

GUJARAT REVENUE TRIBUNAL RULES, 1982

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GUJARAT REVENUE TRIBUNAL RULES, 1982

WHEREAS draft of a notification undersub-section (1) of section 20 of the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958) was published as required by sub-section (3) of the said section 20, on pages 264-I to 264-4 of the Gujarat Government Gazette, Extra-Ordinary, Part-IV-B, dated 20th December 1982 under the Government Notification, Revenue Department No. GHM-82-300-GRT-1082-121132-Z, dated 20th December (mis-printed as "October") 1982 inviting objections and suggestions from all persons likely to be affected thereby, so as to reach Government by 25th January, 1983. AND WHEREAS objections and suggestions received from the public in respect of the said draft notification dated 20th December, 1982 have been considered by Government. Now, therefore, in exercise of the powers conferred by the said section 20 of the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958) and in supersession of the Bombay Revenue Tribunal Rules, 1958 framed under Government Notification No. BRT-2258-53386-R, dated 27th May 1958, the Government of Gujarat hereby makes the following rules, namely:-

1. RULE :-

These Rules may be called the Gujarat Revenue Tribunal Rules, 1982.

2. Definitions :-

In these rules, unless the context requires otherwise-

- (a) "Act" means the Bombay Revenue Tribunal Act, 1957.

(b) "equivalent office" means, in relation to an office specified in any rule, such other office as is, in the opinion of the State Government equal in rank to the office so specified;

(c) "member" means a member of the Tribunal.

3. Qualification of President and members of Tribunal :-

(1) The President shall be a person who has not attained the age of 65 years, and

(i) Who is or has been a Judge of a High Court, or

(ii) Who is an advocate qualified to be a Judge of a High Court, or

(iii) Who has, for a period of not less than three years, held the office, or as the case may be, exercised the powers of-

(a) The Secretary to the Government of Gujarat;

(b) The Principal Judge of the City Civil Court, Ahmedabad;

(c) A District Judge;

(d) The Chief Judge Small Cause Court, Ahmedabad;

(e) A member of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946;

(f) A member of the Industrial Tribunal constituted under the Industrial Disputes Act, 1947; or

(g) A member of the Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957.

(2) A member shall be a person who has not attained the age of 65 years and-

(a) Who is holding or has held an office not lower in rank than that of-

(i) A Collector;

(ii) A Deputy Secretary to the Government of Gujarat;

(iii) A District Judge;

(iv) An Assistant Judge, or a Civil Judge (Senior Division) appointed under the Bombay Civil Courts Act, 1869, or a Civil Judge holding an equivalent office under any other law for the time being in

force; or

(b) Who is an advocate or attorney of the High Court, or a legal practitioner entitled to practise before courts other than the High Court under any law relating to legal practitioners for the time being in force in this State, has practised for not less than five years in any Civil Courts or before the Tribunal, and is, in the opinion of the State Government, well versed in revenue and tenancy laws.

4. Period of office and terms and conditions of service of President and members of Tribunal :-

(1) The President and the non-official members shall hold office for such period not exceeding three years at a time as may be specified by the State Government or until he attains the age of 65 years, whichever event occurs earlier,

(2) A person who has held office as a President or a member for the period mentioned in sub-rule (1) shall be eligible for re-appointment, unless he has attained the age of 65 years.

(3) The President or any non-official member may at any time resign his office.

(4) Notwithstanding anything contained in sub-rule (1), the State Government may, in its discretion, terminate at any time the appointment of the President or the non-official member, if, in its opinion, such President or member, is unable or unfit to continue to perform the duties of his office.

5. Qualification of Registrar and Deputy Registrar :-

(1) The Registrar shall be an officer not below the rank of an Assistant or a Deputy Collector, or not below the rank of a holder of an equivalent office :

Provided that the State Government may appoint an officer not below the rank of a Mamlatdar or not below the rank of holder of an equivalent office, to act as Registrar for such period as it may consider necessary.

(2) The Deputy Registrar shall be an officer not below the rank of a Mamlatdar or not below the rank of a holder of an equivalent office.

6. Notice about Tribunals sitting outside its Headquarters :-

Sufficient notice about the sitting of the Tribunal outside its

Headquarters shall be given by publication on the notice board of the Tribunal and in such other manner as may be laid down in the regulations made by the President under section 14 of the Act.

7. Notice of date of hearing :-

The Registrar or the Deputy Registrar shall arrange for the sittings of the Tribunal for hearing the appeals and applications for revision and publish the dates fixed for the hearing thereof on the notice board of the Tribunal sufficiently in advance.