

(iv) उपनियम (11) में, "वह" शब्द के स्थान पर "यह" प्रतिस्थापित किया जाएगा।

(ग) नियम 10 में "राष्ट्रपित" शब्द के स्थान पर "केन्द्रीय सरकार" शब्दों को प्रतिस्थापित किया जाएगा।

[फा. सं. 14/2/2010-डीआरटी]

अनुराग जैन, संयुक्त सचिव

पाद टिप्पणी:—मूल नियमों को भारत के राजपत्र, असाधारण भाग-II, खंड-3, उपखंड (i), दिनांक 12 जुलाई, 2010 को सा.का.नि. 595 (ई) दिनांक 07 जुलाई, 2010 के तहत प्रकाशित किया गया था।

MINISTRY OF FINANCE
(Department of Financial Services)

NOTIFICATION

New Delhi, the 19th December, 2012

G.S.R. 920(E).—In exercise of the powers conferred by sub-section (3) of section 15 read with clause (b) 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 to amend the Debts Recovery Tribunal (Procedure for Investigation of Misbehavior or Incapacity of Presiding Officer) Rules, 2010, namely:—

1. (1) These rules may be called the Debts Recovery Tribunal (Procedure for Investigation of Misbehavior or Incapacity of Presiding Officer) Amendment Rules, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Debts Recovery Tribunal (Procedure for Investigation of Misbehaviour or Incapacity of Presiding Officer) Rules, 2010-

(a) For rule 4, the following rule shall be substituted, namely.-

"4. Preliminary Scrutiny and Investigation of complaints.-

(1) If a written complaint, alleging any definite charges of misbehavior or incapacity to perform the functions of the office in respect of a Presiding Officer is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the Central Government considers it necessary to investigate into the allegation, it shall refer the complaint together with other material as may be available, to the Chairperson of the Debts Recovery Appellate Tribunal exercising control over the Tribunal against whose Presiding Officer the complaint has been received, to investigate the charges of allegations made in the complaint.

(3) The Chairperson shall conduct the investigation into the complaint which may include recording of evidence of the complainant and other

parties as may be necessary, and collecting material relevant to the inquiry and submit his report to the Central Government. Report of the Chairperson of the Debts Recovery Appellate Tribunal may include the following:-

- (i) articles of charges against the Presiding Officer concerned alongwith the statement of imputation against each article;
- (ii) list of relevant documents relied on along with a copy of such documents placed in the order of their mention in the articles of charges or statement of imputations;
- (iii) such relevant material or documents relevant to the inquiry; and
- (iv) recommendations of the Chairperson

(b) in rule 5 , the following shall be substituted, namely:-

- (i) for the word "President" wherever it occurs, the words "Central Government" shall be substituted;
- (ii) in sub rule (1), for the word "he" the word "it" shall be substituted;
- (iii) For sub-rule(4), the following shall be substituted:-

"(4) The Central Government shall forward to the Judge a copy of –

- (a) the articles of charges against the Presiding Officer concerned alongwith the statement of imputation against each article;
- (b) list of relevant documents relied on alongwith copies of such documents;
- (c) list of witnesses proposed to be examined together with statements, if any, of such witnesses;
- (d) any other material or document relevant to the inquiry.";

(iv) in sub rule (11), for the word "that" the word "the" shall be substituted.

(c) in rule 10, for the word "President", the words "Central Government" shall be substituted.

[F. No. 14/2/2010-DRT]

ANURAG JAIN, Jt. Secy.

Foot Note :— The principal rules were published in the Gazette of India, Extraordinary Part-II, Section 3, Sub-section (i) dated the 12th July, 2010, vide, G.S.R. 595(E), dated the 7th July, 2010.