

DEBTS RECOVERY APPELLATE TRIBUNAL (PROCEDURE FOR APPOINTMENT AS PRESIDING OFFICER OF THE APPELATE TRIBUNAL) RULES, 1998

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DEBTS RECOVERY APPELLATE TRIBUNAL (PROCEDURE FOR APPOINTMENT AS PRESIDING OFFICER OF THE APPELATE TRIBUNAL) RULES, 1998

Ministry of Finance (Deptt. of Economic Affairs) (Banking Division), Noti. No. G.S.R. 31(E) dated January 19, 1998, published in the Gazette of India, Extra., Part II, Section 3(i), dated 19th January, 1998, pp. 3-4, No. 15 [F. No. 1/10/97-DRT] In 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, 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;

(c) "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 :

(e) all other 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 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 nominated by the Governor of the Reserve Bank;

(v) a 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 of the Selection Committee.

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

1"(4) The Selection Committee may devise its own procedure including conducting interview for selection and appointment of Presiding Officer."

2 "(5) The Selection Committee shall recommend persons for appointment as Presiding Officer, (i) from amongst the persons from the list of candidates prepared by the Ministry of Finance after

inviting necessary applications; and (ii) from amongst judicial officers nominated by a High Court."

(6) The Central Government shall on the basis of the recommendations of the Selection Committee make a list of persons selected 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.

1. Substituted in Rule 3, for sub-rule (4) for "(4) The Selection Committee may devise its own procedure for selecting a candidate for appointment as Presiding Officer." by the Debts Recovery Tribunal (Procedure for appointment as Presiding Officer of the Tribunal) Amendment Rules, 2000.

2. Substituted in Rule 3, for sub-rule (5) for "(5) 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 therefore by advertisement." by the Debts Recovery Tribunal (Procedure for appointment as Presiding Officer of the Tribunal) Amendment Rules, 2000.

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.

5. Interpretation :-

If any question arises relating to the interpretation of these rules the same shall be referred to the Central Government for its decision.

6. Saving :-

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for 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 rules.