

C-2753
1408-23

**The
Appellate Tribunal for Forfeited Property
(Procedure for Appointment of
Chairman) Rules, 2016**

CONTENTS

<i>Rules</i>	<i>Pages</i>
1. Short title and commencement	27
2. Definitions	27
3. Method of appointment	27
4. Vacancy	28
5. Medical fitness	28

The Appellate Tribunal for Forfeited Property (Procedure for Appointment of Chairman) Rules, 2016¹

In exercise of the powers conferred Section 12(2) read with Section 26(2)(c) of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, (SAFEMA), 1976, and Section 68N(2) read with Section 76(2)(h) of the Narcotics Drugs and Psychotropic Substances (NDPS) Act, 1985, the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Appellate Tribunal for Forfeited Property (Procedure for Appointment of Chairman) Rules, 2016.

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

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

- (a) “Act” means the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976) and Narcotics Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
- (b) “Appellate Tribunal” means the Appellate Tribunal for Forfeited Property constituted under Section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 read with Section 68-N of the Narcotics Drugs and Psychotropic Substances Act, 1985;
- (c) “Chairman” means a person appointed as Chairman of an Appellate Tribunal under Section 12(2) of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 and sub-section (2) of Section 68-N of the Narcotics Drugs and Psychotropic Substances Act, 1985;
- (d) The words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Method of appointment.—(1) For the purpose of appointment to the post of Chairman, there shall be a Selection Committee consisting of the following members, namely—

- (a) The Chief Justice of India or a judge of the Supreme Court as nominated by the Chief Justice of India — Chairperson
- (b) the Secretary to the Government of India in the Ministry of Finance, Department of Revenue — Member;
- (c) the Secretary to the Government of India in the Ministry of Law and Justice, Department of Legal Affairs — Member;

1. Ministry of Finance (Deptt. of Finance), Noti. No. G.S.R. 138(E), dated February 2, 2016, published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2016, No. 81.

(d) the Secretary to the Government of India in the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training
— Member.

(2) Any three members of the Selection Committee including the Chairman shall form a quorum for the meeting of the Committee.

(3) The Selection Committee may devise its own procedure for selection and appointment of the Chairman.

(4) The Selection Committee shall recommend a panel of three names in order of priority for appointment of Chairman.

4. Vacancy.—The vacancy of Chairman shall be circulated through open advertisement and applicants shall be asked to forward complete application through Registrars of Supreme Court or High Court, as the case may be.

5. Medical fitness.—No person shall be appointed as a Chairman unless he is declared medically fit by a Medical Board to be constituted by the Central Government for the purpose.
