

THE DEBT RECOVERY APPELLATE TRIBUNAL
(PROCEDURE FOR APPOINTMENT AS CHAIRPERSON OF THE
APPELLATE TRIBUNAL) RULES, 1998¹

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 Debt Recovery Appellate Tribunal (Procedure for Appointment as ²[Chairperson] of the Appellate Tribunal) Rules, 1998.
- (2) They shall come into force from 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) ²[“Chairperson”] means a person appointed as ²[“Chairperson”] 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 (Chairperson), 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;

¹ Vide G.S.R. 31(E), dated 19th January, 1998, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 19th January, 1998.

² Substituted by G.S.R. 645(E), dated 2nd August 2000 (W.E.F. 2.8.2000)

(iv) The Governor of the Reserve Bank or the Deputy Governor of the Reserve Bank nominated by the Governor of the Reserve Bank;
¹[(v) Secretary or Additional Secretary to the Government of India in the Ministry of Finance, Department of Financial Services.]

(2) The Chief Justice of India or 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.

²[(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.)

(6) The Central Government shall on the basis of the recommendations of the Selection Committee make a list of persons selected for appointment as ²[Chairperson] and the said list shall be valid for a period of two years. The appointment of a ²[Chairperson] shall be made from the list so prepared.

4. Medical fitness. - No person shall be appointed as a ²[Chairperson] 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.

¹ Subs by G.S.R. 224(E), dated 18th March 2011, for clause (v) (w.e.f. 18-3-2011). Earlier clause (v) was substituted by G.S.R. 103 (E), dated 25th February, 2005. Clause (v), before substitution by G.S.R. 224(E), stood as under:

“(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.

² Subs. by G.S.R. 645(E), dated 2nd August, 2000 (w.e.f. 2-8-2000).

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 ¹[Chairperson] 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.

ANNEXURE

Form I

(See rule7)

Form of oath of office for ¹["Chairperson"] of the Debt Recovery Appellate Tribunal

“I,(Name of the ¹[Chairperson]), having been appointed as ¹["Chairperson"] do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as ¹["Chairperson"] to the best of my ability, knowledge and judgement, without fear or favour, affection or ill will.”

NAME OF THE ¹[CHAIRPERSON]
DEBTS RECOVERY APPELLATE TRIBUNAL

¹ Substituted for “Presiding Officer” by G.S.R.645(E), dated 2nd August 2000 (W.E.F. 2.8.2000)

Form-II

(See rule 7)

Form of oath of secrecy for ¹[Chairperson] of the Debt Recovery Appellate Tribunal

“I,.....(Name of the ¹[Chairperson]), having been appointed as ¹[Chairperson] 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 Chairperson of said Debts Recovery Appellate Tribunal except as may be required for the due discharge of my duties as the ¹[Chairperson]

NAME OF THE ¹[CHAIRPERSON]
DEBT RECOVERY APPELLATE TRIBUNAL

¹ Substituted for “Presiding Officer” by G.S.R.645(E), dated 2nd August 2000 (W.E.F. 2.8.2000)