

DEBTS RECOVERY APPELLATE TRIBUNALS (PROCEDURE FOR APPOINTMENT AS CHAIRPERSON OF THE APPELLATE TRIBUNAL RULES), 1998

3(i)] ü I fr6 nxfrRFii FFh ii viqfrTöl Rii 76611, Gil MINISTRY OF FINANCE (Deapartjnent of Economic Affairs) (Banking Division) NOTIFICATION New Delhi, the 19th January, 1998 3 C.,S.R. In exercise of the powers conferred by section 9 read with clause (e) of sub-Section 2 of section 36 of the Recovery of Debt Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government hereby makes the following rules, namely: 1. Short 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 of 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; "Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under section 9 of the Act; (d) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934); all other words and expressions used and not defined in these rules but defined in the Act shall have the meanings (e) respectively assigned to them in the Act

3. Method of appointment under section 9 of the Act.— (1) For the purpose of appointment to the post of 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 nominated by the Governor of the Reserve Bank; (v) 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 or the Special Additional Secretary in the Banking Division. (2) The Chief Justice of India or the Judge of the Supreme Court shall be the Chairman of the Selection Committee. (3) Any three members of the Committee including the Chairman shall form a quorum. (4) The Selection Committee devise its own procedure for selecting a candidate for appointment as Presiding Officer. The Selection Committee shall recommend persons for appointment as Presiding Officer from amongst the persons on the list of candidates prepared by the Ministry of Finance after inviting applications therefor by advertisement. The Committee shall recommend persons for 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. (5) IF. GAZETTE OF INDIA : EXTRAORDINARY 11 — 4. Medical Fitness. — No person shall be appointed as a Presiding Officer unless he is declared medically fit by a Medical Board to be constituted by the Central Government for the purpose unless he has already been declared fit by an equivalent authority. If any question arises relating to the interpretation of these rules the same shall be referred to the Central Government for its decision. 5. Saving.— Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be given to backward classes, ex-servicemen and other special categories or provided for the Scheduled Castes, Scheduled persons, in accordance with the orders issued by the Central Government from time to time in this regard. 6. Oath of office and secrecy — Every person appointed to be Presiding Officer under section 9 of the Act shall, before assuming office, make and subscribe an oath of office and secrecy in the form annexed to these rules. IF. No. 1/10/97-1)R' I I) R S. CLARY, Jr. sec-v ANNEXURE I, FORM-I (See Rule 7) Form of oath of office for Presiding Officer of the Debts, Recovery Appellate Tribunal. (of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in faithfully and conscientiously discharge duties as Presiding Officer to the best of my ability, without favour, affection or ill will. SIGNED: _____ and NAME OF PRESIDING OFFICER DEBTS RECOVERY APPELLATE TRIBUNAL FORM - (See rule 7) Form of oath of secrecy for Presiding Officer of the Debts Recovery Appellate Tribunal. ... of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in that he will not directly or indirectly communicate or reveal to any person or

persons any matter which shall be under his consideration or shall become known to him as Presiding Officer of said Debts Recovery Appellate Tribunal as 111.1} be required for the due discharge of his duties as the Presiding Officer." c \ cept NAME OF THE PRESIDING OFFICER DEBTS RECOVERY APPELLATE TRIBUNAL 19 1998 ft. 32 (1993 (1993 51) 36 1998 F) 1993 (1993 51) 3-7fü7t, (73) 3(1)

