हुआ हूँ सत्यनिष्ठा से प्रतिज्ञान करता हूँ। ईश्वर की शपथ लेता हूँ, कि मैं किसी व्यक्ति या किन्हीं व्यक्तियों को कोई ऐसा विषय प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से संसूचित या प्रकट नहीं करूंगा, जो उक्त ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी के रूप में मेरे विचाराधीन लाया जाएगा या मेरी जानकारी में लाया जाएगा, सिवाय उनके जो पीठासीन अधिकारी के रूप में मेरे कर्तव्यों के सम्यक निर्वहन के लिए अपेक्षित हैं।''

पीठासीन अधिकारी का नाम

ऋण वसूली अपील अधिकरण

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) 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 (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) 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.

(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 on 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.

IndiaCode

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. 1/10/97-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

सा. का. नि. 32 (अ).—केन्द्रीय सरकार, बैंकों और वित्तीय संस्थानों को शोध्य ऋण वसूली अधिनियम, 1993 (1993 का 51) की धारा 36 की उपधारा 2 के खंड (ङ) के साथ पठित धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और आरंभ—(1) इन नियमों का संक्षिप्त नाम ऋण वसूली अधिकरण (अधिकरण के पीठासीन अधिकारी के रूप में नियुक्ति की प्रक्रिया) नियम, 1998 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से बैंकों और वित्तीय संस्थानों को शोध्य ऋण वसूली अधिनियम, 1993 (1993 का 51) अभिप्रेत है,

(ख) "अधिकरण" से अधिनियम की धारा 3(1) के अधीन स्थापित ऋण वसूली अधिकरण अभिप्रेत है,