



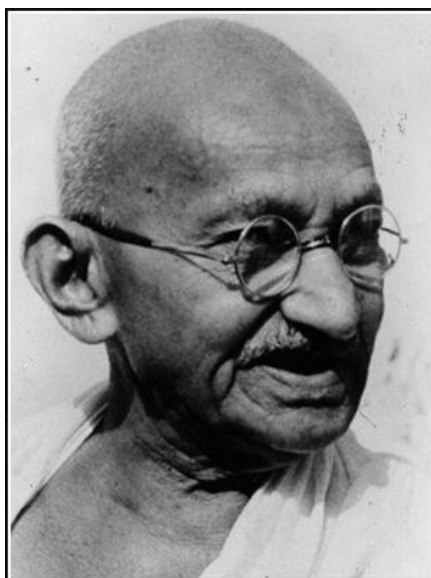
Rajasthan High Court



ANNUAL REPORT 2022

FOREWORD BY

HON'BLE SHRI MANINDRA MOHAN SHRIVATAVA
CHIEF JUSTICE



There is a higher court than courts
of justice and that is the court of
conscience. It supercedes all other
courts.

— *Mahatma Gandhi* —

The Constitution of India

Preamble

We THE PEOPLE OF INDIA, having solemnly
resolved to constitute India into a SOVEREIGN
SOCIALIST SECULAR DEMOCRATIC
REPUBLIC and to secure to all its citizens:
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief,
faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all;
FRATERNITY assuring the dignity of the
individual and the unity and integrity of the
Nation;
IN OUR CONSTITUENT ASSEMBLY this
twenty-sixth day of November, 1949, do
HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION.

Manindra Mohan Shrivastava
Chief Justice



Rajasthan High Court
Jodhpur : 0291-2888001
Jaipur : 0141-2227130

FOREWORD

I feel honoured to pen this Foreword on the publication of Annual Report, 2022 of the Rajasthan High Court.

This Annual Report encompasses infrastructural, administrative and judicial achievements of the High Court besides its activities and events during the said year. It also focuses on landmark decisions of public importance, functioning of Grievance Redressal Mechanism, working of State and District Legal Services Authorities, ADR Mechanism, Lok Adalats etc. The year also witnessed elevation of two Judges to the Rajasthan High Court which helped reducing the pendency of cases in High Court.

I am sure that this publication will prove its worth and all the stakeholders of Justice Delivery System will be immensely benefited by it.

I earnestly wish a grand success of this publication.

(MANINDRA MOHAN SHRIVASTAVA)

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A-1, Gandhi Nagar, Jaipur - 302 015 ☎ : 2706336, Fax : 2710459

**LIST OF SITTING HON'BLE JUDGES IN
RAJASTHAN HIGH COURT AS ON 31.12.2022**

S. No.	NAME OF HON'BLE JUDGES
01.	HON'BLE MR. JUSTICE PANKAJ MITHAL, CHIEF JUSTICE
02.	HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
03.	HON'BLE MR. JUSTICE SANDEEP MEHTA
04.	HON'BLE MR. JUSTICE VIJAY BISHNOI
05.	HON'BLE MR. JUSTICE ARUN BHANSALI
06.	HON'BLE MR. JUSTICE PANKAJ BHANDARI
07.	HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
08.	HON'BLE MR. JUSTICE DINESH MEHTA
09.	HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
10.	HON'BLE MR. JUSTICE BIRENDRA KUMAR
11.	HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
12.	HON'BLE MR. JUSTICE MANOJ KUMAR GARG
13.	HON'BLE MR. JUSTICE INDERJEET SINGH
14.	HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA
15.	HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
16.	HON'BLE MR. JUSTICE CHANDRA KUMAR SONGARA
17.	HON'BLE MR. JUSTICE FARJAND ALI
18.	HON'BLE MR. JUSTICE SUDESH BANSAL
19.	HON'BLE MR. JUSTICE ANOOP KUMAR DHAND
20.	HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

S. No.	NAME OF HON'BLE JUDGES
21.	HON'BLE MR. JUSTICE MADAN GOPAL VYAS
22.	HON'BLE MR. JUSTICE UMA SHANKER VYAS
23.	HON'BLE MS. JUSTICE REKHA BORANA
24.	HON'BLE MR. JUSTICE SAMEER JAIN
25.	HON'BLE MR. JUSTICE KULDEEP MATHUR
26.	HON'BLE SMT. JUSTICE SHUBHA MEHTA

LIST OF JUDICIAL OFFICERS POSTED IN REGISTRY
(As on 31.12.2022)

(I) – RAJASTHAN HIGH COURT, JODHPUR		
1.	CHANDRA PRAKASH SHRIMALI	REGISTRAR GENERAL
2.	BRAJENDRA KUMAR	REGISTRAR-CUM-PRINCIPAL SECRETARY TO HON'BLE C.J.
3.	BHAWANI SHANKER PANDIYA	REGISTRAR (ADMN.)
4.	DINESH KUMAR NAGORI	REGISTRAR (RULES)
5.	OMPRAKASH	REGISTRAR (CLASSIFICATION)
6.	AJITABH ACHARYA	O.S.D., (F & I), JODHPUR
7.	PRAVENDRA PAL SINGH	ADDITIONAL REGISTRAR (EXAMINATION)
8.	SHARAD TANWAR	REGISTRAR (JUDICIAL)
9.	MUKESH PARNAMI	O.S.D., RHC, JODHPUR
10.	MANISH KUMAR AGARWAL	O.S.D., RHC, JODHPUR

(II) – RAJASTHAN HIGH COURT BENCH, JAIPUR		
1.	AJAY SINGH	REGISTRAR (VIGILANCE)
2.	SURESH CHAND BANSAL	REGISTRAR (ADMINISTRATION)
3.	ANIL KAUSHIK	REGISTRAR (WRITS)
4.	SHIV KUMAR-II	REGISTRAR (CLASSIFICATION-I)
5.	JAGAT SINGH PANWAR	REGISTRAR (CLASSIFICATION-II)
6.	BAL KRISHAN GOYAL	REGISTRAR CUM C.P.C.
7.	MANOJ KUMAR SONI	REGISTRAR (JUDICIAL)
8.	KULDEEP RAO	O. S. D.
AT NEW DELHI		
1.	SHAKTI SINGH SHEKHAWAT	REGISTRAR H.Q. AT NEW DELHI.

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1. INTRODUCTION, BRIEF HISTORY AND BACKGROUND

Historical Perspective



A cluster of Princely States with an oasis known as Ajmer-Merwara, a British India Territory, was given geographical expression as Rajputana.

These twenty one Rajputana States before 20th Century A.D. were dynastic of which the Rulers also known as Princes were the fountain head of all Executive, Legislative and Judicial Authority in the States. In every State there were Jagirdars. In some States they were known as Kotri Thikanas. People had no role in administration in these States and there were no democratic institutions.

People desperately awaited liberation from feudal clutches and their emancipation. As soon as the country got freedom from British Imperialism, the rule of Princely States became a history. The dynamic Home Minister of India Sardar Vallabh Bhai Patel started the process of integration of the States to form bigger units and in the process the State of Rajputana evolved in March 1948.

A greater Rajasthan was formed when Jaipur, Jodhpur, Bikaner and Jaisalmer also joined the United States of Rajasthan. The Ex-Ruler of Udaipur was made Maharaj Pramukh with Sawai Man Singh of Jaipur as Raj Pramukh. This new State of Rajasthan was inaugurated by Sardar Vallabh Bhai Patel on 30.03.1949 and came into existence on 07.04.1949. Despite the constitution of the State of Rajasthan, the High Court was not formally established. The existing arrangements in these newly joined States continued.

The process of integration of all States was completed only when Matsya Union also merged on 15.05.1949. The First High Court of Rajasthan was inaugurated by H.H. Maharaja Sawai Man Singh Ji of Jaipur at Jodhpur on 29.08.1949.



Hon'ble Chief Justice Kamala Kant Verma and 11 other Judges were administered the oath of office by Maharaja Sawai Man Singh of Jaipur at Jodhpur High Court premises on 29.08.1949. These 11 Judges represented most of the Princely States, except Hon'ble Chief Justice Kamala Kant Verma, who came from the High Court of Allahabad. Hon'ble Mr. Justice Naval Kishore and Hon'ble Mr. Justice Amer Singh of Jasol from Jodhpur, Hon'ble Mr. Justice K.L. Bapna, Hon'ble Mr. Justice Ibrahim from Jaipur, Hon'ble Mr. Justice J.S. Ranawat and Hon'ble Mr. Justice Shardul Singh Mehta from Udaipur, Hon'ble Mr. Justice D.S. Dave from Bundi, Hon'ble Mr. Justice Tirlochan Dutt from Bikaner, Hon'ble Mr. Justice Anand Narain Kaul from Alwar, Hon'ble Mr. Justice K.K. Sharma from Bharatpur, Hon'ble Mr. Justice Khem Chand Gupta from Kota were the first Hon'ble Judges of the High Court. The Principal Seat of High Court was kept at Jodhpur and the Benches at Kota, Jaipur and Udaipur.



The Constitution of India came into force on 26.01.1950, in which the State of Rajasthan was given the status of 'B' Class State. The strength of the High Court Judges also reduced. Hon'ble Chief Justice Verma could not be continued and had to lay down his office as he had completed the age of 60 years. On the vacancies caused by retirement of Hon'ble Mr. Justice Naval Kishore and Justice Ibrahim, two eminent lawyers viz. Sh. Indra Nath Modi from Jodhpur and Shri D.M. Bhandari from Jaipur were elevated to the Bench.



In 1956, State Re-organization Act was passed. On the recommendation of State Re-organization Commission, the Union Territory of Ajmer Merwara which had the status of Part 'C' States, Abu, Sunel and Tappa areas merged into the State of Rajasthan. The reorganized unit constituted the State of Rajasthan which was given the status of 'A' Class State on 01.11.1956.

The Rajasthan High Court as 'A' Class State, started with the strength of only 6 Judges. The then Chief Justice of India, Hon'ble Mr. Justice S. R. Das came to Rajasthan to examine the Judge strength of the High Court. He observed the functioning of the High Court by sitting with the Hon'ble Judges in the Court and found that all the 6 Judges were fit to be appointed and on his recommendation, the President of India, issued fresh warrants of appointment, on which fresh oath taking ceremony took place on 01.11.1956. Four Hon'ble Judges viz. Justice K. L. Bapna, Justice J. S. Ranawat, Justice K. K. Sharma and Justice D. M. Bhandari at that time functioned at the Jaipur Bench, while Justice D.S. Dave and Justice Indra Nath Modi used to sit at Jodhpur, Chief Justice Kailash Wanchoo sitting at both places.

The Bench at Jaipur was initially abolished in the year 1958. It was re- established with effect from 31.01.1977. The strength of the High Court Judges since thereafter has increased. At present the Rajasthan High Court has sanctioned strength of 50 Judges.



Current Status

The State Judiciary is constituted of 36 Judgeships comprising of 516 Courts / Tribunals of District Judge Cadre, 324 Courts of Sr. Civil Judge Cadre (excluding 34 posts of Principal Magistrate, JJB) and 498 Courts of Civil Judge Cadre. There are 546 outlying Courts, functioning under respective District Courts, dispensing justice to the people of the State, working under the overall superintendence of the High Court.

The Rajasthan High Court Rules, 1952, as amended from time to time, regulate the administrative business and judicial work in the High Court.

As on 31.12.2022, the cadre-wise strength of Judicial Officers in the Subordinate Judiciary is as follows :-

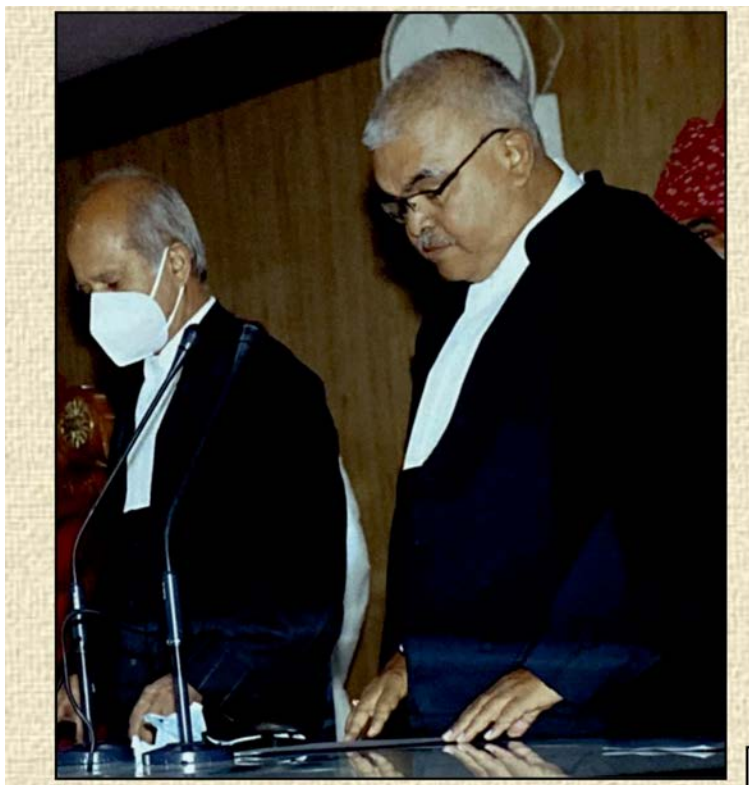
CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
District Judge Cadre	640	520 (Including 50 Ad-hoc)	120
Senior Civil Judge Cadre	405	315 (Including 152 Ad-hoc)	90
Civil Judge Cadre	542	421	121

Rajasthan has 36 Judgeships, 19 of which fall under the jurisdiction of Rajasthan High Court Principal Seat, Jodhpur whereas 17 are under the jurisdiction of Rajasthan High Court Bench, Jaipur.

PRINCIPAL SEAT, JODHPUR	BENCH AT JAIPUR
BALOTRA	AJMER
BANSWARA	ALWAR
BHILWARA	BARAN
BIKANER	BHARATPUR
CHITTORGARH	BUNDI
CHURU	DAUSA
DUNGARPUR	DHOLPUR
GANGANAGAR	JAIPUR DISTRICT
HANUMANGARH	JAIPUR METRO-I
JAISALMER	JAIPUR METRO-II
JALORE	JHALAWAR
JODHPUR DISTRICT	JHUNJHUNU
JODHPUR METROPOLITAN	KARAULI
MERTA	KOTA
PALI	SAWAI MADHOPUR
PRATAPGARH	SIKAR
RAJSAMAND	TONK
SIROHI	
UDAIPUR	

2. MAJOR EVENTS OF THE YEAR 2022

Hon'ble Mr. Justice Birendra Kumar took oath as a Judge of the Rajasthan High Court on 03.01.2022. His Lordship got transferred from Patna High Court.



*Oath Ceremony of **Hon'ble Mr. Justice Birendra Kumar** on 03.01.2022*

We celebrated **73rd Republic Day** at Principal Seat, Jodhpur and Bench, Jaipur on **26.01.2022**. The National Flag was unfurled by **Hon'ble the Chief Justice Mr. Akil M. Kureshi** at Rajasthan High Court, Jodhpur and by **Hon'ble Mr. Justice Manindra Mohan Shrivastava** at Jaipur, in the benign presence of Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.

*Unfurling the Flag Ceremony at Rajasthan High Court, Jodhpur on the occasion of **Republic Day, 26.01.2022**.*





Unfurling the Flag Ceremony at Rajasthan High Court Bench, Jaipur on the occasion of Republic Day, 26.01.2022.

Farewell Reference was held on **16.02.2022** on the eve of superannuation of **Hon'ble Mr. Justice Manoj Kumar Vyas** at Principal Seat, Jodhpur and Bench, Jaipur through Video Conferencing.



Reference Ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice Manoj Kumar Vyas on 16.02.2022.

On the eve of superannuation of **Hon'ble the Chief Justice Mr. Akil M. Kureshi**, a Reference ceremony was organised on **05.03.2022** at Principal Seat, Jodhpur and Bench, Jaipur through Video Conferencing.



Reference Ceremony of Hon'ble the Chief Justice Mr. Akil M Kureshi on 05.03.2022.

Hon'ble Mr. Justice Devendra Kachhawaha, Judge, Rajasthan High Court superannuated on **02.05.2022**. On the eve of superannuation, farewell reference was held in the Court of Hon'ble the Chief Justice through Video Conferencing.

