

Anti-Dumping Tribunal: decision of Cabinet body endorsed

Federal Cabinet has endorsed the decision of the Cabinet Committee for Disposal of Legislative Cases headed by Minister for Law and Justice, Zahid Hamid, and has approved Anti-Dumping Appellate Tribunal Terms and Conditions of Service (Rules), 2017. Ministry of Commerce had submitted a summary to the Cabinet Committee for disposal of legislative cases for approval of terms and conditions of Anti-Dumping Tribunal.

The committee which comprises of Attorney General of Pakistan, SAPM, Khawaja Zaheer Ahmad, Minister concerned, Secretary Law, Additional Secretary Prime Minister office and Cabinet Secretary accorded approval to the following amended Notification:

S.R.O.(1)12017.- In exercise of the powers conferred by section 74 of the Anti-Dumping Duties Act, 2015 (XIV of 2015), the Federal Government is pleased to make the following rules, namely:

1. Short title and commencement.- (1) These rules may be called the Chairman and Members of the Anti-Dumping Appellate Tribunal (Terms and Conditions of Service) Rules, 2017.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Anti-Dumping Duties Act, 2015 (XIV of 2015);

(b) "member" means a member of the Anti-Dumping Appellate Tribunal appointed under the Act and includes the Chairman thereof;

(c) "MP-I Scale" means the management pay scale-I (MP-I Scale) notified by the Federal Government;

(2) The words and expressions used but not defined herein shall have the same meanings as assigned to them in the Act.

3. Terms and conditions.- (1) The terms and conditions of service of a member shall be as prescribed under the Act and these rules.

(2) The terms and conditions of service of a member to whom these rules apply shall not be varied to his disadvantage, so long as he holds office as such member.

4. Selection committee.- The Federal Government shall not appoint any member unless recommended by the selection committee comprising the following, namely:

(a) Minister for Law and Justice, Chairperson

(b) Secretary, Law and Justice Division, Member

(c) Secretary, Commerce Division, Member

(d) Secretary, Establishment Division, Member

(e) Secretary, Finance Division, Member

5. Appointment.- (i) Appointment of member shall be made by the Federal Government in accordance with the Act, these rules and on recommendations of majority members of the selection committee.

(ii) The Federal Government shall, ninety days prior to the expiry of term of a member, initiate the process for appointment of a member as prescribed under these rules.

(iii) Vacant post of member shall be advertised by the Law and Justice Division in at least two leading newspapers having wide circulation throughout the country.

(iv) A period of not less than fifteen days shall be given in the advertisement under sub-rule (3) for submission of applications for appointment as member.

(v) Appointment of member shall be made by direct recruitment on all Pakistan basis in accordance with the provisions of the Act, including sections 64, 65 and 66 thereof and these rules.

(vi) After receipt of applications pursuant to the advertisement within the stipulated time under sub-rules (3) and (4), the selection committee shall follow the process as under, namely:

(a) the selection committee shall short list the applications on the basis of eligibility criteria, including qualifications and disqualifications as provided in the Act and recording reasons for short listing or rejecting an application;

(b) only short listed candidates shall be called for interview by the selection committee;

(c) the credentials of short listed candidates shall be verified as reasonably as possible before calling them for interview; and

(d) after the interviews, the selection committee shall recommend a panel of three candidates against one vacancy in order of merit for appointment as member.

(vii) Recommendations of the selection committee for appointment as member shall be forwarded to the Prime Minister for approval in accordance with the procedure laid down in the Rules of Business, 1973:

(vii) A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duty. The candidate shall have to

obtain a physical fitness certificate from authorized medical officer before assumption of charge as member.

(ix) No person shall be appointed as member who has attained the age of sixty-two years at the time of his selection for such appointment.

(x) Every person, not already in the service of Pakistan before his appointment as member, shall be required to co furnish a written declaration to the effect that he has not previously been convicted by a court of law for an offence involving moral turpitude or dismissed, removed or compulsorily retired from service of Pakistan, as a result of disciplinary action against him and is also not a beneficiary of the National Reconciliation Ordinance, 2007 (LX of 2007).

Xi -Every person before appointment as a member shall furnish an affidavit in respect of disclosing conflict of interest, if any, as required under clause (d) of sub-section (1) of section 66 of the Act.

5 -Seniority; (i) A person initially appointed as member through an earlier advertisement and selection process shall rank senior to those appointed through a subsequent advertisement and selection process; (ii) if two or more persons are appointed in the same batch their inter-se seniority shall be determined in order of merit assigned to them by the selection committee.

6 -Completion of term. A member shall hold office for a term as provided in section 66 and sub-section (1) of section 67 of the Act and these rules.

7-Termination of service.- The contract of a member may, subject to providing him an opportunity of being heard and upon serving a notice in writing of not less than thirty days, be terminated on the grounds of disqualifications provided for under section 66 of the Act.

8 Conduct and discipline.- For the purpose of conduct and discipline, the rules made under the Civil Servants Act, 1973 (LXXI of 1973), with necessary modifications as are practicable, shall apply to the members.

9 -Resignation; (i) A member may resign from his office by giving notice in writing in accordance with the terms and conditions of his appointment ; and (ii) notwithstanding the provisions of sub-rule (1), the member shall continue to perform his duties till such time his resignation is formally accepted by the appointing authority.

10 -Salary. Every member shall be entitled to a salary as is admissible to a person in MP-I scale or on such terms and conditions as may be specified by the Federal Government at the time of appointment.

11 -Medical treatment and attendance. Every member shall be entitled to such medical facilities as a person in MP-I scale of the Federal Government is entitled to or on such terms and conditions as may be specified by the Federal Government at the time of appointment.

12 -Leave. Every member shall be entitled to the grant of leave and benefits thereof as a person

in MP-I scale of the Federal Government is entitled to or on such terms and conditions as may be specified by the Federal Government at the time of appointment.

13 -Saving. Nothing in these rules shall be construed to limit or abridge the power of the Federal Government to deal with the case of any member in such manner as may appear to the Federal Government to be just and equitable or on such terms and conditions as may be specified by the Federal Government at the time of appointment.

14 -Provision not provided for in these rules. Where these rules do not contain provisions relating to any matter, such matter shall be dealt with in accordance with the law, rules and procedure applicable to the persons in MP-I scale of the Federal Government.

15 -Record of service. Service record of every member shall be maintained in such form and manner as are applicable to the Federal Government employees appointed on contract.

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