

The Rajasthan Land Revenue (Qualifications and Conditions of Service of Chairman & Members of the Board) Rules, 1971

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REVENUE-QUALIFICATIONS-AND-CONDITIO of 1971

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The Rajasthan Land Revenue (Qualifications and Conditions of Service of Chairman & Members of the Board) Rules, 1971Published G.S.R. 21, dated 5-5-1971; published in Rajasthan Gazette Extraordinary Part 4(Ga)(1), dated 6-5-71, p. 79In exercise of the powers conferred by sub-section (4) of section 4, read with clause (i) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) the State Government hereby makes the following rules prescribing the qualifications of persons for appointment as, and conditions of service of Chairman and Members of the Board of Revenue for Rajasthan, namely-

Chapter I

1. Short title and commencement.

(1)These rules may be called the Rajasthan Land Revenue (Qualifications and Conditions of Service of Chairman and Members of the Board) Rules, 1971.(2)They shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant to the subject or context-(a)"Act" means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956);(b)"Board" means the Board of Revenue for Rajasthan established under sub-section (1) of section 4 of the Act;(c)"Chairman"

means the Chairman of the Board;(d)"Government", "Governor" and "State" respectively means the Government, the Governor and the State of Rajasthan: and(e)"Member" means a member of the Board.

3. Qualifications for appointment and Chairman.

- A person shall not be qualified for appointment as Chairman of the Board unless he is a member of the Indian Administrative Service borne on the Rajasthan cadre and has served in Rajasthan for at least twelve years.

4. Qualifications for appointment as member.

- A person shall not be qualified for appointment as a member of the Board unless he is-(a)a member of the Indian Administrative Service borne on the Rajasthan Cadre and has served for at least twelve years in Rajasthan; [x x x] [Deleted by No. F. 6(Ga) Revenue/Gr. 4/74, G.S.R. 265(3), Dated 26-12-1974; published in Rajasthan Gazette Extraordinary Dated 2-1-75, p. 554.] or(aa)[a member of the Indian Administrative Service in the selection grade borne on the Rajasthan Cadre and has completed at least 2 years in selection grade at the time of consideration by the committee referred to in sub-rule (2) of rule 6: [Inserted by G.S.R. 40, Dated 8-6-1994; published in Rajasthan Gazette Extraordinary Part 4(Ga)(I), Dated 14-6-94, p. 47(1).]Provided that the Government shall have the right to relax the period of two years in selection grade in Indian Administrative Service if suitable candidates are not available, or"](b)a member of the Rajasthan Higher Judicial Service and is qualified for appointment as a Judge of a High Court: or(c)an advocate qualified for appointment as a Judge of a High Court.

5. Appointment of Chairman and member from the Indian Administrative Service.

- The Chairman and the members of the Board from the Indian Administrative Service [except as provided in rule 5-A] [Inserted by G.S.R. 40, Dated 8-6-1994; published in Rajasthan Gazette Extraordinary Part 4(Ga)(I), Dated 14-6-94, p. 47(1).] shall be appointed by the Government in accordance with the rules applicable to the members of the service from amongst officers fulfilling the qualifications prescribed in rule 3 and clause (a) of rule 4.

5A. [Appointment of members from selection grade of the Indian Administrative Service. [Inserted by G.S.R. 40, Dated 8-6-1994; published in Rajasthan Gazette Extraordinary Part 4(Ga)(I), Dated 14-6-94, p. 47(1).]

- The Board shall have four members fulfilling the qualifications prescribed in clause (aa) of rule 4 who shall be appointed by the Government on the recommendations of a committee referred to in rule 6(2).]

5B. [Appointment of members from super time scale of Rajasthan Administrative Service. [Inserted vide Notification No. F.6(48) Revenue/6 2001/54 dated 22-9-2001 Published in Gazette Extraordinary Part 4(ga)(i) dated 27.9.2001.]