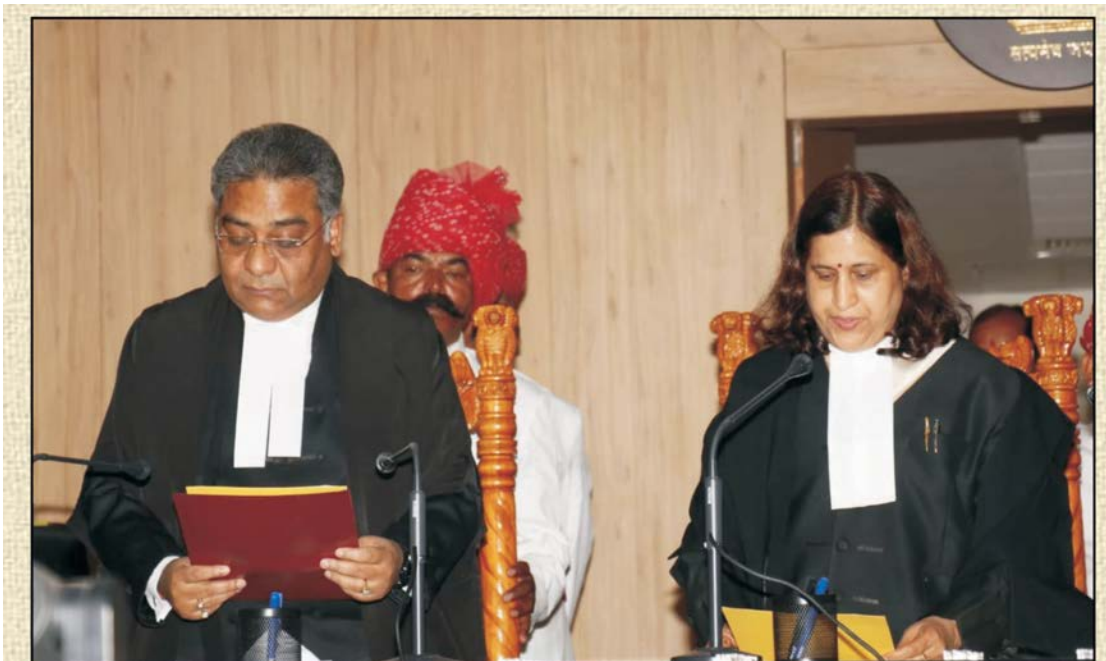


Farewell of Hon'ble Mr. Justice Devendra Kachhawaha on 02.05.2022.

Hon'ble Mr. Justice Kuldeep Mathur and Hon'ble Mrs. Justice Shubha Mehta, took oath as additional Judges of Rajasthan High Court on **06.06.2022** in the Court of Hon'ble the Chief Justice through Video Conferencing.



*Oath Ceremony of **Hon'ble Mr. Justice Kuldeep Mathur** at Rajasthan High Court, Jodhpur on **06.06.2022**.*



*Oath Ceremony of **Hon'ble Mrs. Justice Shubha Mehta** at Rajasthan High Court, Jodhpur on **06.06.2022**.*

Rajasthan High Court, Principal Seat, Jodhpur and Bench, Jaipur avidly celebrated **International Yoga Day 2022 on 21.06.2022.**



*Celebration of **International Yoga Day** at Rajasthan High Court, Jodhpur on 21.06.2022*



*Celebration of **International Yoga Day** at Rajasthan High Court, Bench, Jaipur on 21.06.2022*

Farewell Ceremony on **01.08.2022** was organized on the eve of superannuation of **Hon'ble the Chief Justice Mr. Sambhaji Shiwaji Shinde** at Principal Seat Jodhpur and Bench, Jaipur through Video Conferencing.



Reference Ceremony on the eve of superannuation of Hon'ble the Chief Justice Mr. Sambhaji Shiwaji Shinde on 01.08.2022.

The **76th Independence Day** was celebrated at Principal seat, Jodhpur and Bench, Jaipur on **15.08.2022**.

The National Flag was hoisted by **Hon'ble Mr. Justice Sandeep Mehta** at Rajasthan High Court, Jodhpur in the benign presence of Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.



Flag hoisting Ceremony at Rajasthan High Court, Jodhpur on the occasion of Independence Day, 15.08.2022.

On the occasion, At Rajasthan High Court Bench, Jaipur the National Flag was hoisted by **Hon'ble the Acting Chief Justice Mr. Manindra Mohan Shrivastava**, in the benign presence of Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.

*Flag hoisting Ceremony at Rajasthan High Court Bench, Jaipur on the occasion of **Independence Day, 15.08.2022.***



On the occasion of superannuation of **Hon'ble Mr. Justice Rameshwar Vyas**, farewell Reference was organized on **30.08.2022** in the Court of Hon'ble the Chief Justice at Principal Seat, Jodhpur & Bench, Jaipur through Video Conferencing.



*Reference Ceremony of **Hon'ble Mr. Justice Rameshwar Vyas** on **30.08.2022.***

Hon'ble Mr. Justice Pankaj Mithal took oath as Chief Justice of Rajasthan High Court on **14.10.2022**. His Excellency Governor Kalraj Mishra administered the oath of office at Raj Bhawan, Jaipur.

Oath Ceremony of Hon'ble the Chief Justice Mr. Pankaj Mithal on 14.10.2022



Farewell Reference of **Hon'ble Mr. Justice Prakash Gupta** was held on **10.11.2022** in the Court of Hon'ble the Chief Justice at Principal Seat, Jodhpur and Bench, Jaipur.



Farewell of Hon'ble Mr. Justice Prakash Gupta on 10.11.2022

3. LANDMARK DECISIONS OF PUBLIC IMPORTANCE

DEVELOPMENT OF LAW

CIVIL LAWS

(1) Jitram S/o Shri Maga Ram Vs. The State of Rajasthan

Through The Secretary, Revenue Department,

Secretariat, Jaipur & Ors.

Hon'ble Mr. Justice Vinit Kumar Mathur

Judgment dated 16.05.2022

Important Law Point –

- Rajasthan Colonization (Allotment and Sale of Govt. Land in the Indira Gandhi Canal Colony Area) Rules, 1975.

While considering the provisions enshrined in the Rajasthan Colonization (Allotment and Sale of Govt. Land in the Indira Gandhi Canal Colony Area) Rules, 1975 the Hon'ble Court held that the petitioner was allotted a piece of land in the year 1976 in accordance with the Rules of 1975 after the petitioner duly applied for the land in consonance with the provisions of law and thereafter, the allotment order was issued to him. The petitioner was handed-over the possession of the land and two installments thereof were paid by him. Since, the revenue authorities themselves were not aware of the fact that the land was mutated in the name of the Forest Department; therefore, no objection was raised initially. After the fact was unearth with respect to the land having being mutated in the name of the Forest Department, the rest of the amount was not taken from the petitioner, although the petitioner continues to hold the possession of the land till date. The land allotted to the petitioner is a forest land has been proved beyond doubt.

Hon'ble Court further held that the forest land cannot be allotted even for the agricultural purposes, therefore, the petitioner cannot be held to be in continued possession of the forest land. Since, there is no fraud or misrepresentation on the part of the petitioner for getting the possession of the land allotted by the Revenue Department. The writ petition is disposed of with a direction to the petitioner to appear before the respondent No.3-District Collector, Sriganganagar by way of filling an application/representation for allotment of an alternate piece of land within a period of two weeks from today. The District Collector shall consider the application and decide the same by a reasoned and speaking order within a period of eight weeks after giving a reasonable opportunity of hearing to the parties.

(2) Axis Bank Ltd. Vs Smt. Hemlata Garg & Anr.

**Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mr. Justice Anoop Kumar Dhand**

Judgment dated 22.08.2022

Important Law Point –

- Article 226 & 227 of the Constitution of India & Rule 134 of Rajasthan High Court Rules, 1952

While considering the Article 226 & 227 of the Constitution of India & Rule 134 of Rajasthan High Court Rules, 1952 as well as judgment of the Division Bench of this Court in the case of The New India Assurance Company Ltd. Vs. M/s Suncity Holding & Trading Ltd. and Anr. passed in D.B. Special Appeal Writ No. 556/2018, Hon'ble Division Bench held that where the order has been passed by the High Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India and it is not a case where the party sought to invoke writ jurisdiction under Article 226 of the Constitution of India, writ appeal would not be maintainable.

The petition was filed by the appellant before the learned Single Judge seeking to invoke only supervisory jurisdiction under Article 227 of the Constitution of India and the order of the learned Single Judge has been passed only under Article 227 of the Constitution of India in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, and therefore, writ appeal would not be maintainable.

Hon'ble Court in view of the above consideration and the law laid by this Court in the case of The New India Assurance Company Ltd. Vs. M/s Suncity Holding & Trading Ltd. & Anr. (Supra), considering that the appellant only sought to invoke supervisory jurisdiction under Article 227 of the Constitution of India and petition filed by him cannot be said to be a petition filed both under Article 226 and 227 of the Constitution of India, either in form or in substance, this appeal is not maintainable and therefore, dismissed as not maintainable.

CRIMINAL LAWS

(1) Hoshiyar Singh Vs. State of Rajasthan through PP

Hon'ble Mr. Justice Pankaj Bhandari

Hon'ble Mr. Justice Anoop Kumar Dhand

Judgment dated 05.02.2022

In D.B. Criminal Appeal, the Division Bench have taken a very close scrutiny of the evidence of witnesses and other evidence on the record with a view to assess whether the evidence of these witnesses is of such quality that the conviction of the accused-appellant for the offence of murder can be safely rested on their testimony. Hon'ble Court held that on the basis of testimony of a single eye-witness, a conviction may be recorded but the Court must be satisfied that the testimony of a solitary witness is of such sterling quality that the Court finds it safe to base a conviction solely on the testimony of that witness. In doing so, the Court must test the credibility of the witness by reference to the quality of his evidence. The evidence must impress the Court as wholly truthful, natural and so convincing that the Court finds no hesitation in recording a conviction solely on the basis of testimony of a single witness. The prosecution is required to prove its case against the accused by leading cogent and convincing evidence beyond the shadow of reasonable doubt. As the accused presumed to be innocent till, he is proved, guilty. Whenever doubt occurs in the prosecution story, the benefit of same has to be extended to the accused.

(2) Suresh Vs State of Rajasthan

Hon'ble Mr. Justice Farjand Ali

Judgment dated 18.02.2022

Important Law Point –

- Sections 3/4, 36, 37, 42A of the Protection of Children from Sexual Offence Act, 2012 and Section 439 of the Criminal Procedure Code, 1973.

In S.B. Criminal Miscellaneous Bail Application Hon'ble Court considered the provisions of Sections 3/4, 36, 37, 42A of the Protection of Children from Sexual Offence Act, 2012 and Section 439 of the Criminal Procedure Code, 1973 and observed that in the absence of any guiding rules on the subject; the identification proceedings are either carried out in jail where the other criminals are also present which diminishes the aims and objectives of the POCSO Act or the accused is granted bail on the ground of improper identification parade; thus, frustrating the justice delivery mechanism. This Court is required to strike a fair balance of these two conflicting considerations so that rights of innocent children and the accused who is not yet proved guilty can both be protected.

In order to strike the balance between these two prepositions of the law, Hon'ble court deems it fit and appropriate to issue the following guidelines in respect of Test Identification Parade (TIP) in cases of POCSO Act.

- a) *In every case where the witness/ victim is a child below the age of 18 years TIP proceedings shall be held in one of the court rooms during the course of trial. No pre-trial identification would be mandatory.*
- b) *Installation of CCTV cameras, computer screen or mechanism in a room where TIP proceedings will be conducted so that the child witness is not confronted face to face with the accused participating in the TIP proceedings.*
- c) *Person accused of the offence and the others having some resemblance with the features of accused; who may be participating in the TIP will be explained the procedure and the manner of TIP proceedings to be held in a case of child witness.*
- d) *The child and the accused should not be at one place in the court room, it must be separate, so that he or she may not be exposed directly or confronted.*
- e) *The presiding officer of the court shall show the live streaming of accused standing with other persons in a separate area; to the victim on the monitor/screen. The presiding officer then ask the victim to identify the accused among the others standing with him. As soon the process is done, the screen shall be shut down. The presiding officer then note down the response as well demeanor of the witness in the case file.*
- f) *So far as possible only female officers may be deployed wherever the witness happens to be a girl child for the purposes of identifying the accused person.*
- g) *No police official shall be seen in a uniform right from the stage when the child enters the TIP Room and till he/she leaves the premises after the completion of TIP proceedings. The child witness shall be entitled to accompany his parents/guardians or any of his close relatives so as to make the child comfortable before participating in identifying the accused in the Test Identification Parade.*
- h) *The child friendly atmosphere will be created in a room where the child is brought first and the stay of the child will be made most comfortable so that the child finds the place to be attractive and conducive to his/her requirements.*
- i) *Necessary arrangements for light refreshment to the general liking of children below the age of 16 years shall also remain in place to keep the mood of the child upbeat.*

This order shall be conveyed by the Registry of this Court to all learned special Judges POCSO Act cases and all the District & Sessions Judges of the State, who shall ensure the immediate implementation of this order amongst all the judicial officers and all courts in their respective jurisdiction, which are conducting the trial of POCSO Cases. In the present case, the bail application filed by the petitioner under Section 439 Cr.P.C is rejected.

(3) Munna Lal Vs. State of Rajasthan through PP

Hon'ble Mr. Justice Manoj Kumar Garg

Judgment dated 09.02.2022

Important Law Point –

- Sections 354A, 354-C, 153-A, 298 and 509 of IPC and Section 438 of Cr.P.C.

In S.B. Criminal Bail Application Hon'ble the Court has considered the provisions contained in Sections 354A, 354-C, 153-A, 298 and 509 of IPC and Section 438 of Cr.P.C., held that the power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his liberty. It is also well settled that ordinarily, arrest is a part of the process of investigation intended to secure several purposes and it may be necessary to curtail the freedom of an accused in order to enable the investigation to proceed without hindrance and prevent the disappearance of the accused.

Hon'ble Court further held that there is indeed freedom of speech and expression granted to every citizen as per Article 19(1)(a) of the Constitution of India. Anybody can make any comments on social media because freedom of speech and expression is a fundamental right. But people are making comments on social media without properly understanding the facts. There is freedom of speech and expression to every citizen but it does not entitle a person to promote disharmony or feelings of enmity, hatred or ill-will, and insulting the religion sentiments or beliefs.

Hon'ble Court after considering the judgment passed by Hon'ble Supreme Court in the case of Amish Devgan vs. Union of India (UOI) and Ors., reported in (2021) 1 SCC 1, dismissed the application preferred by the petitioner under section 438 of Cr.P.C.

(4) Janta @ Jannat Bano (Smt.) vs. State of Raj. & Anr.

Hon'ble Dr. Justice Pushpendra Singh Bhati

Judgment dated 02.11.2022

Important Law Point –

- Sections 228, 397 read with Section 401 of Cr.P.C. and Section 302 147, 341 & 323/149 of IPC.

In S.B. Criminal Revision., while considering the provisions of Sections 228, 397 read with Section 401 of Cr.P.C. and Section 302 147, 341 & 323/149 of IPC as well as the law laid down by the Hon'ble Apex Court in the judgments rendered in Ashish Chadha v. Asha Kumari and Ors (2012) 1 SCC 680 and State of NCT of Delhi and Ors. vs. Shiv Charan Bansal and Ors. (2020) 2 SCC 290, Hon'ble the Court held that at the stage of framing of charge, the learned Trial Court is not required to conduct a meticulous appreciation of evidence or a roving inquiry into the same. At the stage of framing of charge, the Court is only required to prima facie presume whether a case against the accused person(s) is made out. And when the facts that emerge from the case may be taken at face value; if they disclose the existence of ingredients constituting the alleged offences, then the charges may be framed. The language of the provision of law contained in Section 228 Cr.P.C. is "presuming", which has been consciously inserted by the legislature, with the intention that if the Court strongly suspects that the accused person(s) is in any way connected with the commission of the alleged offence(s), then it may proceed to frame charges against the accused person(s).

EDUCATION LAW

(1) School Development Management Committee &

Ors. Vs. State of Rajasthan & Ors.

Hon'ble Mr. Justice Dinesh Mehta

Judgment dated 04.01.2022

Important Law Point –

- Sections 2, 21, 22, and 29 of the Right of Children to Free and Compulsory Education Act, 2009 and Rule 3 of the Right of Children to Free and Compulsory Education Rules, 2010.

In S.B. Civil Writ, while considering Sections 2, 21, 22, and 29 of the Right of Children to Free and Compulsory Education Act, 2009 and Rule 3 of the Right of Children to Free and Compulsory Education Rules, 2010, the Hon'ble Court framed the following questions for consideration:-

- (i) *Whether Article 21A of the Constitution of India which guarantees a right to education, also guarantees right to receive education in mother tongue or home language?*

- (ii) *Whether right to get education in mother tongue or Hindi is a fundamental right?*
- (iii) *Whether the consent of School Development Management Committee (SDMC) is necessary before converting a Hindi medium school to an English medium school?*
- (iv) *Whether the policy decision of the State converting the school in question to Mahatma Gandhi English Medium School is in conflict with the provisions of section 20, 21, 22 and 29(2)(f) of the Act of 2009?*
- (v) *Who is competent to change the medium of instruction of a school?*

The Hon'ble Court answered the above questions in following manner:-

- (i) Article 21A of the Constitution is tethered with the words "in such manner, as the State, may, by law determine", according to this Court the State may by law provide the medium and manner to provide such free education, which in a given case can be Hindi, English or even regional dialect - the mother tongue of the child. No child or parent can claim it as a matter of right that he/his ward should be instructed in a particular language or the mother tongue only, on the basis of what has been guaranteed under Article 21A of the Constitution.
- (ii) Fundamental right guaranteed under Article 19(1) (a) is only subject to reasonable restriction by law to be enacted, by the State, the instant decision taken or the State's policy decision, can not whittle down the fundamental right of a child to be taught in a particular medium, which is assured rather protected by Article 19(1) (a) of the Constitution of India. A child and on his behalf his parent or guardian, has the right to choose the medium of instruction at the primary school stage under Article 19(1)(a) and not under Article 21 or Article 21-A of the Constitution.
- (iii) According to section 21 and 22 of the Act of 2009 and Rule 4 & 5 of the Rules of 2011, School Management Committee is required to prepare a school development plan which shall contain details of class-wise enrollments each year, requirement of number of additional teachers, requirement of additional infrastructure etc. Such development plan is required to be a three-year plan comprising of three annual sub-plans. By reading the provisions of the Act of 2009 and Rules of 2011, the Hon'ble Court unable to conclude that prescription of medium of instruction is a decision to be taken by the School Management Committee, as a part of school development plan. Preparing a school development plan cannot be misconstrued to mean the prescription of syllabus and medium of instructions. It has to be done by the experts in the field of education/child education.
- (iv) The functions to be discharged by the School Development Management Committee under clause (a) and (b) of section 21 (2) of the Act of 2009 do not include the decision to be taken with respect to language or medium in which the students of the school shall be taught. The medium of instruction is to be determined by the Appropriate Authority or Rajasthan School Education Council.

- (v) Medium of instruction is to be determined by the Academic Authority, which in the State of Rajasthan is Rajasthan School Education Council, the School Management Committee, in the opinion of this Court, cannot decide the medium of instruction may it be Hindi or English.

Finally, the Hon'ble Court held that the State's decision dated 20.09.2021 (in absence of decision of the Academic Authority) is contrary to Education Policy, 2020 and the provisions of section 29(1) and 29(2)(f) of the Right to Education Act and Rules framed there under, but since the policy decision itself is not under challenge and the petitioners themselves had in-principle welcomed or accepted the establishment of English medium school, it is hereby directed that in case, for the ensuing session i.e., 2022-23, the State wishes or proposes to convert the school in question to Mahatma Gandhi English Medium School, it shall convene a meeting of the School Development Management Committee constituted under Rule 3 of the Rules of 2011 in presence of the Sub Divisional Magistrate/Tehsildar and a nominee of District Education Officer concerned. Notice of the meeting with the proposed agenda will be circulated well in advance. If the School Development Management Committee by majority of the members present resolves that the school in question be converted to an English medium school, then only, the State's decision to convert the school in question to a Mahatma Gandhi English Medium School shall be given effect to. Else, the school will not be converted to an English medium school.

(2) Karnjeet Kaur (Dr.) & Ors. Vs State of Rajasthan & Ors.

Hon'ble Mr. Justice Akil Kureshi

Hon'ble Mr. Justice Sudesh Bansal

Judgment dated 04.01.2022

Important Law Point –

- University Grants Commission (Minimum Qualifications for appointment of Teachers and other Academic Staff in Universities and Colleges and other measure for the Maintenance of Standards in Higher Education) Regulations, 2018 read with Rajasthan Educational Service (Collegiate Branch) Rules, 1986.

Hon'ble Division Bench, while considered the provisions of the University Grants Commission (Minimum Qualifications for appointment of Teachers and other Academic Staff in Universities and Colleges and other measure for the Maintenance of Standards in Higher Education) Regulations, 2018 read with Rajasthan Educational Service (Collegiate Branch) Rules, 1986, and answered the question in the present case that whether the procedure for selection prescribed by RPSC is in conflict with the UGC norms ?

Hon'ble Court while deciding the matter has placed reliance upon the case of Forum for People's Collective Efforts (FPCE) And Anr. Vs. State of West Bengal And Anr., reported in (2021) 8 SCC 599; Hon'ble Supreme Court considered the question of repugnancy of the State law with a Central legislation on a subject matter which falls in Concurrent List. Referring to Article 254 of the Constitution, it was observed that such repugnancy would arise under three situations, namely (i) absolute or irreconcilable conflict, (ii) on the principle of occupied field, and (iii) overlap over the same subject matter.

Hon'ble Court held that the State Government has followed its pattern of written test followed by oral interview. The procedure that is adopted by the State Government may be somewhat different from what the UGC Regulations prescribe; this is not a case of irreconcilable conflict between the Central and the State legislation. The State legislation and RPSC, as the recruiting agency, have followed the pattern of written test followed by oral interview, pointing out that it would be impossible to hold oral interviews for large number of candidates who have applied in response to the public advertisement. UGC regulations have not provided any cut-off for short-listing the candidates on the basis of scores to be allotted in terms of the table. Even if we permit the degree of latitude to the recruiting agency and expect calling for oral interview candidates 5 times the number of notified vacancies, this would require conducting the oral interview close to 5,000 candidates. The method of written test followed by oral interview adopted by the State Government cannot be seen as irreconcilable conflict with the UGC Regulations.

**(3) The Regional Provident Fund Commissioner,
Rajasthan, Jaipur Vs. Smt. Vijay Baijal & Ors.
Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mr. Justice Birendra Kumar
Judgment dated 17.01.2022**

Important Law Point –

- Sections 16 (1) (b) and 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Rajasthan Non-Government Educational Institution Act, 1989, Employees Provident Fund Pension Scheme of 1995.

Hon'ble the Division Bench considered the provisions of Sections 16 (1) (b) and 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Rajasthan Non-Government Educational Institution Act, 1989, Employees Provident Fund Pension Scheme of 1995, the Pension Scheme, 1955 and in view of the judgment of Hon'ble Supreme Court in the case of Regional Provident Fund Commissioner Versus Sanatan Dharam Girls Secondary School and Others (2007) 1 Supreme Court Cases 268, held that the judgment of Hon'ble Supreme Court, is vividly clear that the provisions of the Act

of 1952 are not applicable to non-government educational institutions receiving grant-in-aid which were though not owned by the State, but were controlled by the State under the statutory scheme of the Act of 1989. The decision of Hon'ble Supreme Court was based on interpretation of Section 16, Sub-Section (1)(b) of the Act of 1952. The Distinction which has been drawn by the learned Single Judge so as to distinguish the cases of the writ petitioners from that of the non-government educational institutions, who had filed petitions challenging applicability of the Act of 1952 before the High Court and whose petitions were allowed which were affirmed by the Supreme Court is legally unsustainable. The decision of Hon'ble Supreme Court was not confined to limited exclusion of the provisions of the Act of 1952 only for the reason that there existed a provident fund scheme under the Act of 1989. Therefore, to say that as the present cases involve applicability of employees' pension scheme under the Pension Scheme of 1955, therefore, Hon'ble Supreme Court judgment will have no application, cannot be accepted. Once the provisions of the Act of 1952 have been held to be inapplicable in respect of non-government educational institutions receiving grant-in-aid from the State Government and governed by the Act of 1989, its provident fund scheme under the Act of 1952 or the pension scheme framed there under, both will have no application. The argument of learned counsel for the respondents-writ petitioners that in the matter of application of Pension Scheme of 1955 framed under the Act of 1952, the said Act would be applicable, cannot be accepted as that would amount to placing a different interpretation on the provisions of Section 16, Sub-Section (1)(b) of the Act of 1952 than what has been held by Hon'ble Supreme Court in the Case of Regional Provident Fund Commissioner (supra). As the conclusion of the aforesaid Hon'ble Supreme Court decision is that the Act of 1952 has no application in respect of the non-government educational institutions receiving grant-in-aid from the Government whether it is the provident fund scheme or for that matter pension scheme, both will not apply as both the schemes are framed under the Act of 1952.

Hon'ble Court further held that notification dated 26.10.1993 is misplaced in law. Section 17 of the Act of 1952, deals with power to exempt institution, which are otherwise not excluded from the applicability of the Act under Section 16 thereof. While under this section, exclusion from applicability is by operation of law, exemption under Section 17 is by act of authorities. Both operate in different field. The institution, which is otherwise not excluded from the applicability under Section 16 of the Act may, nevertheless, be exempted from the application of the Act of 1952, provided an exemption notification is issued under Section 17 of the Act. In other words, exemption presupposes that Act of 1952 is otherwise applicable. Where, however, Act itself has no application, being in teeth of Section 16, there is no occasion to exempt. The State had earlier issued exemption Notification on 26.10.1993 in purported exercise of power under Section 17, on an assumption of law that Act of 1952 was otherwise applicable. But Hon'ble Supreme Court judgment in the case of Regional Provident Fund Commissioner (supra) settles that in respect of non-government educational institutions, receiving grant-in-aid and governed by the Act of 1989, Act of 1952 has no application. Therefore, existence of exemption Notification dated 26.10.1993 has no bearing on the issue of applicability.

**(4) Sita Devi Educational Society, Bhilwara & Ors.
Vs. State of Rajasthan & Ors.**

Hon'ble Mr. Justice Sameer Jain

Judgment dated 11.03.2022

Important Law Point –

- Sections 2(e), 2(p), 3, 5, 7, 33, 34, 42 and 43 of the Rajasthan Non-Govt. Education Institution Act, 1989 read with Rules 2(f), 3, 5 and 7 of the Rajasthan Non-Govt. Education Institution (Recognition, Grant-in-aid and Service Conditions etc.) Rules, 1993.

While considered the provisions contained in Sections 2(e), 2(p), 3, 5, 7, 33, 34, 42 and 43 of the Rajasthan Non-Govt. Education Institution Act, 1989 read with Rules 2(f), 3, 5 and 7 of the Rajasthan Non-Govt. Education Institution (Recognition, Grant-in-aid and Service Conditions etc.) Rules, 1993, held that neither the Act of 1989 nor the Rules of 1993 have given any specific power for imposition of penalty other than Sections 33 and 34 of the Act of 1989. Even the policies issued by the Commissioner of College Education are inconsonance as at the time of very formulation of the Colleges, there was no penal clause and in the later years, i.e. in 2015 and 2016, it was exercised exorbitantly to the extent of Rs.6 lac and in the later years, it was reduced to the extent of Rs.50,000/- on per year basis, without any reasoning, merely on the whims and fancies of the Commissioner, College Education. Even the phraseology 'delegated legislation' or 'delegated instructions' cannot be continued for the reasons that neither the policy was issued under the provisions of Section 42 of the Act of 1989 nor they had any authority under Section 43 of the Act of 1989. The respondents have ultra-vires to the Act of 1989 and Rules of 1993 imposed, invoked and charged the petitioners which was neither authorized nor permitted or delegated by the Act and Rules. The Private Colleges Policy whereby penalty provisions have been introduced are also illegal on account of the fact that the Commissioner, College Education or any other authority has not been delegated the powers under the Act of 1989.

In the light of discussions made above, Hon'ble Court issued following directions :

- (1) The penalty clause in the policy/instructions for Private Colleges issued by the Commissioner, College Education, for different years in question, is held to be beyond his power and is declared illegal.
- (2) The penalty deposited by the respective petitioner/college under the orders of the Court or in the light of the provisions of the Private Colleges Policy be refunded to the petitioners/colleges within a period of sixty days failing which interest @ 6% will accrue on the same after lapse of 60 days.

- (3) It is directed that the amount refunded to the petitioners/colleges by the respondents in light of the above directions, shall be deposited by the respective petitioners/colleges in the "Student Welfare Fund", and be used for the welfare and betterment of students in activities like clearing dues of students who are unable to deposit fee, medical care, library, and other amenities and facilities needed for and by the students and not be used for any other purpose.
- (4) The State as well as respondents are directed to ensure that on account of present dispute, students should not be made to suffer and their results, mark-sheets, admit cards, other documents should not be withheld and be declared/released incapacity of regular students forthwith immediately, without any fail. The respondents are directed to assist and help the students in question on 24×7 basis. No student should be deprived of appearance in any future examination or appearance on account of present dispute as the petitioners have submitted that the non-declaration of result is causing prejudice to the students for appearing in future examinations including competitive examinations.

All these writ petitions stand disposed of in terms of the directions and observations.

SERVICE LAW

(1) Smt. Vishnu Joshi Vs. State of Rajasthan & Ors.
Hon'ble Ms. Justice Rekha Borana
Judgment dated 07.01.2022

Important Law Point –

- Rule 50 of the Rajasthan Civil Services (Pension) Rules, 1996.

While considered the provisions contained in Rule 50 of the Rajasthan Civil Services (Pension) Rules, 1996, Hon'ble Court held that the Rule 50 of the Rules of 1996 clearly states that an application/notice for voluntary retirement has to be accepted by the appointing authority and the proviso specifically provides that if the acceptance as required is not granted by the appointing authority before the expiry of the period specified in the notice, the retirement automatically becomes effective from the date of the said period. It is clear on record that the application was submitted by the petitioner on 22.07.2010 and in terms of Rule 50 of the Rules of 1996, the maximum time available for the appointing authority to grant the acceptance was till 01.11.2010. Admittedly, no such acceptance has been granted by the appointing authority in the matter and thereafter, the retirement automatically became effective w.e.f. 01.11.2010.

Finally, Hon'ble Court directed the respondents to treat the petitioner as retired from the services w.e.f. 01.11.2010. Further, the respondents are directed to pay all the retirement benefits to the petitioner in terms of law within a period of six weeks of the receipt of the copy of this order.

(2) Kunal Sharma Anr. Vs. Union of India & Ors.
Hon'ble Mr. Justice Ashok Kumar Gaur
Judgment dated 11.01.2022

Important Law Point –

- Sections 2(14), 39, 45 and 68 of the Employees' State Insurance Act, 1948.

While considering the provisions contained in Sections 2(14), 39, 45 and 68 of the Employees' State Insurance Act, 1948, Hon'ble Court held that the definition of insured person is given in Section 2 (14) of the Employees' State Insurance Act, 1948 and insured person means a person who is or was an employee in respect of whom contributions are or were payable under the Act and who by reason thereof, is entitled to any of the benefits provided by this Act. Section 39 of the Act provides about the contribution and as per clause (a) of sub-section (5) if any contribution payable under the Act is not paid by the principal employer on the date on which such contribution has become due, he is liable to pay simple interest at the rate of 12% per annum or at such higher rate, as may be specified in the regulations, till the date of its actual payment. The insured person is not only the person who has paid the contribution but also includes a person whose contribution is payable and not actually paid due to any reason, like delay, on the part of employer, etc. If there is a neglect on the part of an employer, as per provision contained in Section 68, the person cannot be declined the benefits or his entitlement if the employer has failed to deposit the contribution. Hon'ble Court did not accept the argument of the learned counsel for the respondents that since the contribution was not deposited by the employer with the ESI Corporation and as such, the petitioner No.1 will not be entitled for issuing certificate of Ward of Insured Persons. The non-deposit of contribution in spite of deduction will not make the person dis-entitled for the benefit of ward of insured person if the insured person had paid the contribution to his employer prior to 31.03.2021.

Hon'ble Court further held that merely receiving the contribution, subsequently after 31.03.2021, by the ESI Corporation and some information being furnished about employment date of the insured person showing it to be contrary to the record of the contribution, will not deprive insured person of the benefits under the Act.

**(3) Shobha Devi Rajput Hajuri (Smt.) Vs. Jodhpur
Vidhyut Vitran Nigam Limited, Jodhpur & Anr.**

Hon'ble Dr. Justice Pushpendra Singh Bhati

Judgment dated 12.01.2022

Important Law Point –

- Rule 2 of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 (As amended by Notification dated 28.10.2021) read with Jodhpur Vidhyut Vitran Nigam Limited Compassionate Appointment of Dependents of Deceased Nigam Servants Regulation, 2016.

While considered the provisions given in Rule 2 of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 (As amended by Notification dated 28.10.2021) read with Jodhpur Vidhyut Vitran Nigam Limited Compassionate Appointment of Dependents of Deceased Nigam Servants Regulation, 2016, Hon'ble Court has observed that the perception of the daughter, after marriage no longer being a part of her father's household and becoming an exclusive part of her husband's household, is an outdated view and mindset. The right to be included in the coparcenaries of her father and the equal responsibility of maintenance of parents in old age as that of a son, regardless of marital status; place responsibilities on married daughter and married son, equally and this Court, sees no reason as to why a distinction must be made on the same ground when it comes to compassionate appointment of married daughters.

Hon'ble Court further observed that if a daughter was unmarried or single, she would be eligible to seek appointment on the ground of compassionate appointment; and if she was widowed or divorced, then too she would be eligible for the same; and that she then, must not be devoid of the same right, to seek compassionate appointment, only when she is married. The pre-marriage status of a daughter, of being single/unmarried and post marriage status of a daughter divorced, widowed or single again renders her capable of seeking compassionate appointment. Only the exclusion of a daughter, during the period of marriage, for seeking compassionate appointment is arbitrary and unjust. The welfare legislation, in the considered opinion of the State Legislature of Rajasthan has, after recent amendment to the Rules of 1996, now includes "married daughter" in the definition of dependent in the Rules of 1996, and to give a full colour to the welfare legislation, it needs to be implemented on all pending issues, which have not attained finality.

Hon'ble Court in light of the aforesaid observations allowed the writ petition and directed the respondents to consider the petitioner being a married daughter to be within the purview of the definition of dependents, for compassionate appointment, as per the Regulations of 2016.

(4) Union of India & Anr. Vs. Harendra Gawaria

Hon'ble Mr. Justice Pankaj Bhandari

Hon'ble Mr. Justice Anoop Kumar Dhand

Judgment dated 04.02.2022

Important Law Point –

- Rule 2 of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 (As amended by Notification dated 28.10.2021) read with Jodhpur Vidhyut Vitran Nigam Limited Compassionate Appointment of Dependents of Deceased Nigam Servants Regulation, 2016.

