साधारण
भाग II—खण्ड 3—उप-खण्ड (I)
PART II—Section 3—Sub-section (I)
प्रकाशित से प्रकाशित
PUBLISHED BY AUTHORITY

भारत का राजपत्र
The Gazette of India
एस. 80] नई दिल्ली, सितंबर, फरवरी 25, 2005/फाल्गुनी 6, 1926
No. 80] NEW DELHI, FRIDAY, FEBRUARY 25, 2005/PHALGUNA 6, 1926

निर्देशार्थ
(आधिकारिक विभाग)
(वैशिष्ट्य प्रमाण)
अधिमूलक

नई दिल्ली, 25 फरवरी, 2005

MINISTRY OF FINANCE
(Department of Economic Affairs)
(BANKINGDIVISION)
NOTIFICATION

New Delhi, the 25th February, 2005

G.S.R. 103(E).—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 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, 2005.

(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."

[F. No. 12/1/2003-DRT]
K.B.L. MATHUR, Jt. Secy.

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Printed by the Manager, Govt. of India Press, Ring Road, Mayapur, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.
MINISTRY OF FINANCE
(Deapartment of Economic Affairs)
(Banking Division)
NOTIFICATION

New Delhi, the 19th January, 1998

G.S.R. 31(E).— 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. 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 to 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 (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 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) 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 of the Selection Committee.

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

(4) The Selection Committee may devise its own procedure for selecting a candidate for appointment as Presiding Officer.

(5) The Selection Committee shall recommend persons for appointment as Presiding Officer from amongst the persons in the list of candidates prepared by the Ministry of Finance after inviting 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 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.
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.

[F.No. I/10/97-DRT.]
D.R.S. CHAUDHARY, Jt. Secy.

ANNEXURE

FORM-I
(See Rule 7)
Form of oath of office for Presiding Officer of the Debts Recovery Appellate Tribunal.

"I…………………….. (Name of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as Presiding Officer to the best of my ability, knowledge and judgement, without fear or favour, affection or ill will.

NAME OF THE PRESIDING OFFICER
DEBTS RECOVERY APPELLATE TRIBUNAL

FORM - II
(See rule 7)
Form of oath of secrecy for Presiding Officer of the Debts Recovery Appellate Tribunal.

"I…………………….. (Name of the Presiding Officer), having been appointed as Presiding Officer do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Presiding Officer of said Debts Recovery Appellate Tribunal except as may be required for the due discharge of my duties as the Presiding Officer."

NAME OF THE PRESIDING OFFICER
DEBTS RECOVERY APPELLATE TRIBUNAL

अधिसूचना
नई दिल्ली, 19 जनवरी, 1998
राज. क्र. नि. 32 (३)।— के राजीव सरकार, बैंकों और नितीय संस्थाओं को शोध अन्तर्गत अधिनियम, 1993 (1993 का 51) का भाग 36 की उपधारा 2 के खंड (२) के सम्भावना दर्शिता 9 घटक प्रदेश संस्थाओं का अधिकार करने हेतु निम्नलिखित नियम बनाए हैं, अतः—
1. संक्षिप्त नाम और आरंभ— (१) इन नियमों का संक्षिप्त नाम अन्तर्गत अधिनियम (अधिकार के प्रदेश संस्थाओं के रूप में निम्नलिखित को प्रकाशित) नियम, 1998 है।
(२) ये राजकारण में प्रकाशित का लिखित को प्राप्त होगी।
2. इन नियमों में, जब तक कि संदर्भों से अन्यथा अधिकारित न होः—
(क) "अधिनियम" से बैंकों और नितीय संस्थाओं को शोध अन्तर्गत अधिनियम, 1993 (1993 का 51) अधिकेत है,
(ख) "अधिकार" से अधिनियम की भाग 3(१) के अधीन स्थापित अन्तर्गत अधिकारण अधिकत है,
G.S.R. 645(E).—In exercise of the powers conferred by section 4 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 to amend the Debts Recovery Appellate Tribunal (Procedure for appointment as Presiding Officer of the Appellate Tribunal) Rules, 1998, namely:—

1. (1) These rules may be called the Debts Recovery Appellate Tribunal (Procedure for appointment as Chairperson of the Appellate Tribunal) Amendment Rules, 2000.

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

2. In the Debts Recovery Appellate Tribunal (Procedure for appointment as Presiding Officer of the Appellate Tribunal) Rules, 1998, —

(a) in the short title, for the words “Presiding Officer”, the word “Chairperson” shall be substituted;

(b) in the rules, for the word “Presiding Officer” wherever it occurs, the words “Chairperson” shall be substituted.
(c) In rule 3, for sub-rules (4) and (5), the following sub-rules shall be substituted, namely:

“(4) The Selection Committee may devise its own procedure including interview for selection and appointment of Chairperson.

Provided that the procedure of interview shall not apply in case of a Judge of a High Court nominated by the Chief Justice of such High Court.

(5) The Selection Committee shall recommend persons for appointment of Chairperson,

(i) from amongst the persons from the list of candidates prepared by the Ministry of Finance after inviting necessary applications; and

(ii) from amongst the Judges of High Court nominated by the Chief Justice of such High Courts.”

[F No. 1/10/97-DET]
ANOOP MISHRA, Jt. Secy.

अधिमुखना
नवीन सिंह, २ अगस्त, २०००