- The Board shall have [eleven member] fulfilling the qualifications prescribed in clause (d) of Rule 4 who shall be appointed by the Government on the recommendations of a committee consisting of the following-

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| (a) Chief Secretary to the Government | Chairman |
| (b) Chairman, Board of Revenue | Member |
| (c) Secretary to the Government in Department of Personnel | Member |
| (d) Secretary to the Government in Revenue Department | Member-Secretary] |

6. Appointment of member from the Rajasthan Higher Judicial Service and Advocates.

(1)The Board shall have [four] [Substituted by G.S.R. 168, Dated 2-1-1984; published in Rajasthan Gazette Part 4(Ga)(I), Dated 19-1-84, p. 804.] members fulfilling the qualifications prescribed in clause (b) or (c) of rule 4, of whom at least, [two] [G.S.R. 168, Dated 2-1-1984; published in Rajasthan Gazette Part 4(Ga)(I), Dated 19-1-84, p. 804.] shall be from the Rajasthan Higher Judicial Service.(2)The [four] [Substituted by G.S.R. 168, Dated 2-1-1984; published in Rajasthan Gazette Part 4(Ga)(I), Dated 19-1-84, p. 804.] members referred to in sub-rule (1) above shall be appointed by the Government on the recommendations of a Committee consisting of-(a)the Chief Justice of the High Court of Judicature of Rajasthan:(b)The Chairman of the Rajasthan Public Service Commission:(c)the Chief Secretary to the Government: and(d)the Chairman of the Board:(e)[Secretary to the Government in Revenue Department.] [Substituted by No. F. 6(Ga) Revenue/Gr. 4/74, G.S.R. 265(3), Dated 26-12-1974; published in Rajasthan Gazette Extraordinary Dated 2-1-75, p. 554.](3)The Chief Justice shall be the Chairman of the Committee and shall preside over its meetings.(4)The Secretary to the Government in the Revenue Department shall be the Secretary of the Committee.(5)In making selection from amongst the Advocates fulfilling the qualifications prescribed in clause (c) of rule 4, the Committee shall have regard to the candidate's-(a)knowledge of revenue laws and revenue Administration of the State; and(b)experience in conducting revenue cases before judicial and revenue courts of the State:(c)the method of selection of a member under this rule for making recommendation to the Government shall be determined by the Committee.

7. Conditions of Service of Chairman and members appointed from the Indian Administrative Service.

- The terms and conditions of service of the Chairman and members of the Board appointed from the Indian Administrative Service shall be regulated by the rules applicable to the members of that service.

8. Conditions of Service of members appointed from the Rajasthan Higher Judicial Service.

- Except as hereinafter provided in the rules, the terms and conditions of members appointed from the Rajasthan Higher Judicial Service, shall be regulated by the rules applicable to the members of that service.

9. Conditions of service of member appointed from the Advocates.

- The term and conditions of a member appointed from the amongst the persons fulfilling the qualifications prescribed in clause (c) of rule 4 shall be as specified in chapter II of the rules.

10. Order of precedence.

(1)The Chairman shall have rank and precedence over the other members of the Board.(2)The other members of the Board shall have rank and precedence amongst themselves according to the date of their appointment as member of the Board or to post carrying equivalent pay scales.

11. Temporary vacancy of Chairman.

- If the office of the Chairman becomes vacant or if the Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall until some person appointed under rule 3 to the vacant office has entered on the duties thereof or as the case may be, until the Chairman has resumed his duties, be performed by the senior most I.A.S. member.[11A. Temporary vacancy of Members. - Notwithstanding anything contained in rule 6, temporary vacancy of a member required to be filled under that rule may be filled by the Government by appointment of member of the Indian Administrative Service fulfilling the qualifications prescribed in clause (a) of Rule 4.] [Inserted by G.S.R. 77, Dated 30-10-1975; published in Rajasthan Gazette Part IV(Ga)(I), Dated 31-10-75, p. 412(23).][Chapter I-A] [Inserted by G.S.R. 40, Dated 8-6-1994; published in Rajasthan Gazette Extraordinary Part 4(Ga)(I), Dated 14-6-94, p. 47(1).] Conditions of service of members appointed from the selection grade of the Indian Administrative Service

11B. Oath.

- Every person appointed as member of the Board shall be required to take an oath or make a solemn affirmation as per rule 12.

11C. Emoluments.