Hon'ble Division Bench considered the question in this petition that whether the candidature of the respondent can be rejected by the Department of Railways on the ground of human error/bona fide mistake only because the date of the Postal Order was wrongly mentioned by him in the application despite the fact that Postal Order was issued within the period of limitation, but by a human error, the respondent mentioned the wrong date of the postal order as 10.01.2010 instead of correct date i.e. 10.01.2011?

Hon'ble Court held that “To err is human, to forgive is divine”; the mistake can be of two kinds. First kind of mistake would not be where nobody is affected by a mistake and the second mistake where a third party is affected by a mistake. The difference in two mistakes would be that whereas the rectification of the first mistake would cause no prejudice, rectification of the second would cause a prejudice. This analogy has been taken for consideration by the Co-ordinate Bench of this Court while deciding D.B. Civil Special Appeal (Writ) No.1700/2017 on 01.11.2017 in the case of “Kavita Chaudhary Vs. Registrar (Examination), in which Hon'ble Court has held that the human error can be rectified provided, no third parties' right is affected. It has also been held that a bonafide mistake which does not affect a third party right, should be allowed to be cured if the rectification of the said mistake would cause no prejudice to anyone. In the said judgment, Hon'ble Court has placed reliance on the judgment “State of Rajasthan Vs. Datar Singh, in D.B.S.A.W. No.875/2012 decided on 11.10.2017.

Hon'ble Court further held that whenever there is a conflict between the substantial justice and hyper-technicality then the substantial justice should be preferred to avoid the defeat for the ends of justice. If the hyper technical stand of the petitioner is allowed to stand as it is then it would amount to failure of justice. Finally, Hon'ble Court directed the petitioner-Department to give appointment to the respondent on the post of Group-D with all consequential benefits, if he is otherwise found suitable for the said post, except monetary benefits.

**(5) Anju Bala W/o Shri Daleep Singh Saharan &
Ors. Vs. State of Rajasthan & Anr.**

Hon'ble Mr. Justice Arun Bhansali

Judgment dated 09.03.2022

Important Law Point –

- Rule 8 of the Rajasthan Panchayati Raj (Transferred Activities) Rules, 2011.

In above Civil Writ Petition (Along with Connected 99 Writ Petitions), Hon'ble Court considered the provisions of Rule 8 of the Rajasthan Panchayati Raj (Transferred Activities) Rules, 2011 and relied upon the judgments passed by this Court in Samleta Vs. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.11862/2017 decided on 14.11.2017 upheld in State of Rajasthan & Ors. Vs. Samleta : D.B.S.A.W. No.736/2018 decided on 11.10.2018 and Kiran Kumari Vs. State of Rajasthan & Ors.: S.B.Civil Writ Petition No. 14964/2019 decided on 15.01.2020, wherein it was held that sub-rule (ii) of Rule 8 of the Rajasthan Panchayati Raj (Transfer Activities) Rules, 2011 clearly postulates that when a person is transferred from one District to another, there is a prerequisite condition of obtaining prior consent of Panchayati Raj Department. In the present case, the respondent is an employee of the Panchayati Raj Institution and she has been transferred from one district to another. Admittedly, no consent as per Rule 8 of the Rules of 2011 was obtained from the Panchayati Raj Department and therefore, her transfer is bad and in violation of the provisions of Rule 8 of the Rules of 2011. Even in the cases of transfer of surplus employees, consent has to be obtained from the Panchayati Raj Department. Hon'ble Court held that the provisions of Rules of 2011 are very specific, wherein, a transferred employee can be transferred by the authorities indicated in the Rule and for transfer from one district to another, consent of the Panchayati Raj Department is necessary. So far as submission regarding petitioners being relocated only, being surplus, and therefore, the provision of Rule 8 would have not application, has no substance as the Division Bench in the case of Samleta (Supra) has specifically come to the conclusion that even in the case of transfer of surplus employees, consent has to be obtained from the Panchayati Raj Department. Consequently, Hon'ble Court allowed the writ petitions filed by the petitioners. The orders impugned passed transferring the petitioners in violation of provisions of Rule 8 of the Rules of 2011 are quashed and set aside.

(6) Deepak Kumar Sharma & Ors. Vs. State of Rajasthan & Anr.

Hon'ble Mr. Justice Arun Bhansali

Judgment dated 30.03.2022

Important Law Point –

- Rajasthan Police Service Rules, 1954 and the notification dated 15.09.2021 Rules 28A and sub-Rule (11) of the Rajasthan Various Services (Second Amendment) Rules, 2021.

While considered the provisions provided in the Rules 9 and 32 of the Rajasthan Police Service Rules, 1954 and the notification dated 15.09.2021 Rules 28A and sub-Rule (11) of the Rajasthan Various Services (Second Amendment) Rules, 2021, Hon'ble Court has noticed the facts of the matter that the petitioners entered the service by orders dated 10.8.2011 and 11.8.2011 and were conferred Senior Scale in due course. The DPC meeting was held on 27.10.2021 to consider promotions from Selection Scale to Super time Scale and Senior Scale to Selection Scale for the vacancies of the year 2021-22. The petitioners despite being in seniority were not conferred promotion from Senior Scale to Selection Scale relying on the amendment to the Rules inserted by notification dated 15.9.2021 requiring a minimum of 10 years service as a member of the service.

Hon'ble Court held that the notification dated 15.9.2021 would reveal that by the said notification Rajasthan Various Services (Second Amendment) Rules, 2021 were notified, which under Rule 1(2) 'came into force with immediate effect' providing for minimum 10 years' service as a member of the service for appointment on the Selection Scale post. The DPC is required to consider the cases of all eligible and qualified persons for promotion as per the criteria for promotion laid down in the Rules. Obviously the determination has to take place in relation to the year / date on which the vacancy has occurred. Further, sub-Rule (11) specifically provides that the DPC is required to consider the cases of all persons, who would have been eligible in the year, to which, the vacancies relate irrespective of the year, in which, the meeting of the DPC is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year, to which, the vacancy relate. The vacancies in the present case occurred as on 01.04.2021 and as such the DPC was bound to take into consideration the criteria and eligibility as it existed on 01.04.2021 and as the amendment in Rule 32 was introduced / notified on 15.9.2021 providing for 10 years' service, the same would have no application to the cases of the petitioners, whose eligibility was required to be considered as on 01.04.2021 and as such exclusion of petitioners from consideration based on the amendment dated 15.9.2021, cannot be justified / countenanced.

Hon'ble Court also considered the decision of Hon'ble Supreme Court in the case of R. Dayal (Supra) (1997) 10 SCC 419, wherein it has been held that "the vacancies which occurred prior to the amendment of the Rules would be governed by the original Rules and

not by the amended rules. Accordingly, this Court had held that the posts which fell vacant prior to the amendment of the Rules would be governed by the original Rules and not the amended Rules". Finally, Hon'ble Court held that non-consideration of petitioners' cases on the amendment made in the Rules on 15.09.2021 by DPC for promotion to the post of Selection Scale is quashed and set aside.

(7) Vinod Kumar Kashyap Vs. Food Corporation of India & Ors.

Hon'ble Mr. Justice Inderjeet Singh

Judgment dated 25.04.2022

Important Law Point –

- Rajasthan Police Service Rules, 1954 and the notification dated 15.09.2021 Rules 28A and sub-Rule (11) of the Rajasthan Various Services (Second Amendment) Rules, 2021.

In S.B. Civil Writ Petition Nos. 14042/2021; 11894/2021, vide judgment dated 25.04.2022, Hon'ble Mr. Justice Inderjeet Singh in the matter of Vinod Kumar Kashyap Vs. Food Corporation of India & Ors., considered the provisions of Regulation 66 sub-clause I(A) of FCI (Staff) of Regulations, 1971 and relied upon the judgment passed by Hon'ble Supreme Court in the matter of Capt. M Paul Anthony Vs. Bharat Gold Mines Ltd. & Anr. reported in (1999) 3 SCC 679, wherein it was held as under :

- (i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.
- (ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
- (iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.
- (iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.
- (v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded so as to conclude them at an earlier date, so that if the employee is found not guilty, his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest.

Finally, Hon'ble Court held that the writ petitions filed by the petitioners deserve to be dismissed for the reasons; firstly, the criminal case was lodged against the petitioners as they were caught red-handed taking bribe whereas in the departmental proceedings, the charges against the petitioners are not only of taking bribe but are also of misconduct & loss to the reputation of the corporation as defined under the Regulations, 1971; secondly, the departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously; thirdly, there is no rule that the departmental enquiry has to be stayed in every case where a criminal trial in regard to same misconduct is pending.

COMPANIES ACT

(1) Himachal Futuristic Communications Limited Vs. State of Rajasthan & Ors.

Hon'ble Mr. Justice Manindra Mohan Shrivastava

Hon'ble Mr. Justice Birendra Kumar

Judgment dated 29.07.2022

Important Law Point –

- Sections 2(xxiii), 2(xix), 3(b), 20, 21, 51, 56 and 65 of the Stamp Act, 1998 and Sections 391 and 394 of the Companies Act, 1956 and Sections 232, 233 or 234 of the Companies Act, 2013 and Section 44-A of Banking Regulations Act, 1949.

While considered the provisions of Sections 2(xxiii), 2(xix), 3(b), 20, 21, 51, 56 and 65 of the Stamp Act, 1998 and Sections 391 and 394 of the Companies Act, 1956 and Sections 232, 233 or 234 of the Companies Act, 2013 and Section 44-A of Banking Regulations Act, 1949 Hon'ble the Division Bench observed that Section 3 of the Stamp Act of 1998, i.e. charging section, Section 21 of the Stamp Act of 1998 provides for payment of difference of duty on copies of instruments registered out of the State by providing that where any instrument is registered in any part of India other than the State of Rajasthan and such instrument relates, wholly or partly to any property situated in the State of Rajasthan, the copy of such instrument shall, when received in the State of Rajasthan under the Registration Act, 1908, be liable to be charged with the difference of duty as on the original instrument.

Hon'ble Court analyzed the statutory scheme of chargeability of stamp duty on an instrument executed out of the State of Rajasthan applying the principles enunciated by the Hon'ble Supreme Court, i.e., with regard to taxing event and territorial nexus, in the present case, the instrument, i.e. the order of the High Court of Himachal Pradesh sanctioning the scheme of arrangement and amalgamation of Sunvision Engineering Company Private Limited with the appellant-company, i.e. Himachal Futuristic Communications Limited, upon being received in the State of Rajasthan, would be chargeable to stamp duty only in respect of the properties situated in the State of Rajasthan and

not in respect of the shares transferred because the taxing event insofar as transfer of shares by virtue of order of amalgamation passed by the High Court of Himachal Pradesh is concerned, it did not happen within the territory of the State of Rajasthan. Both the companies are situated outside the territory of Rajasthan. The entire proceedings of arrangement and amalgamation and its sanction took place outside the State of Rajasthan. Therefore, to that extent, stamp duty under the Stamp Act of 1998 would not be leviable on the order of the High Court of Himachal Pradesh passed under the Companies Act as referred to at Serial No. 21 in the Schedule appended to the Stamp Act of 1998. The transfer of shares, having taken place outside the territorial application of the Stamp Act of 1998, by virtue of order relating to amalgamation, would not be taken into consideration for the purposes of levy of stamp duty under the State Act, i.e., the Stamp Act of 1998.

It is well settled that various entries in three lists of Seventh Schedule of the Constitution of India are not “powers” of legislation, but “fields” of legislation. Article 245 of the Constitution of India provides for extent of laws made by the Parliament and by the Legislatures of States. It is well settled that taxation is considered to be a distinct matter for the purposes of legislative competence. There is distinction made between general subjects of legislation and taxation. The general subjects of legislation are dealt with in one group of entries and power as also taxation in a separate group. Hence, the power to tax cannot be deduced from a general legislative entry as an ancillary power. It is, thus, clear that an interpretation giving wide sweep of legislative power to the State legislature, so as to levy stamp duty on instruments executed outside the State even when it does not relate to any taxing event having any territorial nexus within the State, would be violative of Article 245 of the Constitution of India.

Hon'ble Court held that the appellant would be liable for payment of stamp duty only on the market value of the properties situated in the State of Rajasthan required to be assessed in accordance with the statutory scheme of the Stamp Act of 1998. The demand for payment of stamp duty in excess of such liability is in excess of authority under the Stamp Act of 1998. In the result, order dated 07.06.2019 passed by the learned Single Judge is held unsustainable in law and the same is set aside. Writ petition is also allowed. Order and notice dated 07.03.2018 issued by Respondent No. 2, The Collector (Stamps), Jaipur to the extent of including value of shares issued pursuant to the scheme of arrangement and amalgamation are also quashed. Respondent No. 2 is directed to carry out fresh assessment of duty payable by the appellant-company in accordance with the directions issued by this Court.

INCOME TAX LAW

(1) Sudesh Taneja & 471 Ors. Vs Income Tax Officer, Ward-1(3), Jaipur & Anr.

Hon'ble Mr. Justice Akil Kureshi

Hon'ble Mr. Justice Sameer Jain

Judgment dated 27.01.2022

Important Law Point –

- Sections 147, 148, 149 and 151 of the Income Tax Act, 1961 and Notifications dated 31.03.2021 and 27.04.2021 of Central Board of Direct Taxes and Section 6 of General Clauses Act, 1897 and Section 3 (1) of the Relaxation Act, 2020.

Hon'ble the Division Bench while considered the provisions of Sections 147, 148, 149 and 151 of the Income Tax Act, 1961 and Notifications dated 31.03.2021 and 27.04.2021 of Central Board of Direct Taxes and Section 6 of General Clauses Act, 1897 and Section 3 (1) of the Relaxation Act, 2020, two questions of law arose for consideration, which are as under :-

- (i) Which after introduction of new provisions for reassessment of income by virtue of the Finance Act, 2021 with effect from 01.04.2021, substituting the then existing provisions, would the substituted provisions survive and could be used for issuing notices for reassessment for the past period?
- (ii) Whether the explanations contained in the CBDT circulars dated 31.03.2021 and 27.04.2021 are legal and valid?

Hon'ble Court answered the above questions while perusing the provisions of reassessment contained in the Finance Act, 2021 and noticed earlier the major departure that the new scheme of reassessment has been made under these provisions. The time limits for issuing notice for reassessment have been changed. The concept of income chargeable to tax escaping assessment on account of failure on the part of the assessee to disclose truly or fully all material facts is no longer relevant. Elaborate provisions are made under Section 148A of the Act enabling the Assessing Officer to make enquiry with respect to material suggesting that income has escaped assessment, issuance of notice to the assessee calling upon why the notice under Section 148 should not be issued and pass an order considering the material available on record including response of the assessee if made while deciding whether the case is fit for issuing notice under Section 148. There is absolutely no indication in all these provisions which would suggest that the legislature intended that the new scheme of reopening of assessments would be applicable only to the period post 01.04.2021. In absence of any such indication all notices which were issued after 01.04.2021 had to be in accordance with such provisions. To reiterate, no indication whatsoever in the scheme of statutory provisions suggesting that the past provisions would continue to apply even after the substitution for the assessment periods prior to substitution. Time limits for issuing notice under Section 148 of the Act have been modified under substituted Section 149. Clause (a) of sub-section (1) of

Section 149 reduces such period to three years instead of originally prevailing four years under normal circumstances. Looked from both angles, namely, no indication of surviving the past provisions after the substitution and in fact an active indication to the contrary, inescapable conclusion that for any action of issuance of notice under Section 148 after 01.04.2021, the newly introduced provisions under the Finance Act, 2021 would apply. Mere extension of time limits for issuing notice under section 148 would not change this position that obtains in law. Under no circumstances the extended period available in clause (b) of sub-section (1) of Section 149 which stands at 10 years instead of 6 years previously available with their venue, can be pressed in service for reopening assessments for the past period. This flows from the plain meaning of the first proviso to sub-section (1) of Section 149. In plain terms a notice which had become time barred prior to 01.04.2021 as per the then prevailing provisions, would not be revived by virtue of the application of Section 149(1)(b) effective from 01.04.2021. All the notices issued in the present cases are after 01.04.2021 and have been issued without following the procedure contained in Section 148A of the Act and are therefore invalid.

Under sub-section (1) of Section 3 of the Relaxation Act, 2020 while extending the time limits for taking action and making compliances in the specified Acts upto 31.12.2020 the power was given to the Central Government to extend the time further by issuing a notification. This was the only power vested in the Central Government. As a piece of delegated legislation the notifications issued in exercise of such powers, had to be within the confines of such powers. In plain terms under sub-section (1) of Section 3 of the Relaxation Act, 2020 the Government of India was authorized to extend the time limits by issuing notifications in this regard. Issuing any explanation touching the provisions of the Income Tax Act was not part of this delegation at all. The CBDT while issuing the notifications dated 31.03.2021 and 27.04.2021 when introduced an explanation which provided by way of clarification that for the purposes of issuance of notice under Section 148 as per the time limits specified in Section 149 or 151, the provisions as they stood as on 31.03.2021 before commencement of the Finance Act, 2021 shall apply, plainly exceeded its jurisdiction as a subordinate legislation. The subordinate legislation could not have travelled beyond the powers vested in the Government of India by the parent Act. Even otherwise it is extremely doubtful whether the explanation in the guise of clarification can change the very basis of the statutory provisions. If the plain meaning of the statutory provision and its interpretation is clear, by adopting a position different in an explanation and describing it to be clarificatory, the subordinate legislation cannot be permitted to amend the provisions of the parent Act. Accordingly, these explanations are unconstitutional and declared as invalid.

