

New Rules for Tribunals

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Why is it in the NEWS?

The Union Ministry of Finance has framed new rules that prescribe uniform norms for the appointment and service conditions of members to various tribunals. The Rules titled 'Tribunal, Appellate Tribunal, and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 are made in exercise of powers under Section 184 of the Finance Act 2017.

[Previously, the rules framed by the government in 2017 were struck down by SC. The ground was that the rules diluted judicial independence, as the Central Government had excessive say in the matter of appointment and removal of tribunal members. The Court also found the rules to be vague in respect of qualifications prescribed for members].

Details of the rules

- It applies to various tribunals such as Industrial Tribunal, Income Tax Appellate Tribunal, Central Administrative Tribunal, Railway Claims Tribunal, Security Appellate Tribunal, etc.
- Appointments to the above tribunals will be made by Central Government on the recommendations by the search cum selection committee constituted for each tribunal. The composition of the search cum selection committee of each tribunal is specified in Schedule of the Rules.
- Chief Justice of India or a Judge nominated by the CJI is a member of the search cum selection committee of all tribunals. The search cum selection committee also has the power to recommend the removal of a member, and also to conduct inquiry into allegations of misconduct by a member.

- The search cum selection committee shall determine its procedure for making its recommendation. After taking into account the suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirements of the tribunal, it shall recommend a panel of two or three persons for appointment to each post.
- The chairman or president shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier. The vice chairman, vice president, presiding officer, accountant member, judicial member, or other members as the case may be, shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier.
- Every person appointed to be the chairman, president, vice chairman, vice president, accountant member, judicial member, or any member shall, before entering upon his office, make and subscribe an oath of office and secrecy.