(1)The member shall draw salary and allowances as admissible to a Super Time Scale Officer of the Indian Administrative Service. He shall be fixed at the minimum of the Super Time Scale of the Indian Administrative Service:Provided that if a person, who immediately before the date of assuming office as a member was in receipt of or being eligible so to do, has elected to draw a

pension in respect of any previous services, his salary as member shall be reduced by the amount of original pension including any portion of the pension which may have been commuted.(2)The annual increment, dearness allowance, city compensatory allowance etc. admissible to a member appointed under rule 5-A shall be the same as is admissible to a member appointed from the Super Time Scale of Indian Administrative Service.

11D. Pension.

- A member who at the time of his appointment as such, was in the service of Government, shall, at his option to be exercised within a period of six months from the date of his appointment. be entitled to draw a pension under the rules applicable to the service to which he belonged w.e.f. the date of his appointment as member:Provided that, in such an event, his pay as member shall be reduced by an amount equivalent to the original pension (including any portion of the pension which may have been commuted) and he shall be entitled to draw his pension separately.(2)A member who at the time of his appointment as such, was in the service of Government, if he does not exercise the option mentioned in sub-rule (1), shall count his service as member for pension under the rules applicable to the service to which he belonged immediately before such appointment. For the purpose of calculating the pension the pay of such a member shall not, be taken at less than the pay of his immediate junior in the service to which he belonged:Provided that the maximum pension payable to him shall not exceed the pension which he would have received if he had not been appointed as a member and had in the normal course superannuated from the services to which he belonged.

11E. Term of office.

(1)A member of the Board appointed under Rule 5-A shall hold office until he attains the age of 59 years:Provided that such member may be given an extension of one year if his performance is found satisfactory.(2)A member appointed under rule 5-A-(a)may resign from his office:(b)may be removed from his office by the Government if he-(i)is adjudged an insolvent:(ii)engages himself during his term of office in any Board employment outside the duties of his office:(iii)is in the opinion of the Government unfit to continue in office by reason of infirmity of mind or body: or(iv)is in the opinion of the Government guilty of misbehaviour or misconduct:Provided no such removal shall be made without affording an opportunity of hearing to the concerned member.

11F. Retirement from parent service on appointment as member.

(1)A member who, on the date of his appointment to the Board was in the service of State Government, shall be deemed to have retired from such service with effect from the date he takes over as member of the Board.(2)On such retirement the member shall be entitled to receive pension and other retirement benefits in accordance with the rules applicable to him.

11G. Leave.

- A member appointed under rule 5-A may be granted leave as contained in Rule 15.

11H. Travelling allowance, medical allowance and other conditions of service.

- Travelling allowance, medical allowance and other conditions of service applicable to a member appointed under Rule 5-A shall be the same as is applicable to a member appointed from the super time scale of Indian Administrative Service.

Chapter II

Conditions of service of Members appointed from the Rajasthan Higher Judicial Service and Advocates

12. Oath.

- Every person appointed as member of the Board shall be required to take an oath or make a solemn affirmation that he will bear true facts and allegiance to the Constitution of India as by law established and that he will uphold the sovereignty and integrity of India and that, he will duly and faithfully discharge, the duties of his office except in the case of an officer appointed from the Indian Administrative Service or the Rajasthan Higher Judicial Service who has already taken such an oath or made such an affirmation.

13. Pay.

(1)The pay of a member of the Board appointed under rule 6 shall be fixed at the minimum of the pay scale admissible to a member appointed from the Indian Administrative Service; it however, he was already drawing a pay equivalent to or higher than the minimum of that pay scale prior to his appointment as a member of the Board, than his pay shall be fixed at the next higher stage.(2)[The Dearness Allowance admissible to a member appointed from the Rajasthan Higher Judicial Service and from Advocates shall be the same as is admissible to a member appointed form the Indian Administrative Service.] [Added by G.S.R. 42, Dated 10-8-1984; published in Rajasthan Gazette Part 4(Ga)(I), Dated 6-9-84, p. 249.]