TAX**(1) Assistant Commissioner, Anti Evasion, Kota & Ors. Vs Kota Eye Hospital and Research Foundation & Ors.****Hon'ble Mr. Justice Pankaj Bhandari****Hon'ble Mr. Justice Sameer Jain****Judgment dated 25.08.2022****Important Law Point –**

- Sections 2(11), 2(35), 2(36), 4 and 84 of the Rajasthan Value Added Tax Act, 2003 read with Section 86 of the Rajasthan Sales Tax Act, 1994.

Hon'ble Division Bench considered the provisions of Sections 2(11), 2(35), 2(36), 4 and 84 of the Rajasthan Value Added Tax Act, 2003 read with Section 86 of the Rajasthan Sales Tax Act, 1994 as well as relied upon the catena of judgments passed by Hon'ble Supreme Court. Hon'ble Court heard the matter on following questions of law :-

"Whether in the facts and circumstances of the case, the learned Tax Board was right in law in deleting the tax and consequential interest as well as penalty on implants, surgical items and medicines sold by the respondents even though the same was falling within the ambit of definition of "sale" as defined under Section 2(35) of the RVAT Act, 2003 ?"

Hon'ble Court while relying upon the judgment passed by Hon'ble Supreme Court in the case of Bharat Sanchar Nigam Limited and Another Vs. Union of India and others: (2006) 145 STC 91, analyzed and applied the "Aspect Doctrine" or "Predominant Criteria Test" in order to determine whether the transaction in question constitutes supply of goods i.e. "sale" or rendering of medical treatment/health care services constituting "service". Analyzing the case in hand and considering that lenses, stents, implants and sale of medicines are made to the indoor patients while carrying out medical treatment services, it is beyond doubt that predominantly, the same constitutes medical treatment/ health service and it is a case of composite supply whereas the predominancy is of a service and other incidental sales/services are bundled into it. Therefore, the classification and categorization of the said transaction will be of service and not of a sale. Considering the "Predominance Test" and the "Aspects Doctrine", the transaction in question is of service and therefore, the State authorities/petitioner-Revenue has no power, jurisdiction or competence to levy sales tax upon the same and therefore, the question formulated above needs to be decided against the petitioner-Revenue and the judgment of the Tax Board deserves to be upheld.

Finally, Hon'ble Court held that the case in hand pertains to rendering of health care/medical services and not supply of goods. This Court is of the view, that the value recovered by the hospitals towards the cost of medicines, implants, stents, lenses and various other charges towards room rent, supply of food cannot be classifiable as sale or supply of goods but the transaction will be of service on account of Predominant Test/ Aspect Doctrine.

SUCCESSION

(1) Smt. Anandi Vs. Ramji Lal
Hon'ble Mr. Justice Anoop Kumar Dhand
Judgment dated 10.10.2022

Important Law Point –

- Sections 370 and 372 of the Indian Succession Act, 1925.

While considered the provisions of Sections 370 and 372 of the Indian Succession Act, 1925 and relied upon the judgment passed by Hon'ble Gujarat High Court in the case of Nugen Machineries Limited through Director Samir Merchant Vs. Punit Shashikant Chauhan in First Appeal No.251/2013, Hon'ble Court observed that bare reading of Section 370 and 372 of the Act, particularly clause (f) of Sub-section 1 of Section 372 of the Act would show that a Succession Certificate can be applied only in respect of debts and securities. The expression “debt” has not been defined under the Act. The said expression has not been defined under the General Clauses Act as well. The ordinary meaning of the word “debt” means any pecuniary liability whether payable in present or in future to another in return for money, services, goods or any other obligation. Further, the above provisions clearly indicate that an application for certificate may be made in respect of debt or debts due to the deceased creditor or in respect of a proportion thereof.

Finally, Hon'ble Court held that no Succession Certificate of any immovable property can be issued under Section 372 of the Act of 1925. Thus, the Court below has exceeded its jurisdiction by passing the impugned order and allowing the application filed by the respondent No.1 under Section 372 of the Act of 1925. The provisions of the Act are silent with regard to issuing succession certificate of the immovable property of the deceased. Hence, the court below has committed an error by allowing the application filed by the respondent No.1 in declaring the respondent No.1 and the wife and daughters of the deceased Ramasya as the successors of his immovable agricultural land.

COMPASSIONATE APPOINTMENT

(1) Priyanka Shrimali Vs State of Rajasthan & Ors.

Hon'ble Mr. Justice Sandeep Mehta

Hon'ble Mr. Justice Vijay Bishnoi

Hon'ble Mr. Justice Arun Bhansali

Judgment dated 13.09.2022

Important Law Point –

- Rule 2(c) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996.

While considering the provisions of Rule 2(c) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996, Hon'ble the Larger Bench decided the following question referred by Division Bench on 12.01.2022 as under :-

“Whether the provisions of Rule 2(c) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996, which excludes the married daughter from the definition of 'dependent', prior to its amendment vide Notification dated 28/10/2021, is discriminatory and violative of Articles 14 & 16 of the Constitution of India? In case the provision is discriminatory etc., the consequences thereof.”

Hon'ble Larger Bench while considering the provisions of Rule 2(c) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 and its amendment dated 28.10.2021 and relying upon the plethora of judgments passed by Hon'ble Supreme Court, answered the above question in following manner :-

The provision of Rule 2(c) of the Rules of 1996, which excludes the married daughter from definition of dependent prior to its amendment vide notification dated 28.10.2021, is discriminatory and violative of Articles 14 to 16 of the Constitution of India and as such, the word 'unmarried' from the definition of 'dependent', is struck down. Further, in Rule 5 of the Rules of 1996 also the word unmarried daughters/adopted unmarried daughter, shall be read as daughters/adopted daughter.

Hon'ble Court directed that on account of striking down of the word 'unmarried' from the definition – (i) the same shall not effect any case, wherein compassionate appointment has already been granted under the provisions as they stood before this order; (ii) the same by itself would not provide a cause of action to any applicant and would apply to cases which are either pending before the competent authority and/or to the cases where litigation is pending on the date of this order only; (iii) the provisions and other requirements of the definition regarding the applicant being wholly dependent on the deceased government servant at the time of his/her death would be scrupulously applied; (iv) all the parameters as laid down by Hon'ble Supreme Court for grant of compassionate appointment, shall also be scrupulously followed and that (v) all other provisions of the Rules except the inclusion of the 'married daughter' in the definition of 'dependent', shall have full application.

MEDICAL NEGLIGENCE

(1) Vishrut Jain Vs. State of Rajasthan & Ors.

Hon'ble Mr. Justice Vijay Bishnoi

Judgment dated 08.03.2022

Hon'ble Court heard the claim of the petitioner that unfortunately, wife of the petitioner was died after delivering the baby girl and he was present in the concerned hospital along with his wife since her admission to the hospital till she was declared dead. He claimed that the hospital concerned was not equipped with required infrastructure and gross negligence is writ large and in such circumstances, he wants to apprise the Medical Board concerned regarding the said facts, so that Medical Board may form its final opinion after taking into consideration the statements and evidences produced by the petitioner.

Hon'ble Court held that it is true that in all probabilities, the petitioner was with his wife and witnessed every event since her admission to the hospital and till she was declared dead. It can also be assumed that the petitioner is believing that there was gross negligence on the part of the doctors and medical staff of the hospital concerned and the hospital was unequipped, however, on the request of the police in relation to the FIR filed by the police, the doctors were doing administrative work to find out whether there was negligence on the part of the doctors and medical staff of the hospital.

Hon'ble Court finally held that the doctors were not acting as a judicial authority or quasi judicial authority and they were simply performing their administrative duties of giving opinion to the police in respect of a crime, which is under investigation. When the Medical Board constituted for giving opinion in a criminal case was not doing judicial or quasi judicial work, there is no question of providing any opportunity of hearing to the complainant. The Medical Board is supposed to give its opinion on the basis of the material provided to it by the police or on the basis of the material, which they require to form an opinion of the concerned hospital. Hon'ble Court distinguished the Judgement of the High Court of Madras in P.Basumani Vs. The Tamil Nadu Medical Council (supra) [(2021) 8 MLJ 113] on which the petitioner has placed reliance on the facts as in that case the writ petition was filed on behalf of a doctor, against whom an enquiry was going on in the State Medical Council and in that, the Court has opined that the State Medical Council should provide opportunity to the said doctor before forming an opinion.

MOTOR VEHICLE

(1) Bajaj Auto Finance Limited Vs. Raghunath

Hon'ble Mr. Justice Anoop Kumar Dhand

Judgment dated 12.10.2022

Important Law Point –

- Sections 2(30), 148 and 168 of Motor Vehicles Act 1988.

While considered the provisions contained in Sections 2(30), 148 and 168 of Motor Vehicles Act 1988 and facts of the matter that two different appeals arising out of the common judgment dated 10.08.2000 passed by the learned Tribunal, were submitted before Court. The connected appeal bearing SBCMA No. 439/2002 was decided by the Co-ordinate Bench of this Court vide order dated 11.04.2012 whereby the appeal filed by the appellant was dismissed.

Hon'ble Court observed that this fact is not in dispute that two different claim petitions were submitted before the Tribunal for getting compensation and both the petitions were decided by the common judgment dated 10.08.2000. This fact is also not in dispute that the appellant filed SBCMA No. 439/2002 before this Court against the same award which was dismissed on 11.04.2012 and the aforesaid judgment has not been assailed by the appellant before the Appellate Forum and the same has attained finality. However, the question which still remains for consideration of this Court is that whether this Court should follow the same judgment dated 11.04.2012 in the instant case or whether this Court may take a different view against of the judgments passed by the Hon'ble Apex Court in the cases of Godavari Finance Company Vs. Degala Satyanarayanaamma and Ors; reported in (2008) 5 SCC 107 and HDFC Bank Limited Vs. Reshma and Ors.; reported in (2015) 3 SCC 679 wherein the Hon'ble Apex Court has held that the financier/finance company cannot be held liable to make any payment of compensation to the claimants when the owner of the vehicle has not got the vehicle insured.

Hon'ble Court also relied upon the view taken by the Hon'ble Apex Court in the case of Sundaradas Kanyalal Bhathija & Ors vs. The Collector, Thane, Maharashtra, reported in AIR 1990 SC 261 wherein it was held that the Judicial decorum and legal propriety demand that where a Single Bench or Division bench does not agree with the decision of a Bench of Co-ordinate jurisdiction, the matter shall be referred to a larger Bench. Looking to the subsequent view of the Hon'ble Apex Court in the case of HDFC Bank Limited (Supra), Hon'ble Court referred the matter to a Special/Larger Bench to answer the following questions :-

- Whether the order dated 11.04.2012 passed by the Co-ordinate Bench in S.B Civil Misc. Appeal No. 439/2002 has been passed in ignorance of the judgment of Hon'ble Apex Court in the case of Godawari Finance Company (Supra) and the provisions contained under Sections 146 and 168 of the Motor Vehicles Act, 1988 ?

- (ii) Whether this appeal can be decided in the light of the judgment of Hon'ble Apex Court in the case of HDFC Bank Limited Vs. Reshma (Supra) by taking a contrary view, to the view taken by the Co-ordinate Single Bench of this Court vide order dated 11.04.2012 while deciding SBCMA No. 439/2002 against the same impugned judgment and award dated 10.08.2000 which has attained the finality?

NEGOTIABLE INSTRUMENT

(1) Shyam Sunder Soni Vs. State Rajasthan & Ors.

Hon'ble Mr. Justice Dinesh Mehta

Judgment dated 03.11.2022

Important Law Point –

- Sections 18 and 138 of the Negotiable Instruments Act, 1881.

While considered the provisions of Sections 18 and 138 of the Negotiable Instruments Act, 1881 as well as facts of the matter that the petitioner, being the authorized signatory of M/s. S S & Sons, issued a cheque dated 08.06.2014 bearing No.631583 drawn on State Bank of Bikaner and Jaipur, Bikaner to the complainant. The cheque in question was drawn for Rs.7,55,125/- (Rupees Seven Lacs Fifty Five Thousand One Hundred and Twenty-Five) so far as figures/numbers are concerned, but in words such amount, due to inadvertence or otherwise, was inscribed as "Rupees Seven Lacs Fifty Thousand One Hundred Twenty Five Only". When the cheque was presented by the complainant in the Bank for encashment, the Bank (State Bank of Bikaner and Jaipur) returned the same with the memo dated 17.06.2014, with the following remark: "OP. BAL. INSUFFICIENT (opening balance is insufficient)".

Hon'ble Court held that indisputably, there is a discrepancy in the amounts mentioned in the cheque. True it is, that as per section 18 of the N.I. Act, in case of difference between the words and the figures, the amount written in words in a negotiable instrument is to be taken into consideration. Intention and purport of Section 18 of the N.I. Act which provides that the amount written in words shall prevail, is to give certainty to the amount, if there is any discrepancy in words and figures because there may be lack of clarity while expressing the amount in figures. Hon'ble Court further held that the law is required to be interpreted to avoid mischief and to advance the cause of justice. A literal and strict interpretation of section 18 read with the phrase "said amount" in section 138 would be pedantic and counterintuitive, resulting in miscarriage of justice in the present case. The complainant clearly spelled out the amount covered by the dishonored cheque in question and the petitioner knew what amount he was required to pay. So long as the cheque returning memo dated 17.06.2014 sent by petitioner's banker shows the cheque to have been returned for insufficiency of funds (Opening balance insufficient), petitioner's inadvertent/unintentional error, or possibly a well thought of ploy to write two amounts in the cheque, cannot shield or protect him from the proceedings under section 138 of the N.I. Act.

Hon'ble Court relied upon the judgment passed by Hon'ble Supreme Court in the case of NEPC Micon Ltd. Vs. Megma Leasing Ltd. reported in AIR 1999 SC 1952, wherein while applying mischief rule of interpretation held that where a cheque is returned by the bank unpaid on the ground that the "acc. is closed", it would be as if money standing to the credit of the account would be insufficient to honour the cheque. The Apex Court observed that, if the interpretation which is sought for were given, then it would only encourage dishonest persons to issue cheque and before presentation, close the account, thereby escaping liability under section 138 of N.I. Act.

Finally, Hon'ble Court held that the learned trial Court has taken cognizance for the amount of Rs.7,50,125/-, being cognizant of section 18 of the N.I. Act. Merely because the cognizance has been taken for an amount other than the cheque amount mentioned in the legal notice, the entire proceedings cannot be held vitiated or invalidated.

P.C.P.N.D.T. ACT

(1) Dr. Mohammad Imtiyaz Vs. State Rajasthan & Ors.

Hon'ble Mr. Justice Dinesh Mehta

Judgment dated 22.09.2022

Important Law Point –

- Sections 4, 5, 6, 18, 23 & 25 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) and Rule 4 of Pre-conception and Pre-natal Diagnostic Techniques Rules, 1996 and Sections 420 & 12B of Indian Penal Code.

While considered the provisions of Sections 4, 5, 6, 18, 23 & 25 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) and Rule 4 of Pre-conception and Pre-natal Diagnostic Techniques Rules, 1996 and Sections 420 & 12B of Indian Penal Code. Hon'ble Court considered the allegation that the petitioner was involved in sex determination, but the moot question was whether the cognizance of such offence can be taken by the Police or whether the Police can directly register an F.I.R.

Hon'ble Court observed that Sections 27 & 28 of the P.C.P.N.D.T. Act clearly suggest that the scheme of the Act bars interference of other authorities including the police. Section 28 clearly prohibits a Court from taking cognizance of any offence under the P.C.P.N.D.T. Act except pursuant to a complaint filed by an appropriate authority or authorised officer in this behalf. It is to be noted that a person other than appropriate authority or authorised officer cannot file a complaint directly to the Court – he has to give 15 days notice. Rule 18A(3)(iv) of the P.C.P.N.D.T. Rules in express terms postulates that involvement of police shall be minimum. When the very involvement is discouraged under the Act and the Rules, registration of F.I.R., investigation and arrest by the police is out of question. Impugned F.I.R. has been lodged by the Authorized Officer, Police Station P.B.I.,

Medical & Health Services, Jaipur, who might be an appropriate authority as per Section 28 of the P.C.P.N.D.T. Act, competent to file a complaint but not empowered to register an F.I.R. The registration of F.I.R. is per se, illegal, contrary to the provisions of the P.C.P.N.D.T. Act and without jurisdiction.

Hon'ble Court directed that the petitioner is ultimately convicted pursuant to complaint filed by the State, the period for which he has remained behind the bars, shall be considered against the sentence (if any) awarded by the trial court pursuant to the complaint filed against him under the provisions of the P.C.P.N.D.T. Act. Needless to observe that quashing of present F.I.R., will have no bearing on complaint case, which is said to have been filed by the appropriate authority. So far as offences under the provisions of P.C.P.N.D.T. Act are concerned, the Court concerned shall decide the same in accordance with law.

