

Bill No. VII of 2014

**THE TRIBUNALS, APPELLATE TRIBUNALS AND OTHER
AUTHORITIES (CONDITIONS OF SERVICE) BILL, 2014**

A

BILL

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.

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Short title
and com-
mencement.

Definitions.

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

(a) “Appellate Tribunal” means appellate tribunal mentioned in column (2) of the First Schedule established or constituted under the provisions of any of the corresponding specified Acts mentioned in column (3) of the said Schedule;

(b) “Authority” means an authority mentioned in column (2) of the First Schedule established or constituted under the provisions of any of the corresponding specified Acts mentioned in column (3) of the said Schedule; 5

(c) “Board” means a board mentioned in column (2) of the First Schedule established or constituted under the provisions of any of the corresponding specified Acts mentioned in column (3) of the said Schedule; 10

(d) “Chairman” means a Chairman of a Tribunal, Appellate Tribunal, Board, Commission or Authority, by whatever name called, appointed under the provisions of the specified Acts;

(e) “Commission” means a Commission mentioned in Column (2) of the First Scheduled, established or constituted under the provisions of any of the Corresponding specified Acts mentioned in cloumn (3) of the said Schedule; 15

(f) “Member” means a Member, other than *ex officio* Member, of a Tribunal, Appellate Tribunal, Board, Commission or Authority, appointed under the provisions of the specified Acts;

(g) “Schedule” means any of the Schedules annexed to this Act; 20

(h) “specified Acts” means Acts specified in column (3) of the First Schedule;

(i) “Tribunal” means a tribunal mentioned in column (2) of the First Schedule established or constituted under the provisions of any of the corresponding specified Acts mentioned in column (3) of the said Schedule.

CHAPTER II 25

CONDITIONS OF SERVICE

Application of Act.

3. Notwithstanding anything to the contrary contained in the provisions of the specified Acts, the provisions of this Act shall apply to the Chairman and Members appointed under the specified Acts:

Provided that the provisions of this Act shall not apply to the Chairman and other Members, as the case may be, holding such office immediately before the commencement of the said Act. 30

Term of office.

4. The Chairman 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 and shall be eligible for reappointment for another term: 35

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

(a) in the case of Chairman or Member who has been a Judge of the Supreme Court, the age of seventy years;

(b) in the case of the Chairman or Member who has been a Chief Justice or Judge of a High Court, the age of sixty-seven years; 40

(c) in the case of any other Chairman or Member, the age of sixty-five years.

Chairman and Members deemed to retire from service.

5. A person who, immediately before the date of assuming office as the Chairman or, as the case may be, a Member, was in service of the Government, shall be deemed to have retired from service on the date on which he enters upon his office as such Chairman or Member. 45

6. If a person who, immediately before the date of assuming office as the Chairman or other Member, as the case may be, was in receipt of, or being eligible so to do, has opted to draw, a pension, other than a disability or wound pension, in respect of any previous service under the Government, his salary in respect of service as the Chairman or other Member, as the case may be, shall be reduced—
- (a) by the amount of that pension; and
- (b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.
7. No person while holding office as the Chairman or Member shall act as an arbitrator in any matter:
- Provided that the Central Government may, on a request made in this behalf and after examining the request on a case to case basis, permit a Chairman or Member to complete his uncompleted arbitration work at the time of his appointment.
8. On ceasing to hold office, the Chairman or a Member, as the case may be, shall not appear, act or plead before the Tribunal, Appellate Tribunal, Board, Commission or Authority of which he has been such Chairman or Member.
- 9. Notwithstanding anything contained in section 3, the Chairman and Members shall be entitled to the allowances specified in the Second Schedule and travelling allowance specified in the Third Schedule.**
10. The Chairman or Member who is not a sitting or retired Judge or a retired Central Government servant shall also be eligible to avail the benefit of Central Government Health Scheme for the duration of his tenure as Chairman or Member of such bodies.
11. The Chairman or Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in the form specified in the Fourth Schedule.
12. The Chairman and Member shall, before entering upon his office, declare his assets and liabilities and financial and other interests.
13. (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 Schedule shall be deemed to have been amended accordingly:
- Provided that only such Tribunal, Appellate Tribunal, Board, Commission or Authority, shall be included in the First Schedule which has a sitting or retired Supreme Court or High Court Judge as Chairman or Member.
- (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.

