

DEBTS RECOVERY APPELLATE TRIBUNAL (PROCEDURE FOR THE APPOINTMENT OF CHAIRPERSON OF THE APPELLATE TRIBUNAL) AMENDMENT RULE

REGD. NO. The Gazette of India 801 No. 801 EXTRAORDINARY PART 11—Section 3—Sub-section (i) 25, 2005 EFTT 6, 1926 NEW DELHI FRIDAY, FEBRUARY 25, 2005 JPHALGUNA 6, 1926 fā-iT qi 25 2005 103(3r 1993 (1993 51) 36 (2) (3) 9 #11) fiqq, 1998 fiqq t, 2005 t I fiqq, 1998 3 [ÄFT. æi. 12/1/2003*3-TRå] 633 C,V2005 MINISTRY OF FINANCE (Department of Economic Main) (BANKING DIVISION) NCWICNIION NCW Delhi: the 25th February 2005 G.S.R. exercise Of the powers conferred by Section 9 read with clause (e) of Sub-section (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government hereby makes the following rules further to amend the Debts Recovery Appellate Tribunals (Procedure for Appointment as Chairperson of the Appellate Tribunal) Rules, 1998, namely 1. (1) These rules may be called the Debts Recovery Appellate Tribunals (Procedure for Appointment as Chairperson of the Appellate Tribunal) (Amendment) Rules, (2) They shall come into force on the date of their publication in the Official Gazette. 2. [In rule 3 of the Debts Recovery Appellate Tribunals (Procedure for appointment as Chairperson on the Appellate Tribunal) Rules 1998, in Sub-rule (1), for clause (v), the following clause shall be substituted, namely :— "(v) The Secretary, in the absence of whom Special Secretary, in the absence of both, the Additional Secretary, Ministry of Finance, Department Of Economic Affairs, Banking Division." IF. No. 12/1/2003-DRT] KB.L.MATHUR, secy. h; the Mar. awt, Ring Road, {CCG4 rnza I" MINISTRY OF FINANCE (Department of Economic Affairs) (Banking Division) NOTIFICATION New Delhi, the 19th January. 1998, . In exercise of the powers conferred by section 9 read with clause (e) of sub Section 2 of section 36 of G.S.R.31(F)— the Recovery of Debts Due to Banks and Financial Institutions Act. 1993 (51 of 1993), the Central Government hereby makes the following rules, namely : I . Shon title and commencement.— (1) These rules 'may be called the Debts Recovery Appellate Tribunal (Procedure for appointment as Presiding Officer of the Appellate Tribunal) Rules, 1998. (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 Recovery Debts Due to Banks and Financial Institutions Act. 1993 (51 of 1993); (b) "Appellate Tribunal" means the Debts Recovery Appellate Tribunal established under section 8 of the Act; (c) "Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under section 9 of (d) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act. 1934 (2 of 1934); (e) all other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned therein in the Act

3. Method of appointment under section 9 of the Act.— (1) For the purpose of appointment to the post of a Presiding Officer, there shall be a Selection Committee consisting of— (i) The Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India; (ii) the Secretary to the Government of India in the Ministry of Finance (Department of Economic Affairs); (iii) the Secretary to the Government of India in the Ministry of Law and Justice; (iv) the Governor of the Reserve Bank or the Deputy Governor of the Reserve Bank the Governor of the Reserve Bank; (v) an special Additional Secretary to the Government of India in the Ministry of Finance, Department of Economic Affairs. (Banking Division) or an officer not below the rank of Joint Secretary in the Banking Division nominated by the special Additional Secretary in the Banking Division. (2) The Chief Justice of India the Judge of the Supreme Court shall be the Chairman or the Selection Committee. (3) Any member of the Committee including the Chairman shall a quorum meeting of the Committee (4) "The Selection Committee may devise its own procedure selecting a candidate (Or appointment as Presiding Officer or candidates prepared by the Ministry of Finance after applications therefor by advertisement:- (6) the Central Government shall on the basis of the recommendations of the Selection Committee make a list of persons selected appointment as Presiding Officer and the said list shall be valid for a period of two years. The appointment of a Presiding Officer shall be made from the list so prepared. THE GAZETTE OF INDIA : EXTRAORDINARY PART 11—Section 3

4. Medical Fitness.— No person shall be appointed as a Presiding Officer unless he is declared Inedically fit by a Medical Board to be constituted by the Central Governnlent for the purpose unless he has already been declared fit by an equivalent authority

5. Interpretation.- 11" any question arises relating to the interptetation of these rules the satne shall be referred to the Central Governntnent ror its decision

6. Saving.- Nothing in these rules shall affect reservations, relaxation of age limit and Other concessions required to be provided ror the Scheduled Castes, Scheduled Tribes, Other Backward Classes. ex-servicemen and other special categories Of persons. in accordance with the orders issued by the Central Government from time to time in this regard



7. Oaths of office and secrecy - Every person appointed to be Presiding Officer under section 9 of the Act shall, before entering upon his office, make and subscribe an oath Of office and secrecy in the Forms annexed to these rule;.[F.No. 1710/97-DRT.] D.R.S. CHIAUDI IARY. It. secy. ANNEXURE



FORM-I (See Rule 7) Form Of oath or Office for Presiding Officer Of the Debts Recovery Appellate Tribunal. ...(Name Of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in the nante of God will lilithfully and conscientiously discharge my duties as Presiding Officer to the best of my ability, knowledge and judgenlent. without fear or favour. affection or ill will. NAME OF THE PRESIDING OFFICER DEBTS RECOVERY APPELLATE TRIBUNAL FORM - 11 (See rule 7) Form Of oath Of Secrecy ror Presiding Officer Of the Debts Recovery Appellate Tribunal. ...(Nanie of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in lhe name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter wllich shall be brought under lny consideration or shall become known to me as Presiding officer Of said Debts Recovery Appellate Tribunal except as may be required ror the due discharge Of lily duties as the Presiding Officer." NAME OF THE PRESIDING OFFICER DEBTS RECOVERY APPELLATE TRIBUNAL 19 1998 qr. iGT. ft. 32 (3it{ 3Tfr4ftqq, 1993 (1993 51) 36 2 (V) 9 gra frzrq t, 1. fiqq, 1998 I (iF) 1993 (1993 51) (a) ' ' 31fr.ßswr" 3(1) 31fiü«t, 2 THE GAZETTE OF : MINISTRY OF FLNANCE @epanment of Economic Affairs) (Banking Division) NOTIFICATION Delhi, the 2nd August, 2000 exercise_of. the powers conferred by section 4 read Fith clause (e) of sub-section (2) of section 36 of the Recovery of Debts Due to Banks and Financiaj Institutions Act, 1993 (51 of 1993), the Central Government hereby ihak-es the f0110'rAhng rules to amend the Debts Recovery Appellate .Tribur:z] (Procedure for appointmer,,t Presiding Officer_of the Appellate Tribunal) Rules, 1998, namely (l) These rules may be called the Debts Recovery Appellate Tribunal -(Procedure for appointment as Chairperson of the. Appellate .Tli>unal) Amendment Rules, 2000. 2- . (2) - They into force on the date of their publication in the :official Gazette. In the Debts Recovery Appellate Tribunal (Procedure for appointment as Presiding Officer of the Appellate Tribunal) Rules, 1998, - (a) (b) in the short title. for the words "Presiding Officer", the word "Chairperson" shall be substituted, in the rules, for the word 'Presiding Officer" wherever it occurs, the words "Chairperson" shall be substituted, 36 rule 3. for (4) and the follwine be substituted. nunejy The Committee rmay devise ptocedure including interview for selection and appointment Of Churperson provided that thc procedure of interview shay not apply it carafe Judge of a High Court nominated 5' tbc ChiefJusGce of such High Court, (5) The Selection Committ ee shan recommend persons for appointment of Chairpersor-E • forn ünongst the persons from the list af candidates prepared b)' the Ministry cf Finance fife- igniting necessar applications, and from amongst the Judges Of Hgh Coun by Chief Jü5tice of Hgh Couns " L,uom-DET] *NoopE.uSH9-L 1992 2: (s#q') fiQ 4