RAJASTHAN TRANSPARENCY IN PUBLIC PROCUREMENT LAW

**(1) Society for Human Development and Research,
Chirawa Vs. State Rajasthan & Ors.**

Hon'ble Mr. Justice Sandeep Mehta

Hon'ble Mr. Justice Vinod Kumar Bharwani

Judgment dated 30.03.2022

Important Law Point –

- Sections 5(2) (e), 6(2) (c) and 7(2) (f) of the Rajasthan Transparency in Public Procurement Act, 2012 and the Rajasthan Transparency in Public Procurement Rules, 2013.

While considered the provisions contained in Sections 5(2) (e), 6(2) (c) and 7(2) (f) of the Rajasthan Transparency in Public Procurement Act, 2012 and the Rajasthan Transparency in Public Procurement Rules, 2013, Hon'ble the Division Bench held that the conditions of the potential bidders having proper turnover in the precious three financial years and of experience in similar works, cannot be held to be unjust, arbitrary or pervasive in any manner, whatsoever. The petitioner has given challenge to the provisions of the Act of 2012 but these provisions are further required to be applied in accordance with the Rules of 2013 which are not under challenge in this writ petition. Hon'ble Court having analyzed the statutory provisions, the justification thereof as offered in the reply of the respondent held that none of these statutory provisions can be termed to be illegal, arbitrary or contrary to the purposes of the Act of 2012.

Hon'ble Court further held that ex facie, judgment of the High Court of Delhi (Allied Integrated Society (Regd.) & Ors. vs. The State of NCT Delhi, Writ Petition (c) No. 5912/2018), which has been relied upon by the petitioner's counsel, is not applicable to the facts of the present case because in the said judgment, the eligibility conditions of

the aspirants was not based on any statute akin to the Act of 2012. The Hon'ble Delhi High Court, after analyzing all the conditions of the tender, found the same to be irrational and arbitrary in view of the earlier pattern of the MCD. However, in the present case, the tender conditions are guided by the Act of 2012 and the Rules of 2013 and hence, the same cannot be held to be illegal or invalid in any manner, whatsoever.

RENT LAW

(1) Munni Devi (Smt.) Vs. Rent Appellate Tribunal, Jaipur Metropolitan City, Jaipur & Anr.

Hon'ble Mr. Justice Ashok Kumar Gaur

Judgment dated 12.10.2022

Important Law Point –

- Section 114 read with Order 47 (1) of CPC read with Article 226 of the Constitution of India.

While considered the provisions of Section 114 read with Order 47 (1) of CPC read with Article 226 of the Constitution of India, Hon'ble Court observed that the matter was posted before the Co-ordinate Bench of this Court, and the counsels who were appearing before the Court gave their consent that the matter may be disposed of by granting six months time to vacate the premise and further consent was given to vacate the premise by February, 2022 and rent @ 800/- was also required to be paid. If counsel appearing for the petitioner had given his consent to decide the writ petition on the basis of agreement, which parties had in their mind, then such kind of petition of the petitioner cannot be entertained by the Court, whereby now an allegation is levelled against the lawyer that he did not have any instructions to enter into compromise on her behalf.

Hon'ble Court held that any lawyer, who appears before the Court and represents his party, takes the decision in best interest of his litigant and as such in order to plead a given case properly or to give consent on behalf of his client or to enter into compromise, no personal motive may be attached to such an act of a lawyer. If such kind of practice or tactic is permitted to be adopted by a litigant against his lawyer, situation may arise, where even litigants will straightway allege that they had not authorized their counsel to argue the matter in a particular manner and yet the matter was argued in such a manner, which is against their interest or result of the case has gone against him. The relationship between the litigant and his counsel is of utmost importance and litigant has to keep complete faith and trust in his counsel and it has to be borne in mind that whatever lawyer does, he does in the best interest of his client. There is no quarrel on the proposition that any litigant, who engages Advocate on his behalf has

to instruct him to plead on his behalf, however, the legal acumen required by his lawyer is displayed by him in the Court but later plea of a litigant that a particular point of law was required to be placed before the Court, the same cannot be accepted as it is the sole domain of a lawyer concerned to act in the best interest of his client. Order 3 Rule 1 CPC provides for appearance of pleader & Rule 4 provides for appointment of a pleader by way of a document to be filed in a Court. The document of authorization or Vakalatnama includes various acts to be done by an Advocate including right to enter into compromise on behalf of his/her litigant.

TRUSTS AND SOCIETIES

(1) Dhanna Ram & Anr. Vs State of Rajasthan & Ors.

Hon'ble Mr. Justice Pankaj Mithal

Hon'ble Mr. Justice Sandeep Mehta

Judgment dated 23.11.2022

Important Law Point –

- Sections 26, 35, 36 and 37 of the Wakf Act, 1995 and the Rajasthan Land Revenue Act, 1955.

While considering the provisions of Sections 26, 35, 36 and 37 of the Wakf Act, 1995 and the Rajasthan Land Revenue Act, 1955, Hon'ble Division Bench held that under Section 32 of the Act of 1995, only the Wakf Board has been given the power to declare any property to be a Wakf property and to administer the same. Apparently thus, the Chief Executive Officer has no power under the Wakf Act, 1995 to issue any declaration of a property to be a Wakf property. On a perusal of the original record, it becomes clear that no meeting whatsoever was ever held of the Wakf Board for the purpose of declaration of the land in question to be a Wakf property. Furthermore, the so-called enquiry made by the Chief Executive Officer and the minutes recorded therein do not give any indication that the Chief Executive Officer had any plausible evidence regarding the entire chunk of Khasra No.529 being used as a Kabristan. Apparently thus, the direction given by the Chief Executive Officer to the Tehsildar concerned conveying its decision to enter the land of Khasra No.529 as Wakf land is totally illegal and without jurisdiction.

Hon'ble Court further held that the communication dated 08.01.2019 forwarded by the Chief Executive Officer, Wakf Board to the Tehsildar Pachpadra is illegal and without jurisdiction and hence the same is liable to be quashed. Consequently, the respondents are restrained from making any efforts to enter the land of Khasra No.529 as Wakf property. At the same time, Hon'ble Court observed that land admeasuring 2.1 bighas referred to in the factual report annexed with the additional affidavit of the District Collector, Barmer shall be continued to be used as a burial place. These directions would not preclude the right of the Muslim population of the village Asada to make a request for a dedicated burial ground.

4. STATUS OF INFRASTRUCTURE OF HIGH COURT & DISTRICT/ SUBORDINATE COURTS

HIGH COURT

RAJASTHAN HIGH COURT PRINCIPAL SEAT AT JODHPUR

Rajasthan High Court has been shifted to New Building near Jhalamand at Jodhpur. This building has 22 Court Halls & 02 Court Halls for Permanent Lok Adalat.

New High Court building is having sufficient space for Advocates & Litigants. It also has facilities like Crèche, Common Rooms, Library, Dispensaries, Bank, ATM, Canteens, Post-Office, E-Mitra Centre, Auditorium and Lifts etc.

RAJASTHAN HIGH COURT BENCH AT JAIPUR

An additional Building has been constructed behind the existing old Building of Rajasthan High Court Bench, Jaipur. There are total 24 Court Halls having facilities like Advocate Chambers, Litigant Shade, Dispensaries, Canteens, Post-Office, Crèche, Bank and ATMs etc.

DISTRICT AND SUBORDINATE COURT(S)

Court & Residential Building –

There are 36 Judgeships in the State of Rajasthan having 1335 Courts, 977 Courts are functioning in the Buildings of Judicial Department, out of these 657 Court Buildings are suitable as per norms. Other Court Buildings are functioning in the Building provided either by Bar Association or Gram Panchayat, or any other Government Department and 49 Courts are functioning in rented premises. Currently 226 Court Halls are under construction.

Further, only 672 Residential Accommodations are available out of which 457 are as per norms and 216 residences needs conversion from Type-III to Type-II, rest of Judicial Officers are residing in their own house or in a rented house or residence provided by Government. Currently 145 residences are under construction.

(2) Demand of Budget from GOI under Centrally Sponsored Schemes (CSS) as 60% Central Share for the year 2022-23 :-

(Rs. In Crore)

S. No.	Name of Scheme	Project Cost
1.	Construction of Court Buildings	110.89
2.	Construction of Residential Accommodation	37.56
TOTAL		148.45

The Central Government has issued sanction of Rs. 71.66 Crore as Central Share under Centrally Sponsored Scheme during the year 2022-23.

**5. SANCTIONED STRENGTH, WORKING STRENGTH
AND VACANCIES OF JUDGES IN HIGH COURT AND
DISTRICT/ SUBORDINATE COURTS**

**STRENGTH OF HON'BLE JUDGES OF RAJASTHAN HIGH
COURT**

(As on 31.12.2022)

SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
50	26	24

STRENGTH OF JUDGES IN DISTRICT/ SUBORDINATE COURTS

(As on 31.12.2022)

CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
Rajasthan State for District and Subordinate Courts (RJS)	1587	1256	331

6. HUMAN RESOURCE DEVELOPMENT

(I) TRAINING OF JUDGES / JUDICIAL OFFICERS

Webinar on "Section 15 of Juvenile Justice (Care & Protection of Children) Act, 2015" :

A Webinar was conducted by RSJA on 22.01.2022 for Judicial Officers, Member & Advocates. The webinar was presided over by Hon'ble Mr. Justice Sandeep Mehta (Administrative Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy) and Hon'ble Mr. Justice Vijay Bishnoi (Judge, Rajasthan High Court and Chairman, Juvenile Justice Committee, RHC) and Mr. Kamal Chhangani (Additional Director [Academic], Rajasthan State Judicial Academy). The webinar saw a participation of a total 202 Judicial Officers (District and Sessions Judges, Principal Magistrates of JJBs, Panel members and advocates).

Webinar on "Enhancing the Skills of CBI & ACD Judges, Public Prosecutors & Investigating Officers of CBI" :

A Webninar was conducted by RSJA from 28.01.2022 to 29.01.2022 for Judicial Officers, Public Prosecutors and Investigation Officers.

The webinar was presided over by Hon'ble Mr. Justice Sandeep Mehta (Administrative Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy) and Hon'ble Mr. Justice Uma Shanker Vyas (Judge, Rajasthan High Court) and Sh. Kamal Chhangani (Additional Director [Academic], Rajasthan State Judicial Academy) and panel of experts included Shri Chanchal Mishra (Director Prosecution & Secretary Home (Law), Secretariat, Jaipur), Shri Mukesh Choudhary (Cyber Law Expert) on day one and on day two webinar was presided over by Hon'ble Mr. Justice Farjand Ali (Judge, Rajasthan High Court), Hon'ble Mr. Justice Manindra Mohan Shrivastava (Judge, Rajasthan High Court) and Sh. Kamal Chhangani (Additional Director [Academic], Rajasthan State Judicial Academy) and panel of experts included Shri D.C Jain (Additional Director, CBI, New Delhi), Shri Bharat Chugh (Advocate, Supreme Court). The webinar saw a participation of a total 148 CBI and ACD Judges, Public Prosecutors and Investigation Officers of CBI across India.

Institutional Training of Trainee Civil Judges :

Institutional Training of Trainee Civil Judges of Batch 2020-21 was conducted at RSJA from 21.03.2022 to 13.04.2022.

Institutional Training of 08 Trainee Civil Judges of RJS batch 2020-21 was conducted at RSJA. During this, Trainee Officers were enlightened by Hon'ble Judges and other eminent Judicial Officers as faculty.

During this phase, a seven days Training Programmes on “Sharing of Best Practices” for 8 Trainee Civil Judges is organized by Himachal Pradesh Judicial Academy, Shimla in order to provide exposure and to get the trainee officers acquainted with the judicial functioning and best practices of their state.

Online Training Programme on 'Computer Skill Enhancement Programme-Level-I' (ECT_13_2022) :

This Online Training Programme was organized by RSJA on 25.07.2022 for Judicial Officers of District Judiciary (all Cadre) of Rajasthan.

In pursuance to the direction of Hon'ble e-committee, Online Training Programme on 'Computer Skill Enhancement Programme-Level-I' (ECT_13_2022) was imparted through You Tube Live Streaming for Judicial Officers of District Judiciary(all Cadre) of Rajasthan. (Total 2736 views through You Tube Live Streaming)

Webinar for Sensitization of Stakeholders dealing with Juvenile Justice (Care & Protection of Children) Act, 2015 :

A Webninar was conducted by RSJA on 27.07.2022 for Principal Magistrates, JJB & Members, JJB of Rajasthan.

The webinar was hosted by RSJA through the WebEx Meet/Mobile Application with the live link which was presided over by Hon'ble Mr. Justice Vijay Bishnoi (Judge, Rajasthan High Court, Hon'ble Chairman, Juvenile Justice Committee, Rajasthan High Court, Jodhpur.) and Hon'ble Mr. Justice Inderjeet Singh, Judge Rajasthan High Court and Hon'ble Member Juvenile Justice Committee, Rajasthan High Court and panel of experts included Mr. Govind Beniwal, Project Director, 'Antakshri, Foundation' & Member, High Level Committee of JJ Act, Ms. Bharti Ali, Development Professional & Child Rights Activist and the learned Principal Magistrates & Members of Juvenile Justice Board.

RJS Reflective Training of Trainee Civil Judges :

A Reflective Training Programme for 8 Civil Judges of Batch 2020 was organized by RSJA from 01.07.2022 to 14.07.2022.

During this reflective training programme, 08 Civil Judges of RJS batch 2020-21 were enlightened by Hon'ble Judges and other eminent Judicial Officers as faculty. To refine the practical knowledge and writing skills of trainee officers, various sessions on practical exercises were also conducted.

Online Training Programme on 'Computer Skill Enhancement Programme-Level-II' (ECT_13_2022) :

This Online Training Programme was organized by RSJA on 04.08.2022 for Judicial Officers of District Judiciary (all Cadre) of Rajasthan.

As per the direction of Hon'ble e-committee of Supreme Court of India, Online Refresher Training Programme on 'Computer Skill Enhancement Programme-Level-II' (ECT_13_2022) was organized by RSJA for the Judicial Officers of District Judiciary in all cadres of Rajasthan State and this programme also steamed live through YouTube Link and this video garnered with total 3083 views.

Refresher Training Programme for Judicial Magistrates :

A Refresher Training Programme for Judicial Magistrates of Batch 2016 was conducted by RSJA from 06.08.2022 to 07.08.2022.

During this training programme Hon'ble Mr. Justice Vijay Bishnoi (Judge, Rajasthan High Court, Jodhpur), Hon'ble Mr. Justice Arun Bhansali (Judge, Rajasthan High Court, Jodhpur), Hon'ble Ms. Justice Rekha Borana (Judge, Rajasthan High Court, Jodhpur), Sh. Kamal Chhangani (Director, RSJA), Sh. Arun Kumar Beriwal (Spl. Judge, NDPS Cases Court, Kota), Ms. Amrita S. Dudia (Self-empowerment Coach, Growth Mindset Facilitator, Motive Actional Trainer, Tedx Speaker), Sh. Pawan Duggal (Advocate, Supreme Court of India and Cyber Law Expert) enlighten the participant as resource persons. A total of 101 Judicial Magistrates presiding over different courts across the State of Rajasthan participated in this Two day refresher training programme.

Training Programme on 'Sensitization on Family Court Matters' :

A Training Programme on 'Sensitization on Family Court Matters' was organized by RSJA on 10.09.2022 in which a total of 40 Judicial officers posted in Family Courts, 3 ADJs (Batch of 2020), 32 ADJs (Batch 2008), 2 ADJs (Batch 2010), 7 ADJs (Batch 2011) dealing with family matters, presiding over different courts across the State of Rajasthan participated.

Training Programme started with the unveiling of LED Video wall by Hon'ble Mr. Justice Dinesh Maheshwari (Judge, Supreme Court of India) followed by Special Address of Hon'ble Mr. Justice Sandeep Mehta, (Judge, RHC & Chairman, RSJA), Hon'ble Mr. Justice Vijay Bishnoi (Judge, RHC), Hon'ble Dr. Justice P.S. Bhati (Judge, RHC & Member Family Courts Committee, Rajasthan High Court) were also present for lighting the lamp ceremony. Hon'ble Mr. Justice Arun Bhansali, Hon'ble Mr. Justice Dinesh Mehta, Hon'ble Mr. Justice Manoj Kumar Garg, Hon'ble Mr. Justice Farzand Ali, Hon'ble Mr. Justice Madan Gopal Vyas, Hon'ble Ms. Justice Rekha Borana, Judges of Rajasthan High Court, Dr. Nidhi Gupta and Officers of Academy were also present.

Hon'ble Mr. Justice Dinesh Maheshwari (Judge, Supreme Court of India), Hon'ble Dr. Justice P. S. Bhati (Judge, Rajasthan High Court, Jodhpur, Member Family Courts Committee, Rajasthan High Court), Dr. Nidhi Gupta (Associate Professor, NLU, New Delhi), Prof. (Dr.) Atul Kumar Pandey (Professor of Cyber Law, Chairperson, Rajiv Gandhi National Cyber Law Centre and Head, Department of Cyber law, NLU Bhopal) enlighten the participant as resource persons.

