

BOARD OF REVENUE FOR RAJASTHAN

ROLE OF BOARD OF REVENUE REGARDING REVENUE MATTERS

Address of V.Srinivas IAS, Chairman Board of Revenue to IAS probationers of 2016 batch at HCMRIPA Jaipur dated October 24,2017

**Director General HCMRIPA,
Course Director for the IAS (2016) batch,
Distinguished Colleagues**

At the outset, I would thank the Director General of HCMRIPA Jaipur for inviting me to address the IAS probationers of 2016 batch on the subject “*Role of Board of Revenue for Rajasthan Regarding Revenue Matters*”. The Board of Revenue for Rajasthan is amongst the greatest Institutions of democracy of Rajasthan, with a 68-year institutional legacy of excellence and a reputation for upholding justice. It is amongst the oldest Boards of Revenue in India – Uttar Pradesh, Bihar, Madhya Pradesh, Tamil Nadu and West Bengal, all of which were established pre-independence in 1944. It is the largest in terms of number of members and currently handles 65000 revenue cases. The Rajasthan Taxation Tribunal was separated from the Board of Revenue in 1984 and was further upgraded as the Rajasthan Tax Board in 1999.

The Legal Framework:

The Rajasthan Board of Revenue Ordinance,1949 was promulgated under which the Board of Revenue for Rajasthan was constituted. Later on the Ordinance was repealed and the Board of Revenue was created under the Rajasthan Land Revenue Act and governed by Chapter II of the Act of 1956. A separate set of Rules known as the Rajasthan Land Revenue (Qualification and Conditions of Service of Chairman and Members of the Board) Rules 1971 were notified by the State Government to regulate the service conditions of the Chairman and Members of the Board of Revenue.

The Board of Revenue is the Chief Controlling Revenue Authority under all enactments in force. Being the Chief Controlling Revenue Authority, it acts as a limb of the State Government exercising powers vested in it under the various enactments. It is the highest Revenue Court of Appeal, Revision and Reference in Rajasthan having wide powers of general superintendence and control over all subordinate courts. In 1974, the State Government has delegated its Revisional powers in cases of a non-judicial nature, and not connected with Settlement. The

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Land Records work has also been entrusted to the Board which is administrative in nature and a very important responsibility.

The various Sections of the Rajasthan Land Revenue Act, 1956 dealing with the Board of Revenue are the following:

1. **Section 4 – Establishment and Composition of the Board:** The Board of Revenue for Rajasthan consists of a Chairman of the Board and 20 members.
2. **Section 5 – Tenure of the Members:** All members of the Board shall hold office during the pleasure of the Governor
3. **Section 6 – Place of Sitting:** The Board of Revenue shall be at Ajmer but by general or special orders of the State Government, it shall be lawful for the Board to sit at any place within its jurisdiction.
4. **Section 7 – Ministerial Officers:** The Ministerial officers of the Board of Revenue are the Registrar, the Additional Registrar and 3 Deputy Registrars. They exercise such powers and discharge such functions as the Board may direct.
5. **Section 8 – Powers of the Board:** The Board is the highest revenue court of appeal, revision and reference in Rajasthan. The Board of Revenue exercises 3 kinds of powers (a) Appeal, (b) Revision and (c) Reference.

These powers are exercised subject to the provisions of

- a) Rajasthan Land Revenue Act 1956 - Sections 74 to 87 for Appeal, Revision, Reference and Review; Sections 53-55 for transfer and consolidation of cases and Section 261 (1) for making rules under the Act.
- b) Rajasthan Tenancy Act, 1955 – Sections 222 – 228 for Appeals, Section 230-231 for Revision and Section 232 for Reference, Section 233 for Transfer of Cases and Section 258 for making rules thereunder.

It may be further borne in mind that the Board of Revenue is Court under Article 375 of the Indian Constitution and Section 5(35) of the Rajasthan Tenancy Act with full powers to initiate contempt of court proceedings for breach of orders issued by it.

6. **Section 9 – General Superintendence of Subordinate Revenue Courts:** The Board exercises general supervision and control over all Revenue Courts and all such Courts and Officers shall be subordinate to it. There is a similar provision under the Rajasthan V.Srinivas IAS,

Tenancy Act Section 221 – Subordination of Revenue Courts – The General Superintendence and control over all revenue courts shall be vested in and all such courts shall be subordinate to the Board; and subject to superintendence, control and subordination.

