

INDEPENDENT MEMBER (SELECTION AND APPOINTMENT) RULES, 2007

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INDEPENDENT MEMBER (SELECTION AND APPOINTMENT) RULES, 2007

G.S.R.7(E).--An exercise of the powers conferred by sub-section (4) of section 4B read with section 198 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :-

- (1) These Rules may be called the Independent Member (Selection and Appointment) Rules, 2007.
- (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 Railways Act, 1989 (24 of 1989);
- (b) "Authority" means the Rail Land Development Authority constituted under Section 4A of the Act;
- (c) "Central Government" means the Ministry of Railways;
- (d) "Independent Member" means the Member appointed under S.4B(4) of the Act;
- (e) "Railway Board" means the Railway Board in the Indian Railways Board Act, 1905; and
- (f) "Secretary" means the Secretary Railway Board.

3. Qualification :-

The candidate for the post of independent member shall fulfil the following criteria; namely:-

- (a) an MBA or a Degree in Architecture or Civil Engineering from a recognised institution or a university; and
- (b) ten years experience in Town/Urban Planning or in the management of land and property in relation to its legal, engineering and managerial aspects; and
- (c) should not exceed 55 years on the date of applying for the post.

4. Selection Process :-

(1) A member shall be selected by a Selection Committee consisting of the following members, namely:-

- (a) Chairman, Railway Board as the Chairperson.
- (b) Chairman of the Authority as a member;
- (c) Member Staff, Railway Board as a member; and
- (d) Vice Chairman of the Authority in attendance.

(2) The Selection Committee shall formulate the assessment criteria of merit and suitability with marks and each eligible candidate appearing before it shall be assessed accordingly in the interview by the Committee. In formulating the assessment criteria the Selection Committee shall pay special attention to the candidate's educational background and experience in land and property development.

(3) The Secretary Railway Board shall act as Secretary to the Selection Committee and shall be responsible for all administrative steps required for the selection and appointment to the post of independent member.

(4) The Secretary Railway Board shall invite applications for the post of Independent Member by a suitable public advertisement.

(5) Any person in any of the Selection Committees shall immediately on coming to know that he is related to any of the candidates, shall declare the same and exclude himself from the Selection Committee for that particular candidate.

(6) A candidate shall stand disqualified for the post to which they

have applied or appointed if he.-

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government involves moral turpitude; or

(c) has become physically or mentally incapable; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functioning in a post; or

(e) has been guilty of conduct as per the extant conduct rules of the Central Government which makes him unfit to hold an office.

(7) The Selection Committee after selecting the candidate for the post of independent member shall also prepare in order of merit a waiting panel of the next three candidates for the post. The waiting panel will be valid for a period of six months from the date that the Selection Committee signs the panel.

(8) The minutes of the Selection Committee proceedings, the merit list for the post and the final selection list shall be signed and dated by all the persons in the Selection Committee and further steps for appointment shall be taken by the Secretary Railway Board.

5. Invalidity of selection proceedings :-

So long as the merit of the selection is not affected, any short coming in the selection procedure shall not invalidate the selection.

6. Appointment :-

(1) The Secretary Railway Board shall immediately after receiving the record from the Selection Committee initiate the steps for the approval of competent authority of the name of the selected candidate for the post of independent member.

(2) Upon receipt of the final approval of the name for the appointment against the post of independent member, the Ministry of Railways shall immediately issue the appointment letter to the selected candidate by informing him the joining time which shall not exceed thirty days from the date of receipt by him of the appointment letter subject to sub rule (5) of this rule.

(3) The appointment by the Central Government of the selected candidate shall be on the terms and conditions specified for Members in the Rail Land Development Authority (Terms and

Conditions of Service) Rules, 2007, save and except that the selected candidate shall continue in service with the Authority subject to a performance review by the Ministry of Railways upon completion of two years of service from the date of confirmation after probation.

(4) In case the selected candidate fails to join within thirty days or such extended period as may be permitted under sub-rule 5, the Secretary Railway Board shall initiate proceedings for appointment of the next person waiting on the panel.

(5) The Railway Board may for reasons to be recorded in writing extend the joining period on the written request of the selected candidate which shall not exceed more than three months and the extension will be given only once.