Training Programme for Special NI Courts :

A Training Programme for two retired Judicial Officers of District Judge Cadre was organized by RSJA from 01.09.2022 to 30.09.2022.

This special Training Programme of 4 weeks for Two Retired Judicial Officers appointed as Special Judicial Magistrate/Metropolitan Magistrate (N.I. act cases) was conducted at RSJA for establishing Special Courts for NI Act Cases under Pilot Study Project as per the direction of Hon'ble Apex Court in Suo Moto Writ Petition (Cri.) No. 2/2020 In Re. Expeditious Trail of Cases under section 138 of NI Act 1881 as per following phases:-

1. 1st Sep. to 11th Sep. 2022- Institutional Training.
2. 12th Sep. to 22nd Sep. 2022- Field Training.
3. 23rd Sep. to 30th Sep. 2022- Conclusive Reflective Training.

Final Reflective Institutional Training :

A Final Reflective Institutional Training Programme for 1 Trainee Civil Judge was held from 15.09.2022 to 22.09.2022.

During this period of one week, final phase reflective institutional training was imparted to one Trainee Civil Judge in which trainee officer was enlightened by the eminent faculties on the various points of law along with various sessions on practical exercises to improve the judgement writing skills of trainee officer.

Online eCourts Training Programme (ECT_16_2022) :

Online eCourts Training Programme (ECT_16_2022) was organized by RSJA for the Judicial officers of District Judiciary (all cadre) of Rajasthan and streamed live on YouTube which garnered with total 1542 views on 30.09.2022.

Training Programme on 'Sensitization of Judges dealing with POCSO Act Cases' :

One day workshop on Sensitization of Judges Dealing With POCSO Act Cases was organized on 04.11.2022 with physical presence in which a total of 90 Participants which include POCSO Judges & Principal Magistrates of JJB across the State of Rajasthan participated.

Hon'ble Mr. Justice Sandeep Mehta (Administrative Judge Rajasthan High Court & Chairman, RSJA), Hon'ble Mr. Justice Farzand Ali (Judge, Rajasthan High Court), Mr. Dinesh Tyagi (Registrar, Examination, Rajasthan High Court), Govind Beniwal, (Project Director, 'Antakshri Foundation' & Member, High Level Committee of JJ Act), Mr. Bal Krishna Mishra, Judge, Special Court, POCSO Act Cases Court No. 2, Bundi (Co-speaker), Mr. Bhupendar Kumar Sanadhya Judge, Special Court, POCSO Act Cases Court No. 1, Udaipur (Co-Speaker), Ms. Meghna Jain Additional Director, RSJA (Co-Speaker) were Resource Persons for the training programme.

Training Programme on ‘Sensitization of Stakeholders dealing with matters related to SC/ST (POA) Act 1989 :

A Training Programme for Spl.Judge, SC/ST Cases Court, Spl. Public Prosecutor, Assistant Director Prosecutor was organized by RSJA on 11.12.2022.

This Training programme saw a participation of a total 27 Judicial Officers posted in SC/ST cases courts, 19 Special Prosecution Officers of the SC/ST (Prevention of Atrocities) Cases Courts across the various Judgeships of the State of Rajasthan and investigating officers who were enlightened by Hon’ble Mr. Justice Farzand Ali (Judge, Rajasthan High Court), Mr. V.K. Singh (IPS) ADG(Traffic), Jaipur, Mr. Ramesh Choudhary Prosecution Officer, Rajasthan Police Academy, Jaipur, Shri Dinesh Tyagi Registrar (Examination) Rajasthan High Court as resource persons.

Refresher Training Programme for ACJMs of Batch 2015 :

This two day Refresher Training Programme for ACJMs (RJS Batch 2015) was organized at RSJA on from 17.12.2022 to 18.12.2022 in which a total of 125 Participants - Additional Chief Judicial Magistrates of Batch 2015 (except Principal Magistrates of JJB and officers on deputation) across the State of Rajasthan participated. During this training, participated were enlightened by Hon’ble Mr. Justice Arun Bhansali, Judge, Rajasthan High Court & Co-Chairman, RSJA, Shri Kamal Chhangani, Director, Rajasthan State Judicial Academy, Jodhpur, Shri Rajesh Kumar Daria, Additional District & Sessions Judge No.3, Jaipur Metro-II, Shri Praveen Kumar Mishra ADJ No-2, Jodhpur Metro, Shri Nisheeth Dixit, Advocate Rajasthan High Court and Cyber Law Expert, Jaipur, Ms. Kanika Jamval, Assistant Lecturer, Jindal Global Law School, Sonipat, Haryana as resource persons.

First Workshops of Clustered Judgeship (January to March, 2022) :

Workshop of Clustered Judgeships are being organized by RSJA on periodically basis.

First Workshops 2022-23 for the block period January-March was organized at identified 16 headquarter of Clustered Judgeship of Rajasthan during January to March 2022 on the following topics :

1. Protecting Rights of Women under the provisions of Code of Criminal Procedure 1973 and under Protection of Women from Domestic Violence Act, 2005.
2. Offence u/s 138 Negotiable Instruments Act 1881: Principles, Practice and Procedure.

Second Workshop of Clustered Judgeship (April to July, 2022) :

Second Workshop 2022-23 for the block period April-July was organized at identified 16 headquarter of Clustered Judgeship of Rajasthan during April to March 2022 on the following topics :

1. Law of Execution and Enforcement: Civil Jurisdiction
2. Law of Execution and Enforcement: Criminal Jurisdiction

Third Workshop of Clustered Judgeship (September to November, 2022) :

Third Workshops of 2022 for the block period September-November was organized at identified 16 headquarter of Clustered Judgeship of Rajasthan during September-November 2022 on the following topics :

1. Scope and Application of Order 22 CPC & correlation between Order 22 CPC & Order 1 Rule 10 (2) CPC.
2. Non-appearance and Death of Parties in Criminal Proceedings- effect and procedure.

West Zone-I: 'Regional Conference On Contemporary Judicial Developments and Strengthening Justice Through Law & Technology' :

West Zone Regional Conference was organized by National Judicial Academy, Bhopal in association with Hon'ble Rajasthan High Court and Rajasthan State Judicial Academy, Jodhpur on 29.10.2022 & 30.10.2022.

Shri Kalraj Mishra, Hon'ble Governor, Rajasthan inaugurated programme by lighting the ceremonial lamp with other dignitaries - Hon'ble Mr. Justice Pankaj Mithal, The Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice B. S. Chauhan, Retd. Judge, Supreme Court of India Former Chairman, Law Commission of India, Hon'ble Justice A. P. Sahi, Director, National Judicial Academy, Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court, Chairman, Rajasthan State Judicial Academy.

The Resource Persons of this training programme are as under who enlighten the participating 20 High Court Judges and 77 Judicial officers of DJs, ADJs & CJMs Cadre from States of Rajasthan, Gujarat, Maharashtra and Madhya Pradesh on various topics :

1. Hon'ble Mr. Justice B.S Chauhan, Retd. Judge, Supreme Court of India Former Chairman, Law Commission of India.
2. Mr. S. Shekhar Naphade, Senior Advocate, Supreme Court of India.
3. Hon'ble Mr. Justice Atul Sreedharan, Judge, Madhya Pradesh High Court.
4. Hon'ble Mr. Justice G R Swaminathan, Judge, Madras High Court.
5. Hon'ble Mr. Justice R. C. Chavan, Vice Chairman, E-Committee, Supreme Court of India.
6. Hon'ble Mr. Justice A. Muhamed Mustaque, Judge, Kerala High Court.
7. Hon'ble Mr. Justice Suraj Govindaraj, Judge, Karnataka High Court.
8. Hon'ble Mr. Justice Raja Vijayaraghavan, Judge, Kerala High Court.

Online Training Programme for Administrative Head Staff and Court Managers of Districts (ECT_5_2022) :

In pursuance to the direction of Hon'ble E-committee of Supreme Court of India, the ECT Special Drive and Outreach programmes are being conducted by RSJA on 28th April, 2022 to enhance the electronic & communication skills of all the Judicial Fraternity. So Online Training programme, ECT-5 is organized by RSJA for the Protocol-cum-Administrative Officers, Senior Munsrim/Munshrim and Court Managers. Total 175 Participants are enriched by this training programme.

Online Refresher Training & NSTEP Training for 'Administrative Head, Nazarat & Process Servers' (ECT_8_2022) :

In pursuance to the direction of Hon'ble E-committee of Supreme Court of India, Online Refresher Training & NSTEP Training programme (ECT-8) was imparted on 30th May, 2022 through YouTube Live Streaming for Senior Munshrim/ Munshrim (of Principal District Judges), Nazir/ Assistant Nazir/ Sale Amin (or the person looking after their work) & Process Servers of all the District Courts of Rajasthan. (Total 1947 views through YouTube live Streaming)

Online Training Programme for Court Staff at District Headquarter (ECT_9_2022) :

As per the direction of e-committee of Supreme Court of India, Online Training Programme for Court Staff at District Headquarter (ECT-9) was organized by RSJA on 22nd June, 2022 through YouTube Live Streaming. (Total 6524 views through YouTube Live Streaming)

Online Training Programme for Technical Staff of High Court & District Courts through the State Judicial Academies (ECT_10_2022 & ECT_11_2022) :

Online Training Programme (ECT-10 & ECT-11) was organized by RSJA on 29th & 30th June, 2022 for the Technical Staff & NIC Coordinators at High Court & District System Administrator, System Officers, System Assistants, Court Manager and other technical staff of District Courts who look after the technical work related to programme description. Total 160 Participants were benefited by this training programme.

Online Refresher Training Programme (ECT_15_2022) & Training Programme on Digitization at High Court Level (ECT_6_2022) :

In pursuance to the direction of Hon'ble e-committee, of Supreme Court of India, Online Refresher Training Programme (ECT_15_2022) and Training Programme on Digitization at High Court Level (ECT_6_2022) was imparted on 31st August, 2022 through streaming live on YouTube for the Rajasthan High Court Staffs at Jodhpur and Jaipur & Digitization Officials/ Staff of Rajasthan High Court, Jodhpur and Jaipur. (Total 479 views through You Tube Live Streaming.)

Online Training Programme for Court Staff at District Headquarter (ECT_9_2022) :

Online Training Programme for all the Court Staff at District Headquarters (ECT_9_2022) under E-Committee, Supreme Court of India was organized by RSJA on 16th November, 2022 through YouTube Live Streaming. (Total 3248 views through YouTube Live Streaming)

Online Training Programme for Advocates and Advocate Clerks at Taluka/Village Location of all the Districts (ECT_7_2022) :

In pursuance the direction of Hon'ble e-committee, Supreme Court of India, Electronic & Communication Training Programme (ECT-7) was organized by RSJA on 20th May, 2022 for the Advocates and Advocate Clerks of the state. All the sessions of this training programme were live streamed on YouTube for the targeted group. (Total 924 views through YouTube Live Streaming.)

Online Training Programme for Advocates and Advocate Clerks at District Judiciary of Rajasthan (ECT_12_2022) :

In Pursuance the direction of Hon'able e-committee, Supreme Court of India, 'Computer Skill Enhancement Programme-Level-I' (ECT_12_2022) was Organized by RSJA on 20th July, 2022 for the Advocates and Advocate Clerks of District Judiciary of Rajasthan. All the session of this training programme were Live streamed on You Tube for the targeted group. (Total 816 views through You Tube Live Streaming.)

Online Training Programme for Advocates and Advocate Clerks at Taluka/Village Location of all the Districts (ECT_7_2022 : Second Quarterly) :

In pursuance to the direction of Hon'ble e-committee, of Supreme Court of India, Electronic and Communication Training Programme [ECT_7_2022: Second Quarterly] was organized by RSJA on 20th September, 2022 for the Advocate and Advocate Clerks of District judiciary of Rajasthan. All the session of this training programme were Live streamed on You Tube for the targeted group. (Total 444 views through You Tube Live Streaming.)

Online Training Programme 'Computer Skill Enhancement Programme - Level-II' (ECT_12_) :

Online Training Programme 'Computer Skill Enhancement Programme -Level-II' (ECT_12_2022) was organized by RSJA on 5th November, 2022 for the Advocate and Advocate Clerks of District Judiciary of Rajasthan. (Total 145 views through You Tube Live Streaming.)

Online Training Programme for Advocates and Advocate Clerks (ECT_7_2022 : Third Quarterly) :

Online Training Programme for Advocate and Advocate Clerks at Taluka/Village Locations' of all the Districts [ECT_7_2022: Third Quarterly] under e-committee, Supreme Court of India was organized by RSJA on 14th December, 2022. (Total 409 views through You Tube Live Streaming.)

(II) ACTIVITIES OF STATE JUDICIAL ACADEMY

In Rajasthan, Judicial Academy was constituted and established in the name of School of Judicial Administration & Rajasthan Judicial Academy (S.J.A.R.J.A.) considering suggestions made by the Vice Chancellor of National Law University, Jodhpur the then Hon'ble Chief Justice Mr. A. R. Laxmanan vide his order dated 16.11.2001.

Presently, the Academy is functioning in its newly constructed splendid building spread in about 80 Bighas of land and situated near Jhalamand Circle, Old Pali Road, Jodhpur. The Academic Block of RSJA has state-of-the-art Auditorium (with a capacity of 240 persons), a Conference Hall (with a capacity of 135 persons), a Library Hall, Class Rooms and a Computer Lab. The Hostel Block of RSJA has 90 rooms alongwith a Dining Room, a Gymnasium and a Recreation Room for the Trainee Officers and Drivers" Dormitory etc.

The Rajasthan State Judicial Academy has a Faculty Guest House comprising of suites and rooms for Hon'ble Guest Faculties and other invited dignitaries invited for various purposes. A multipurpose sports complex is under construction and the construction of additional rooms for officers hostel will commence soon.

7. STATUS REPORT OF COMPUTERIZATION OF RAJASTHAN HIGH COURT

DEVELOPMENTS IN E-COURTS – MISSION MODE PROJECT RAJASTHAN DURING JANUARY TO DECEMBER 2022

HIGH COURT

PAPERLESS COURTS FOR NEW CASE TYPES-

- Four Paperless Courts in Rajasthan High Court; two at Rajasthan High Court Jodhpur and two at Jaipur Bench have been started for bail matters and appeals under Section 14-A of SC/ST (POA) Act.
- A detailed plan has been chalked out to further extend functioning of Paperless courts for other case types in a phased manner. The proposed phases for expansion of paperless courts is as under:-
 - Phase I- All Criminal Writ petitions
 - Phase II- All Criminal Misc. Petitions
 - Phase III- All Criminal Revision Petitions
 - Phase IV- All Criminal Appeals
 - Phase V- All matters pertaining to Commercial Appellate Division
 - Phase VI- All Writ Petitions and Appeals related to Tax matters.
- The paperless courts setup in Rajasthan are unique in the sense that these are live courts. The moment any document is dealt by the Registry in case file, it is automatically reflected in the Paperless Courts.

MANDATORY E-FILING FOR CASES INSTITUTED ON BEHALF OF CENTRAL AND STATE GOVERNMENT CASES w.e.f. 01.01.2022

- For mandatory e-filing for selected case types from 01.01.2022 as suggested by Hon'ble Dr. Justice D.Y. Chandrachud, Judge, Supreme Court of India and Chairperson, E-Committee, Supreme Court of India, Notification has been issued on 20.12.2021 and e-filing has been made mandatory in cases filed by the Central and the State Government in Rajasthan High Court. Detailed guidelines have also been issued to streamline the entire process of mandatory e-filing in above cases.
- On the request of Rajasthan High Court, Hon'ble E-Committee has also provided a separate mechanism for creation of e-filing user accounts for Government Advocates. By using this mechanism, e-filing user accounts have been created for Advocate General, Additional Advocate Generals & other Government Advocates/Counsels.

SET UP OF E-FILING COUNTERS IN RAJASTHAN HIGH COURT FOR SCANNING AND E-FILING FACILITIES FOR ADVOCATES AND LITIGANTS-

- Rajasthan High Court has set up e-filing centres both at its Principal Seat Jodhpur and Bench at Jaipur and under one roof, the process of e-filing can be done by Advocates and Litigants. At these centres, not only scanning facility is made available, but the advocates/litigants either themselves do the e-filing or they may get it done from the trained persons deputed at these Centres.
- All these facilities have been made available to Advocates and Litigants on a very nominal charge of only 50 paise per page. For these services, the firm, already engaged in Rajasthan High Court for digitization work, has been deputed.

INSTALLATION OF DEDICATED VC SETUP IN ALL THE COURTS ROOMS IN RAJASTHAN HIGH COURT

- Amidst Covid-19 pandemic, the Video Conferencing Setup for court functioning were assembled using resources already available with Rajasthan High Court as stop-gap arrangement.
- In order to install dedicated, stable and befitting Hybrid VC Setup in all court rooms, an assessment of broad VC hardware was performed and funds were demanded from State government to equip all the court rooms with VC and also for recurring expenses.
- After availability of budget, dedicated VC hardware for 46 Court Rooms (22 Court Rooms at Jodhpur and 24 Court Rooms at Jaipur Bench) have been procured and installed to facilitate the conduct of the court room proceedings (online as well as physical) through establishment of suitable and efficient Video Conferencing and audio facilities at Rajasthan High Court.

