

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

F. 6(56) Revenue B/69

Dated:05/05/1971

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

Notification

In 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 as 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; 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 and have completed 54 years of age of 1st January of the year in which appointment is made.
- (d) a member from super time scale of Rajasthan Administrative Service and have completed 54 years of age and 20 years of service of Rajasthan Administrative Service.

5. Appointment of Chairman and member from the Indian Administrative Service. - The Chairman and the members of the Board from the Indian Administrative Service shall be appointed by the Government in accordance with the rules applicable to the members of that service from amongst officers fulfilling the qualifications prescribed in rule 3 and clause (a) of rule 4.

5A. Repealed by Notification dated 25.09.2001

5B. Appointment of members from super time scale of Rajasthan Administrative Service. - The Board shall have eleven members 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 members fulfilling the qualifications prescribed in clause (b) or (c) of rule 4, of whom at least, two shall be from the Rajasthan Higher Judicial Service.

(2) The four 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 of Revenue Department.

(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 member of that service.

7(a). Except as hereafter provided in these rules, the terms and conditions of the members appointed from the Rajasthan Administrative Service shall be regulated by the rules applicable to the member of the 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.

CHAPTER II

Conditions of service of Members appointed from the Rajasthan Higher Judicial Service or Rajasthan Administrative 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 or Rajasthan Administrative 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; if 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, he shall continue to draw his pay in such higher pay scale:

Provided that from the basic pay of RHJS ordinary scale Rs. 8900/- may be reduced and treated as grade pay and the balance of basic pay may be treated as pay in the RPB 37400-67000/-. The next date of increment shall remain unchanged.

Provided further that from the basic pay of RHJS selection grade pay 10,000/- may be reduced as treated as grade pay and the balance of basic pay in the RPB 37400-67000/-. The next date of increment shall remain unchanged.

(1-A). – The pay of a member of the Board appointed under rule 5-B shall be fixed at the minimum of the pay scale admissible to a member appointed from the Indian Administrative Service. If 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, then 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, Rajasthan Administrative Service and from Advocates shall be the same as is admissible to a member appointed from the Indian Administrative Service.

14. Term of office. - (1) The Chairman or a member of the Board appointed under rule 5 from the Indian Administrative Service shall hold office till he attains the age of 60 years subject to the further re-employment for two years by the Government on the recommendation of the committee constituted under Rule 5-B.

(1A) A member of the Board appointed under rule 6 from Rajasthan Higher Judicial Service shall hold office till he continues to be a member.

(1B) A member of the Board appointed under rule 5-B from the Rajasthan Administrative Service shall hold office till he attains the age of 60 years subject to further extension for two years by the Government on the recommendation of the committee constituted under Rule 5-B.

(1C) A member of the Board appointed under rule 6 from the Advocates shall hold office for four years or 60 years of age, whichever is earlier, subject to further extension for two years by the Government on the recommendation of the committee constituted under sub-rule (2) of rule 6.

(2) A member appointed from the Rajasthan Higher Judicial Service or from Rajasthan Administrative 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 the Chairman or a member appointed from the Indian Administrative Service who has been re-employed by the Government 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 of 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 one 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 one year 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 one year 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) A member appointed from the Advocates, who retires on or after the date of commencement of the Rajasthan Land Revenue (Qualification and Conditions of Service of Chairman and Members of the Board) (Amendment) Rules, 2010, shall be entitled to payment of pension at the rate of Rupees 30,000 per annum for each completed year of service subject to a maximum of Rs. 1,80,000 per year.

Explanation. - "each completed year of service" 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.

(4) The members appointed from the advocated who had retired or resigned before the date of commencement of The Rajasthan Land Revenue (Qualification and Conditions of Service of Chairman and Members of the Board) (Ammendment) Rules, 2010, shall with effect from September 01,2006 be entitled to draw pension 2.26 times of the pension payable to them under the rules applicable on the date of their retirement or resignation, as the case may be.

(5) The pension of the Chairman and Members, other than the members appointed from the advocates, shall be determined on the basis of the last pay and allowances drawn by them on the post of Chairman or members, as the case may be.

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.