7. **Section 10 – Jurisdiction of Board how exercised:** The jurisdiction of the Board is exercised by the Chairman or any other member of the Board sitting singly or by a Bench of the Board, consisting of two or more members. There are two modes to exercise jurisdiction – (i) by Single Bench or , (ii) by Double Bench or More Members. The class of cases to be heard by Single and Division Benches are laid down in the Rajasthan Revenue Courts Manual Rules.

Rule 8 - Single Benches hear and dispose second appeals under Section 76 of the Rajasthan Land Revenue Act, 1956, applications for transfer of cases, revisions, references etc.

Rule 9 - The Division Benches of the Board hear and dispose cases of all decrees and orders coming under the consideration of the Board on appeal except those specified under Rule 8. When a case is heard by a Bench of the Board, the decision of such a case shall be in accordance with the opinion of the Members.

Special Appeal - A party aggrieved by the decision of a Single Member shall have the right to make a special appeal to a bench consisting of 2 or more members of the Board within one month if the member who passed the judgment declares the case as a fit one for appeal. It is only the member who passed the judgment who is competent to grant permission for special appeal and no other member is competent to do so. Special Appeal does not lie against interlocutory order of the Single Bench and decision does not include order of Board passed under revisional jurisdiction.

8. **Section 11 – Power to Refer to a Bench:** The Chairman or any Member sitting singly for the disposal of any case or proceeding may, if he thinks fit, for reasons to be recorded in writing, refer any question of law or custom having the force of law for the opinion of a Bench and the case shall be disposed of in accordance with such opinion. Further case law indicates that powers of this Section have been enlarged to cover a reference made by a Double Bench to a Larger Bench or Full Bench.
9. **Section 12 – Power to refer question to High Court:** If in any case it appears to a Bench that any question as is referred to in Section 11 is of Public Importance and that it is expedient to obtain the opinion of the High Court thereon, the Bench may refer the question to that Court. The High Court may after such hearing, as it thinks fit, may record

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the opinion on the question so referred and the decision of the case shall be in conformity with such opinion.

10. **Section 13 – Decision in case of Difference of Opinion:** Where a case is heard by a Bench of the Board, the decision of such case shall be in accordance with the opinions of the majority of members who hear it. Where the members are divided in opinion as to the order to be made in the case, the case shall be referred to another member and made in accordance with the opinion of the majority of the members including such other members who hear it.
11. **Section 14 – Registers of the Board:** The Board shall cause to be kept and maintained such registers and accounts as may be prescribed or as may be necessary for the transaction of its business. A list of Registers prescribed by the Board under its various sections is prescribed under the Section.

Expectations from IAS Probationers during the District Attachment/ Institutional Training at HCMRIPA:

The District Training and Institutional Training at the HCMRIPA is to prepare IAS Probationers to the challenges of handling their responsibilities as Sub-Divisional Officers. The entire District Training of the IAS probationer is constructed in a manner to make him an officer upholding justice for the poorest of poor litigants within his territorial jurisdiction. Land Reforms is the summum bonum of rural existence, the very essence of economical sustenance of rural India. *The litigant appearing before the Court is the centrality of the entire judicial process.* As torch bearers for land reforms in Rajasthan, IAS probationers should be sensitive and responsive to providing timely justice by regular sittings in courts, file reading and judgment writing on timely basis, regular inspections of field officers, night halts and constructive & cordial interactions with the bar.

IAS probationers are expected to be familiar with the provisions of the Rajasthan Land Revenue Act, 1956 and the Rajasthan Tenancy Act 1955. The District Collectors are mandated to provide exposure through specified attachments with the broader administrative structures of Revenue Administration at District/ Divisional level – Revenue Appellate Authorities, Divisional Commissioners, Sub-Divisional Officers, Tehsildars, Sadar Qanungos, Inspectors of Land Records and Patwaris. Night halts in villages, Tehsils, Sub-Divisional Headquarters are mandatory part of an IAS probationer's training period, and it is expected that these responsibilities are discharged with due diligence and commitment. With these words, let me wish you all success in your challenging policy endeavors.

Jai Hind.

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