THE NATIONAL HIGHWAYS TRIBUNAL (PROCEDURE FOR APPOINTMENT AS PRESIDING OFFICER OF THE TRIBUNAL) RULES, 2003[1]

Whereas the draft of National Highways Tribunal (Procedure for Appointment as Presiding Officer of the Tribunal) Rules, 2003, was published as required by sub-section (1) of section 50 of the Control of the National Highways (Land and Traffic) Act, 2002 (13 of 2003) in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 8th August, 2003 with the notification of Government of India in the Ministry of Road Transport and Highways, number G.S.R. 645 (E), dated the 8 August, 2003, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which the copies of said notification, as published in Gazette of India, are made available to the public;

And, whereas, copies of the said notification were made available to the public on the 8th August, 2003;

And, whereas no objections or suggestions had been received from any person with respect to such draft rules within the time period specified in the said notification;

Now therefore in exercise of the powers conferred by sub-section (1) of section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the National Highways Tribunal (Procedure for appointment as Presiding Officer of the Tribunal) Rules, 2003.

(2) They shall come into force on the date on which the Act comes into force.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003);

(b) "Tribunal" means the National Highways Tribunal established under sub-section (1) of section 5 of the Act;

(c) "Presiding Officer" means a person appointed as Presiding Officer of the Tribunal under sub-section (1) of section 6 of the Act;

(2) 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 of Presiding Officer.—(1) For the purpose of appointment to the post of a Presiding Officer, there shall be a Selection Committee consisting of—

(i) a Judge of the Supreme Court of India as nominated by the Chief Justice of India..... Chairman;

(ii) the Secretary to the Government of India in the Ministry of Road Transport and Highways..... Member;

(iii) the Secretary to the Government of India in the Ministry of Law and Justice (Department of Legal Affairs)..... Member.

(2) The Judge of the Supreme Court shall be the Chairman of the Selection Committee.

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

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

1. *Vide* G.S.R. 883 (E), dated 12th November, 2003, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 12th November, 2003.

(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 Road Transport and Highways after inviting applications therefor.

(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 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. Direction of the Central Government.—If any question arises relating to the implementation of these rules the same shall be referred to the Central Government for its decision and the decision of the Central Government shall be implemented.

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 sub-section (1) of section 6 shall, before entering upon his office, make and subscribe an oath of office and secrecy in the Form I and Form II annexed to these rules.

FORM 3

(*See* rule 7)

FORM OF OATH OF OFFICE FOR PRESIDING OFFICER OF THE NATIONAL HIGHWAYS 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."

Date .....
Place .....

Name of the Presiding Officer
National Highways Tribunal

FORM II

(*See* rule 7)

FORM OF OATH OF SECRECY FOR PRESIDING OFFICER OF THE NATIONAL HIGHWAYS 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 National Highways Tribunal except as may be required for the due discharge of my duties as the Presiding Officer."

Date .....
Place .....

Name of the Presiding Officer
National Highways Tribunal