14. Term of office.

- [(1) (a) A member of the Board appointed under rule 6 from amongst advocates shall hold office until he attains the age of [60] [Substituted by G.S.R. 215, Dated 28-12-1992; published in Rajasthan Gazette Part 4(Ga)(I), Dated 11-2-93, p. 480.] years.(b)A member of the Board appointed under rule 6 from the Rajasthan Higher Judicial Service shall hold office till he continues to be a member of that service.](2)A member appointed from the Rajasthan Higher Judicial Service shall, however,

continue to be a member of that service and retain suspended lien therein till the date of his superannuation in that service.(3)A member appointed from the Advocates or a member appointed from the Rajasthan Higher Judicial Service after he has attained the age of superannuation in that service.(a)may, by writing under his hand address to the Governor, resign his office;(b)may be removed from his office by the Governor if he-(i)is adjudged an insolvent;(ii)engages during his term of office in any paid employment outside the duties of his office;(iii)is in the opinion of the Government, unfit to continue in office by reason of infirmity of mind or body: or(iv)is in the opinion of the Governor, guilty or misbehaviour.

15. Leave.

- A member appointed from the advocates or a member appointed from the Rajasthan Higher Judicial Service after he has attained the age of superannuation in that service may be granted leave as follows-(a)Leave on leave salary equivalent to full pay upto on eleventh of the period spent on duty, subject to a maximum of four months at any one time:(b)Leave on medical certificate on leave salary equivalent to half pay, subject to a maximum of three months at any one time:(c)Extraordinary leave without pay and allowances, subject to a maximum of three months at any one time.

16. Pension.

(1)Subject to the provisions of these rules, pension shall be payable to a member appointed from the advocates if he has completed not less than three years of service qualifying for pension.(2)No pension shall be payable to such member on his removal from office, but in case he has completed three years of service and resigns from his office and such resignation is accepted by the Governor, the pension admissible under these rules, shall be payable to him:Provided that in the case of member who is in receipt of a pension or benefit of contributory provident fund from any State Government or Government of India, the amount of such pension, including pension equivalent of death-cum-retirement gratuity and pension equivalent of the Government contribution to the provident fund, shall be deducted from the pension payable to him.(3)Pension under these rules shall be payable to such member for life as follows-(a)if he has completed six years of service, [Rs. 6000/-] [Substituted by G.S.R. 77, Dated 22-11-1997; published in Rajasthan Gazette Extraordinary Part 4(Ga)(I), Dated 22-11-97, p. 137(1).] per annum;(b)if he has completed three years, four years or five years of service 3/6th, 4/6th, 5/6th respective of the full pension which would be payable to him in accordance with clause (a) above.Explanation. - "Service qualifying for pension" includes-(i)actual service;(ii)each period of leave on leave salary equivalent to full pay:(iii)each period of leave on medical certificate on leave salary equivalent of half pay subject to the total of such periods of leave not exceeding 20 days per year of completed service.

17. Travelling Allowance Rules, Medical Attendance Rules and other Conditions of Service.

- A member appointed from the advocates or a member appointed from the Rajasthan Higher

Judicial Service after he has attained the age of superannuation shall be entitled to the benefits and shall be subject to the conditions of service prescribed by the following rules as amended from time to time-(1)Rajasthan Higher Judicial Service Rules.(2)Rajasthan Service Rules, 1951 (Vol. 1 Part A & Part B and Vol. II).(3)Rajasthan Travelling Allowance Rules.(4)Rules for grant of House Rent Allowance to Government Servants.(5)Rules for grant of the Compensatory (City) Allowance to Government Servants.(6)Rajasthan Civil Services (Medical Attendance) Rules, 1970.(7)Rajasthan Civil Services (Classification, Control and Appeal) Rules. 1958.(8)Rajasthan Civil Services (Determination and Recovery of Rent of Residential Accommodation) Rules, 1958.(9)Rajasthan Civil Services (Allotment of Residential Accommodation) Rules.(10)Rajasthan Civil Services (Safeguarding of National Security) Rules, 1954.(11)Any other rules prescribing general conditions of Services made by the Government under Article 309 of the Constitution of India and for the time being in force.

18. Restrictions on practice after being a member.

- No person who has held office as a member of the Board shall plead or act in the Board or any Revenue Court subordinate thereto.

19. Interpretation.

- If any question arises regarding interpretation of the above rules, the decision of the Governor thereon shall be final.