Suspension of pension.

Prohibition of acting as arbitrator.

Prohibition of practice.

Allowances of Chairman and Members.

Medical facilities.

Oath of office and secrecy.

Declaration of financial and other interests.

Power to amend Schedules.

Kinds of leave admissible.

CHAPTER III

LEAVE

14. (1) Subject to the provisions of this Act, leave granted to a Chairman or Member may be at his option either,—
- (a) leave on full allowances (including commuted leave on half allowances on medical certificate); or
- (b) leave on half allowances; or
- (c) leave partly on full allowances and partly on half allowances.

(2) For the purposes of this Chapter, any period of leave on full allowance shall be reckoned as double that period of leave on half allowance.

Leave
account.

15. (1) A leave account shall be kept showing therein the amount of leave due to the Chairman or Member in terms of leave on half allowance.

(2) In the leave account,—

5

(a) there shall be credited to such Chairman and Member—

(i) one-fourth of the time spent by him on actual service;

(ii) where by reason of his having been detained for the performance of duties not connected with the Tribunal, Appellate Tribunal, Board, Commission or Authority, he could not enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month as compensation for the vacation not enjoyed;

10

(b) there shall be debited to him all leave with allowances taken by him.

Explanation.—For the purposes of this section the expression “actual service” shall include—

15

(a) time spent by a Chairman or Member on duty;

(b) vacations, excluding any time during which the Chairman or Member is absent on leave.

Leave
encashment.

16. A Chairman or Member shall be entitled in his entire service including the period of service rendered in a pensionable post under the Union or State or on re-employment, if any, to claim the cash equivalent of leave salary on full allowances on his retirement in respect of the period of earned leave at his credit to the extent of maximum period of three hundred days.

20

Leave not
due.

17. Leave on half allowances, not exceeding more than six months, may be granted in excess of the amount at his credit during the whole period of his service:

25

Provided that no such leave shall be granted if he is not expected to return to duty at the end of such leave and earned leave so granted.

Extra-
ordinary
leave.

18. Extraordinary leave may be granted for a period not exceeding six months, during the whole period of his service in excess of any leave permissible under the provisions of this Chapter, but no salary or allowances shall be payable during, or in respect of, such leave.

30

Casual leave.

19. Casual leave not exceeding fourteen days may be granted in a calendar year.

Sanctioning
authority for
leave and
foreign travel.

20. (1) Leave sanctioning authority for Members shall be Chairman and for Chairman, it shall be the Minister of the concerned Ministry, who will also be the sanctioning authority for Members, in case of absence of Chairman.

35

(2) Sanctioning authority for foreign travel shall be the Minister of the concerned Ministry.

FIRST SCHEDULE
[See section 2 (a), (b), (c), (e), (g) and (i)]

S. No.	Tribunal/Appellate Tribunal / Authority/Board/Commission	Specified Acts
(1)	(2)	(3)
1.	Company Law Board	The Companies Act, 1956 (1 of 1956)
2.	Cyber Appellate Tribunal	The Information Technology Act, 2000 (21 of 2000)
3.	Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
4.	State Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
5.	Joint Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
6.	Income-Tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
7.	Authority for Advance Rulings	The Income-tax Act, 1961 (43 of 1961)
8.	Telecom Disputes Settlement and Appellate Authority.	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
9.	Coastal Aquaculture Authority	The Coastal Aquaculture Authority Act, 2005 (24 of 2005)
10.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
11.	Appellate Tribunal for Foreign Exchange	The Foreign Exchange Management Act, 1999 (42 of 1999)
12.	Film Certification Appellate Tribunal	The Cinematograph Act, 1952 (37 of 1952)
13.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010)
14.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
15.	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
16.	Authority for Advance Rulings (Central Excise, Customs and Service Tax)	The Customs Act, 1962 (52 of 1962)
17.	Armed Forces Tribunal	The Armed Forces Tribunal Act, 2007 (55 of 2007)
18.	Competition Appellate Tribunal	The Competition Act, 2002 (12 of 2003)
19.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 1986 (68 of 1986)
20.	Debts Recovery Appellate Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)

(1)	(2)	(3)
21.	Intellectual Property Appellate Board	The Trade Marks Act, 1999 (47 of 1999)
22.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
23.	National Industrial Tribunal	The Industrial Disputes Act, 1947 (14 of 1947)
24.	Press Council of India	The Press Council Act, 1978 (37 of 1978)
25.	National Highways Tribunal	The Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003)
26.	Airports Economic Regulatory Authority Appellate Tribunal	The Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008)

SECOND SCHEDULE

[See section 9]

ALLOWANCES OF CHAIRMAN AND MEMBERS OF TRIBUNALS, ETC.

