

DRAFT RULES UNDER COMPANIES ACT, 2013

National Company Law Tribunal (Salary, Allowances and other Terms and Conditions of Service of President and other Members) Rules 2013

In exercise of the powers conferred by section 414 read with sub-section (2) of section 469 of the Companies Act, 2013 , the Central Government hereby makes the following rules, namely: -

1. Short title and commencement. -

(1) These rules may be called the National Company Law Tribunal (Salary, Allowances and other Terms and Conditions of Service of President and other Members) Rules, 2013.

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

2. Definitions. –

(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Companies Act, 2013 (of 2013);

(b) "President" means the President of the Tribunal appointed under section 408 of the Act;

(c) "Tribunal " means the National Company Law Tribunal constituted under section 408 of the Act;

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

3. Pay.

(1) The President shall be entitled to a monthly salary, and to such allowances and other benefits, as are admissible to a High Court judge. (High Court of the Headquarter station of the Tribunal)

(2) A Judicial Member shall be paid salary as under:

(a) When a serving or a retired Judge of the High Court, is appointed as a Judicial Member, he shall be entitled to a monthly salary, and to such allowances and other benefits, as are admissible to a serving Judge of the High Court of the Headquarter station of the Tribunal .

(b) When a serving or a retired District Judge, is appointed as Judicial Member, he shall be entitled to a monthly salary and to such allowances and other benefits as are admissible to a serving District Judge of the Headquarter station of the Tribunal.

(c) when an advocate of a Court is appointed as Judicial Member, he shall be entitled to a salary allowances and other benefits in Grade Pay of rupees twelve thousand in Pay Band-4 (rupees 37400-67000).

Provided that in case the retired Judge of the High Court or the retired District Judge , is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employers contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such member shall be reduced by the gross amount of pension or employers contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of gratuity), drawn or to be drawn by him.

(3) A Technical Member shall be entitled to a salary, allowances and other benefits in Grade Pay of rupees twelve thousand in Pay Band-4 (rupees 37400-67000) .

Provided that the in the case of a retired member has been a member of the Indian corporate law service or Indian legal service and is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employers contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such member shall be reduced by the gross amount of pension or employers contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of gratuity), drawn or to be drawn by him.

Provided further that in case of serving member of Indian Corporate Law Service or serving member of Indian Legal Service, who have been appointed as Technical Member of the Tribunal, shall be entitled for all the service benefits till his superannuation. After the date of his superannuation, his salary and other terms shall be in accordance with the terms of retired member and appointed as Technical Member as above.

4. Contributory Provident Fund. –

(1) The President and other Members shall be governed by the provisions of the Contributory Provident Fund Rules (India), 1962 and no option to subscribe under the General Provident Fund (Central Services) Rules, 1960 shall be available.

(2) No additional pension and gratuity shall be admissible for service rendered in the Tribunal .

5. Leave. –

(1) The President and every other Member shall be entitled to thirty days of Earned Leave for every year of service.

(2) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(3) The President and every other Member shall be entitled to encashment of fifty per cent of Earned Leave standing to their credit at any time.

6. Leave Sanctioning Authority

In the case of the President, Chairperson of the National Company Law Appellate Tribunal, and in the case of the members, the President, shall be the leave sanctioning authority.

7. Travelling Allowances

The President and other Members of the Tribunal while on tour within India or on transfer (including the journey undertaken to join the Tribunal or on the completion of their tenure with the Tribunal to proceed to their home town) shall be entitled to the travelling allowance, daily allowance transportation of personal effects and other similar matters at the same rates as applicable to officers of the Central Government in Apex Grade (rupees eighty thousand-fixed) in the case of President and Grade Pay of rupees twelve thousand in the Pay Band-4 (rupees 37400-67000) in the case of Members.

8. Official visits abroad. –

Official visits abroad by the President or Members shall be undertaken only in accordance with orders issued by the Central Government and they shall be entitled to draw such allowances in respect of such visits as applicable to

officers of the Central Government in Apex Grade (rupees eighty thousand-fixed) in the case of President and Grade Pay of rupees twelve thousand in the Pay Band-4 (rupees 37400-67000) in the case of Members.

9. Leave Travel Concession. –

The President and other Members of the Tribunal shall be entitled to Leave Travel Concession (LTC) at the same rates as applicable to officers of the Central Government in Apex Grade (rupees eighty thousand-fixed) in the case of President and Grade Pay of rupees twelve thousand in the Pay Band-4 (rupees 37400-67000) in the case of Members.

10. Facility for Medical Treatment.-

The President and other Members shall be entitled to medical treatment and hospital facilities as provided in the Central Government Health Scheme (CGHS) to a retired Government servant. At places where the said Scheme is not in operation, the President and other Members shall be entitled to the facilities as provided in the Central Service (Medical Attendance) Rules, 1944.

11. Applicability of rules:-

(1) When a serving Judge of the High Court is appointed as the President or Member of the National Company Law Tribunal, his terms and conditions of service shall be the same as were applicable to him prior to his appointment as the President or Member ;

Provided that in case of superannuation of President or Member as Judge before the expiry of his term as President or Member, his terms and conditions of service shall be the same as are applicable to a retired Judge of the High Court, under these rules, for remainder period of his term.

(2) Chairman, Vice-chairman and Members of the Company Law Board, who fulfill the qualifications and requirements provided under the Act shall continue to function as President or Members of the Tribunal only on the recommendations of the Chief Justice of India, in the case of the President, and on recommendation of Selection Committee, constituted under section 412 of the Act, in case of Members.

(3) When a person who is in Government Service or employed in any Public Sector Undertaking or any Authority including Autonomous Body of the Government covered under para (3) of this Rule, he shall be entitled for all the service benefits till his superannuation. After the date of his superannuation, his salary and other terms shall be in accordance with the terms of retired person who is appointed as Technical Member. In case a retired person is appointed as a Member his salary and other terms would be governed in accordance with the terms of the retired person (i.e., after making necessary adjustments of post-retirement benefits).

12. Other Conditions of Service. –

Matters relating to the terms and conditions of service of the President or other Members with respect to which no express provision has been made in these rules, shall be referred by the Tribunal to the Central Government for its decision, and the decision of the Central Government thereon shall be final.

13. Oath of office and secrecy:-

(1) Every person appointed as the President shall, before entering upon his office, make and subscribe an oath of office and secrecy, in Form I and Form II annexed to these rules.

(2) Every person appointed as a member shall, before entering upon his office, make and subscribe an oath of office and secrecy, in Form I and Form II annexed to these rules.

14. Declaration of financial or other interest:-

Every person, on his appointment as the President or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as President or Member, as the case may be.

15. Powers to relax:-

The Central Government shall have power to relax any provision of these rules with respect to any class or category of persons.

Form - I

(See rule 11)

Form of oath of office for President or Members of the National Company Law Tribunal

"I,, having been appointed as President or member of the National Company Law Tribunal

do solemnly affirm

swear in the name of God

that I will faithfully and conscientiously discharge my duties as President or member to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will."

Signature:

Place:

Name:

Designation:

Date:

Form - II

(See rule 11)

Form of oath of secrecy for President or Members of the National Company Law Tribunal

"I,, having been appointed as President or member of the National Company law Appellate Tribunal

do solemnly affirm

swear in the name of God

that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President or member of the said Tribunal except as may be required for the due discharge of my duties as President or member."

Signature:

Place:

Name:

Designation:

Date:

Form - III

(See rule 12)

Declaration against acquisition of any adverse financial or other interest

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

Signature:

Place:

Name:

Designation:

Date: