1952	The Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947.
2	The Copyright Board under the Copyright Act, 1957	The Intellectual Property Appellate Board under the Trade Marks Act, 1999.
3	The Railway Rates Tribunal under the Railways	The Railway Claims Tribunal

S.NO	Tribunal/Appellate Tribunal under the Acts	Tribunal/Appellate Tribunal/Authority to exercise the jurisdiction under the Acts.
4	The Appellate Tribunal for Foreign Exchange under the Foreign Exchange Management Act, 1999	The Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.
5	The National Highways Tribunal under the Control of National Highways (Land and Traffic) Act, 2002	The Airport Appellate Tribunal under the Airport Authority of India Act, 1994.
6	(A) The Cyber Appellate Tribunal under the Information Technology Act, 2000 (B) The Airports Economic Regulatory Authority Appellate Tribunal under the Airports Economic Regulatory Authority of India Act, 2008	The Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997.
7	The Competition Appellate Tribunal under the Competition Act, 2002	The National Company Law Appellate Tribunal under the Companies Act, 2013.

# Validity of Finance Act, 2017 under challenge before Hon'ble the Supreme Court

Case No.	Title
W.P. (C) No. 558 of 2017	Jairam Ramesh v. Union of India
W.P. (C) No. 561 of 2017	Social Action for Forest & Environment v. Union of India
W.P. (C) No. 625 of 2017	Navdeep Singh v. Union of India
W.P. (C) No. 640 of 2017	CAT, President v. Union of India
W.P. (C) No. 788 of 2017	Revenue Bar Association v. Union of India
W. P. (C) No. 778 of 2017	All India Lawyers Union v. Union of India

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

- Central Govt. notified the Rules from 1.6.2017.
- Rule 4 provides for method of recruitment.
- Composition of Search-cum-Selection Committee for various Tribunals/Authorities mentioned in Schedule attached to the Rules.
- Rule 7 provides for removal of Members. The Central Govt. may on recommendations of a Committee constituted by it in this behalf remove a Member from office on various eventualities, as provided, with an exception that Chairperson or Member of National Company Appellate Tribunal shall be removed in consultation with Chief Justice of India.
- Rule 9 provides for term of office. The details specified in column 5 of Ninth Schedule attached to the Rules.
- Term of office has been provided as 3 years, which is extendable.

Validity of “The Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017” is under challenge before Madras High Court in Writ Petition–

**Madras Bar Association v. Union of India and another.**

# ARMED FORCE TRIBUNAL

## CASES PENDING AS ON 31.07.2017

S. No.	Bench	Territorial Jurisdiction	Pending Cases
1	Chandigarh	Punjab, Haryana, Himachal Pradesh and Union Territory, Chandigarh	4535
2	Delhi	Delhi	1946
3	Jaipur	Rajasthan	1683
4	Lucknow	Uttar Pradesh, Uttrakhand	639
5	Jammu	Jammu and Kashmir	407
6	Kolkata	West Bengal, Jharkhand, Odisha, Bihar and Andaman Nicobar	313
7	Kochi	Kerala, Karnataka and Lakshadweep(U.T.)	213
8	Mumbai	Maharashtra, Gujarat, Goa, Daman and Diu	194
9	Chennai	Andhra Pradesh, Telangana, Puducherry, Andaman & Nicobar	170
10	Jabalpur	Madhya Pradesh, Bihar, Chhattisgarh and Odisha	91
11	Guwahati	Nagaland, Manipur, Meghalaya, Arunachal Pradesh	31
	<b>Total</b>		<b>10222</b>

# National Company Law Tribunal(NCLT)

(Cases Pending as on 31.07.2017)

S.No.	Bench	Pending Cases
1	Chandigarh	34

## Central Administrative Tribunal Cases Pending as on 31.08.2017

Bench	Jurisdiction of the Bench	Pending Cases
Principal Bench, New Delhi	National Capital Territory of Delhi	9635
Allahabad Bench	State of U.P., excluding the Districts under the jurisdiction of Lucknow Bench	5600
Kolkata Bench	State of Sikkim State of West Bengal U.T. of Andaman and Nicobar Islands	4198
Hyderabad Bench	State of Andhra Pradesh State of Telangana	3483
Chennai Bench	State of Tamil Nadu U.T. of Puducherry	2979

Bench	Jurisdiction of the Bench	Pending Cases
Mumbai Bench	State of Maharashtra State of Goa U.T. of Dadra and Nagar Haveli, U.T. of Daman and Diu	2907
Chandigarh Bench	State of Jammu & Kashmir State of Haryana; State of Himachal Pradesh; State of Punjab U.T., Chandigarh	2579
Cuttack Bench	State of Odisha	2542
Jabalpur Bench	State of Madhya Pradesh State of Chhatisgarh	2459
Jaipur Bench	Districts of Ajmer, Alwar, Baran, Bharatpur, Bundi, Dausa, Dholpur, Jaipur, Jhallawar, Jhunjhunu, Kota, Sawai Madhopur, Sikar, Tonk and Karauli	2119

Bench	Jurisdiction of the Bench	Pending Cases
Ernakulam Bench	State of Kerala U.T. Of Lakshadweep	1593
Patna Bench	State of Bihar State of Jharkhand	1527
Jodhpur Bench	State of Rajasthan excluding the Districts mentioned in the jurisdiction of Jaipur Bench	1293
Lucknow Bench	Districts of Lucknow, Hardoi, Kheri, Rai-Bareli, Sitapur, Unnao, Faizabad, Ambedkar Nagar, Baharaich, Shravasti, Barabanki, Gonda, Balrampur, Pratapgarh, Sultanpur	1184
Banguluru Bench	State of Karnataka	1169

Bench	Jurisdiction of the Bench	Pending Cases
Ahmadabad Bench	State of Gujarat	713
Guwahati Bench	State of Assam; State of Manipur; State of Meghalaya State of Nagaland; State of Tripura; State of Arunachal Pradesh; State of Mizoram	469
Total		46,449

As per information from Chandigarh Bench, out of total 2579 pending cases, 1298 are Misc. Applications. The main cases being 1281. The position may be similar before other Benches also.

# Thank You

Presented By :

**Justice Rajesh Bindal**  
Punjab and Haryana High Court,  
Chandigarh