Allowances	Chairman	Members
(1)	(2)	(3)
Free furnishing at official residence	Consolidated sum of Rs. 3,00,000	Consolidated sum of Rs. 2,00,000
Sumptuary allowance	Rs. 5,000 per month	Rs. 2,000 per month
Water and electricity	3,600 kilo litres per annum and 10,000 units per annum	3,600 kilo litres per annum and 10,000 units per annum
Conveyance facility	Staff car with up to 200 litres of fuel per month	Staff car with up to 200 litres of fuel per month
Leave Travel Concession	Twice a year	Twice a year
Telephone facility	Rs. 2,800 per month (exclusive of taxes) with permission to reimburse up to thirty per cent. additional	Rs. 2,800 per month (exclusive of taxes) with permission to reimburse up to thirty per cent. additional.

THIRD SCHEDULE

[See section 9]

TRAVELLING ALLOWANCE OF CHAIRMAN AND MEMBERS OF TRIBUNALS, ETC.

S.No.	Type	Admissibility
1.	Air	Business/Club class
2.	Rail	A reserved two-berth compartment of the highest class, and take his wife along with him without payment of the fare if such a compartment is provided; or actual fare paid, whichever is less.
3.	Daily allowance	Not exceeding Rs. 5,000 per day for hotel/guest house accomodation and food bill not exceeding Rs. 500 per day or actual expenses whichever is less. Note.— The daily allowance shall be increased by 25 per cent. as and when the Dearness Allowance reaches fifty per cent. of the basic salary.
4.	Ship	One reserved first class cabin, if available or the fair actually paid for himself.
5.	Mileage allowance	Actual air conditioned taxi fare.

FOURTH SCHEDULE

[See section 11]

FORM OF OATH OF OFFICE AND SECRECY

“I, _____, having been appointed as the Chairman/Member (strike out which is not applicable) do solemnly affirm and do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairman/Member (strike out which is not applicable), of the Tribunal, Appellate Tribunal, Board, Commission or Authority (strike out which is not applicable) namely _____, 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 the land.

Dated:

*(Signatures and name of the Chairman/Member)
Tribunal, Appellate Tribunal, Board, Commission or Authority
(strike out which is not applicable), namely
_____”.*

STATEMENT OF OBJECTS AND REASONS

The question of having uniform service conditions of the Chairpersons and Members of the various Tribunals at the national level has been engaging attention of the Government for quite some time. Recently, the Supreme Court, in the case of *Rajiv Garg vs. Union of India* (Civil Writ Petition No. 120/2012), has also passed an order that decision in this regard may be taken at the highest level.

2. The Government considered all issues relating to uniform service conditions particularly with regard to retirement age, tenure of appointment, re-appointment and provisions concerning residential and office accommodation for Tribunals, Appellate Tribunals and other Authorities performing quasi-judicial functions manned by the sitting or retired Judges of the Supreme Court or High Courts and also the ones manned by persons who are not the sitting or retired Judges of the Supreme Court and High Courts keeping in view all related aspects including the issues that have arisen in different cases before the Supreme Court and functions entrusted to such bodies.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 11th February, 2014.

KAPIL SIBAL

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides that the Chairman and Members shall be entitled to the allowances specified in the Second Schedule and travelling allowance specified in the Third Schedule. The total recurring annual expenditure towards the allowances of the Chairman and Members is estimated at rupees 3 crore. The administrative Ministries or Departments bear the expenditure in respect of the Tribunals, etc., under their control.

2. The Bill does not involve any other recurring or non-recurring expenditure.

RAJYA SABHA

A
BILL

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.

(Shri Kapil Sibal, Minister of Law and Justice)