DIGITIZATION –

- Scanning & Digitization of disposed case records of Rajasthan High Court is in progress since October 2018 both at Jodhpur and Jaipur.
- Approximately, 7 Crore pages are to be scanned. As on 30.06.2022, total 2,20,76,973 pages have been scanned and uploaded on DMS, of which, quality check has been done by the High Court Staff. This is 31.54% of the total work.

HANDS ON TRAINING TO JAIL AUTHORITIES ON VIDEO CONFERENCING SOFTWARE –

- In State of Rajasthan, 1292 Courts and 95 jails are equipped with VC hardware. Dedicated Zoom VC Software and internet connectivity have been provided in 1292 Courts. The production of accused from jails through Video Conferencing will not only save time, energy and minimize of movements of inmates but also ensure security.
- In this series, an intensive training has been imparted to a team of five techno-savvy persons nominated by Director General of Prisons Rajasthan Jaipur on 25.04.2022 at Rajasthan High Court Jaipur Bench for use and features of Zoom VC Application Software. The nominated Persons will further impart training to the authorised persons at every jail end.

E-COMMITTEE SPECIAL DRIVE TRAINING AND OUTREACH PROGRAMME- 2022

- Under the aegis of Hon'ble e-Committee, Supreme Court of India, a 'Training and Outreach Programmer Calendar' has been prepared for 2022 to accelerate the outreach programmes on ICT initiatives of the e-Committee. As per the Calendar 2022, at least two ICT programmes per month may be facilitated through State Judicial Academy.
- In compliance of directions of Hon'ble Dr. Justice D.Y.Chandrachud, Judge, Supreme Court of India and Chairperson, E-Committee, Supreme Court of India, Governing Council of Rajasthan State Judicial Academy has incorporated ICT Outreach Programmes in Annual Academic Calendar of RSJA for the year 2022-23.
- The online training material according to the target groups have been prepared and provided to Rajasthan State Judicial Academy from time to time.
- Till 30.06.2022, following Special Drive and Outreach Training Programmes have been conducted through Virtual Mode to various stakeholders by Rajasthan State Judicial Academy. :-

March and April, 2022	eCommittee, Supreme Court Of India Special Drive and Outreach Training Programme- 2022 (Virtual Training) (Ubuntu, CIS and eCourt Management Training to 8 newly recruited Trainee Civil Judges) ECT_17_2022 (On 29.03.2022, 30.03.2022, 31.03.2022 and 01.04.2022)
April, 2022	eCommittee, Supreme Court Of India Special Drive and Outreach Training Programme- 2022 (Virtual Training) Online Training for target group of Administrative Head Staff and Court Managers of Districts (ECT_5_2022) held on 28.04.2022

May, 2022	<p>eCommittee, Supreme Court Of India Special Drive and Outreach Training Programme- 2022 (Virtual Training)</p> <p>Online Training for target group of Advocate & Advocate Clerk at Taluka/Village (ECT_7_2022) held on 20.05.2022</p>
May, 2022	<p>eCommittee, Supreme Court Of India Special Drive and Outreach Training Programme- 2022 (Virtual Training)</p> <p>Refresher Training Programme & NSTEP Training for target group of Senior Munshrim/Munshrim (of Principal DJs), Nazir/Cell Amin/the person dealing with the work of Nazarat & Process Servers of all the District Courts of Rajasthan (ECT_8_2022) held on 30.05.2022</p>
June, 2022	<p>eCommittee, Supreme Court Of India Special Drive and Outreach Training Programme- 2022 (Virtual Training)</p> <p>Online Refresher training for all the Staff members at District Headquarters (ECT_9_2022) held on 22.06.2022.</p> <p>Online Training for Technical Staff of High Court and District Courts for the target group of technical staff and NIC Co-ordinators at High Court and District System Administrators, System Officers, System Assistants, Court Manager and other technical staff of District Courts who look after the technical work related to programme description (ECT_10_2022 and ECT_11_2022) held on 29.06.2022 & 30.06.2022</p>

ESTABLISHMENT OF VC REMOTE POINT IN STATE'S BIGGEST SAWAI MAN SINGH HOSPITAL JAIPUR TO FACILITATE DOCTORS FOR RECORDING OF THEIR EVIDENCE IN COURTS VIRTUALLY

- After notifying the VC Rules in August 2021, Rajasthan High Court set up VC Remote Points and made functional in all the 36 Court Complexes at District Headquarters of the State. These VC Remote Points are used by witnesses or other stakeholders for recording of evidence or joining the court proceedings in any court of the State.
- Taking this one step forward, VC Room at SMS Hospital Jaipur (Biggest Hospital in State) has been set up as VC Remote Point for recording of evidence of Doctors, by which, Doctors working in SMS Hospital and other allied Hospitals at Jaipur will not only be able to give their statements in cases through video conferencing, but they will also be able to use the spared time for treatment of patients and other important responsibilities.
- Hon'ble the Chief Justice of Rajasthan has e-inaugurated VC Remote Point at SMS Hospital Jaipur on 24.06.2022. Hon'ble Chairman and Member of Steering Committee were also present virtually.



Hon'ble Mr. Justice S.S. Shinde e-inaugurating VC Remote Point of SMS Hospital Jaipur



Dr. Sudhir Bhandari, Principal & Controller, SMS Medical College Jaipur along with other doctors present during e-inauguration

ESTABLISHMENT OF VC REMOTE POINT IN GOVERNMENT SECRETARIAT FOR RECORDING OF EVIDENCE IN COURTS VIRTUALLY

Rajasthan High Court Rules for Video Conferencing for Courts 2020 have been published in Rajasthan Gazette on 30.07.2021 which have been made applicable to the proceedings of the High Court of Judicature for Rajasthan and all Subordinate Courts of the Rajasthan w.e.f. 02.08.2021.

Dedicated VC Hardware have been installed in Rajasthan High Court. 1292 Subordinate Courts are equipped with VC hardware and dedicated internet connectivity and Zoom VC Application Software.

VC Remote Points have been set up at 36 Court Complexes at every District Headquarters for recording of evidence or joining the court proceedings in any court of the State.

In month of June 2022, VC Room at SMS Hospital Jaipur (Biggest Hospital in State) was set up as VC Remote Point for recording of evidence of Doctors. Till 17th September 2022, 51 successful evidences of Doctors were recorded through VC Remote Point at SMS Hospital Jaipur.

Taking another step ahead, VC Remote Point at Government Secretariat has been established and notified to facilitate Administrative Officers of Government of Rajasthan for recording their evidences virtually in the Courts in accordance with Rules of 2020. Evidence of Chief Secretary, Government of Rajasthan has been recorded through VC Remote Point on 23.09.2022 before the court of ACJM (PCPNDT Act) Cases Ajmer.

IMPLEMENTATION OF RHC-FASTER SYSTEM FOR E-TRANSMISSION OF ORDERS/ JUDGMENTS OF RAJASTHAN HIGH COURT FOR COMPLIANCE AND DUE EXECUTION

On the lines of FASTER launched by Hon'ble the Chief Justice of India for the Supreme Court, for expeditious transmission of e-authenticated copies of orders/ judgments for compliance and due execution, through a secured electronic communication channel, a programme has been developed for sending orders/ judgments and/ or documents related to a case file from Rajasthan High Court to the concerned stakeholders through Electronic Mailing System.

Official email IDs of District Judges, all the subordinate courts, District Collectors, Senior Officers of police including SP/ACP/ Commissioner of Rajasthan have been mapped with this programme. Provision to send email to other stakeholder concerned like Advocate/ employee/ institution has also been made.

E-LAUNCHING OF INTEGRATED DIGITAL SOLUTION SOFTWARE WITH E-PRISONS FOR RAJASTHAN HIGH COURT AND DISTRICT JUDICIARY

In compliance of an order dated 28.11.2012 passed by Rajasthan High Court in DB Criminal Writ Petition No.295/2021, titled Rakesh Vs. State, Rajasthan High Court has developed an indigenous Digital Solution Software in collaboration with NIC New Delhi. The programme is integrated with e-Prisons Software.

In integrated Digital Solution Software, database of prisoners in State of Rajasthan is exchanged with Rajasthan High Court and District Judiciary. Details of inmates maintained through ePrisons Software by police authorities which includes unique identification number of prisoner (PID), date of arrest, undergone period, period of absconding, paroles history, criminal antecedents, issuance of custody certificate and other factors are migrated into this software. Simultaneously, database of courts is also integrated with ePrisons like court case details, court orders, hearing details and causelist etc.

The developed software incorporates statistical database of prisoners, under trial/ convicted and has multiple segments. Numerous procedural delay and hurdles which cause unnecessary deferment of hearings would be eliminated by using this software. The section of prisoners who are unable to seek legal assistance on account of poverty would be directly connected with Legal Services Authority and thus, the process of providing free Legal Aid Service would be facilitated.

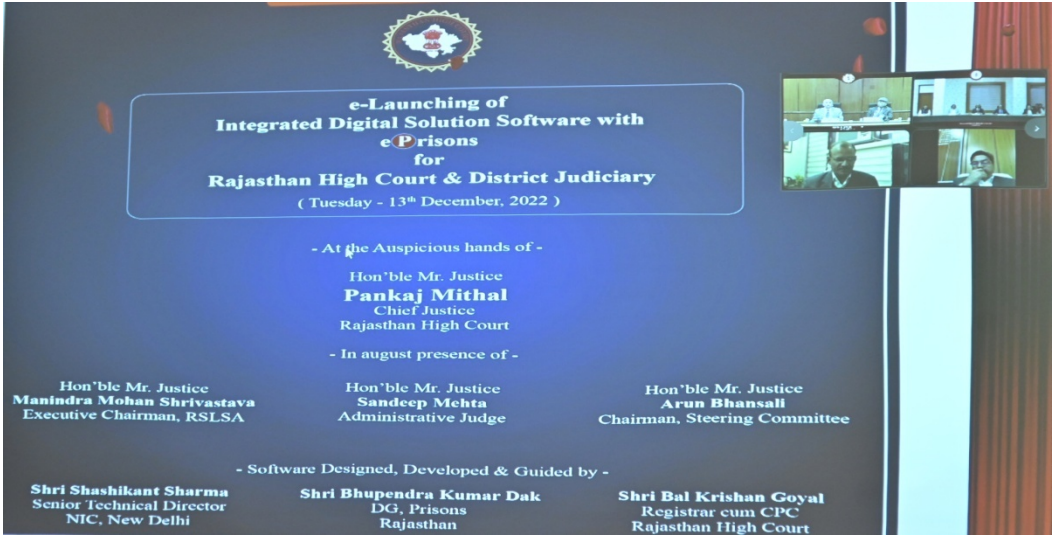
This Digital Solution Software has been e-launched by Hon'ble Mr. Justice Pankaj Mithal, the Chief Justice of Rajasthan on 13th December 2022 in august presence of Hon'ble Mr. Justice M. M. Shrivastava, Executive Chairman RLSA, Hon'ble Mr. Justice Sandeep Mehta, Administrative Judge, Hon'ble Mr. Justice Arun Bhansali, Chairman, Steering Committee and other Hon'ble Judges of Rajasthan High Court alongwith Jail/Police/ Administrative Authorities and virtual presence of District Judges. E-Launching ceremony has also been live streamed on Youtube with link-
<https://youtu.be/CSZRSQcP2Ww>.



Hon’ble Mr. Justice Pankaj Mithal, the Chief Justice of Rajasthan and Hon’ble Mr. Justice M.M.Shrivastava, Executive Chairman RSLSA



Hon’ble Mr. Justice Sandeep Mehta, Administrative Judge, Hon’ble Mr. Justice Arun Bhansali, Chairman Steering Committee and Hon’ble Mr. Justice Dinesh Mehta, Member Steering Committee



DISTRICT COURTS

VIDEO CONFERENCING –

- The Rules for Video Conferencing for Courts 2020 formulated by Rajasthan High Court have been notified in the Government Gazette by State of Rajasthan. In pursuance to provisions of rule 1(i), these rules have been made applicable w.e.f. 02.08.2021, the date notified by Rajasthan High Court.
- These rules have been made applicable for all proceedings before High Court and District Courts of Rajasthan.
- In order to effectively implement Video Conferencing Rules in subordinate courts, dedicated VC hardware for 1292 courts have been procured and procurement for additional 52 courts is under process. Dedicated internet connectivity have been provided in all subordinate courts and Zoom VC Software licenses have also been procured for 1292 Courts.
- To streamline the entire process in conformity with VC Rules, VC remote points have also been setup at all the 36 District Headquarters in court premises.
- For the purpose of extending facility of VC to a further advanced level, arrangements were made to suitably accommodate hearings wherein one party addresses court physically inside court room and other party appears on VC. For this Hybrid VC, two VC setups have been configured in court rooms which work in conjugation so that all participants may see and hear each other.

STATEWIDE LAUNCH OF COMPREHENSIVE SOFTWARE PROGRAMME FOR ONLINE QUARTERLY RETURN NO.V BY JUDICIAL OFFICERS OF RAJASTHAN

- For the purpose of evaluation of work done by Judicial Officer, every Judicial Officer has to submit quarterly Return Manually to the High Court through District Judge.
- In order to make the entire process paperless and to accomplish the task in scientific and analytical manner, a Computer Programme has been developed indigenously by Technical Team of Rajasthan High Court which is linked with CIS of every Court.
- Initially, this programme was launched on pilot basis in two Judgeships i.e. Sirohi and Tonk for preparing quarterly return statement for 1st Quarter of 2022.
- After successful testing, the programme has been launched for the entire State of Rajasthan w.e.f. 01.04.2022 after successful conducting E-launch ceremony of this comprehensive programme on 01.04.2022 with the kind blessings of Hon'ble Mr. Justice M.M. Shrivastava, the Acting Chief Justice and Hon'ble Mr. Justice Arun Bhansali, Chairman Steering Committee.



ZOOM ENTERPRISE LICENSES FOR ALL THE SUBORDINATE COURTS FOR HEARING THROUGH VIDEO CONFERENCING -

- To make the process of video conferencing more easy, user friendly and efficient, work order has been placed for Zoom Enterprise Licenses for 1292 subordinate courts in January 2022. These licenses have features of not only Meeting with 500 participants but also Webinar with 500 participants. This facility of Webinar may also be explored as Live Streaming for upto 500 viewers at a time.

DISTRIBUTION OF 1015 NEW LAPTOPS FOR JUDICIAL OFFICERS ON REPLACEMENT OF OLD LAPTOPS

- Hon'ble e-Committee, Supreme Court of India sanctioned funds for procurement of new Laptops for the Judicial Officers to whom earlier official Laptops were provided in the year 2015.
- After due tender process, work order was issued for procurement of 772 Laptops for the Judicial Officers in the month of November 2021. Allotment and distribution of new Laptops for the Judicial Officers completed in the month of March 2022.

- Thereafter, from the funds sanctioned by Hon'ble e-Committee, additional new 243 Laptops for the Judicial Officers have also been procured and delivered to Judicial Officers in the month of June 2022.



Distribution of Laptop to Registrar General by Hon'ble the Acting Chief Justice

FUNCTIONING OF RAJASTHAN'S FIRST VIRTUAL COURT FOR TRAFFIC e-CHALLANS OF POLICE COMMISSIONERATE JAIPUR

In the current scenario, facilities are provided for litigants to file cases through e-filing and also pay the Court Fees online. However, For adjudication purpose, the litigant may have to appear in person or through the lawyer in the court. Virtual Court is a concept aimed at eliminating presence of litigant or lawyer in the court and adjudication of the case online without physically holding the court. Traffic challans generated by E-challan device of Police are automatically sent to virtual court which is manned by a Judicial Officer.

After accomplishment of requisite administrative and technical requirement to set up virtual court in Rajasthan, the Court of Mobile Magistrate No.2, Jaipur District has been invested with the jurisdiction to exercise the powers of virtual court in addition to its existing jurisdiction.

Rajasthan's first Virtual Court has been E-inaugurated by Hon'ble the Chief Justice on 20.07.2022 in gracious presence of all the Hon'ble Judges of Rajasthan High Court. Virtual Court has been made live w.e.f. 21.07.2022 as Pilot Project for traffic e-challans of Police Commissionerate Jaipur.



E-inauguration of First Virtual Court for traffic e-challans of Jaipur Commissionerate



Hon'ble Judges of Rajasthan High Court during E-inauguration of Virtual Court

MIGRATION OF CIS BILINGUAL TOGGLING SYSTEM IN DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

CIS 3.2 has a feature of bilingual toggling system by which all the case related data can be entered in local language. The user can very well switch over to the bilingual language without logging out. This enhancement in CIS 3.2 has made the bilingual option more user friendly and time saving.

Technical Team of Rajasthan High Court with the help of Pune Technical Team working on CIS has developed a patch and prepared help video tutorial to enable the bilingual toggling system. Initially, CIS bilingual version was applied in month of September 2022 on pilot basis in two Districts i.e. Sirohi and Jaipur District.

After successful migration of CIS bilingual version in Pilot Districts, the same has been implemented in entire Judgeships of Rajasthan in month of October 2022. Causelist can be made available on local language (hindi). Case status is made available in hindi language so as to make it convenient for advocates and litigants at far flung areas. Simultaneously, it will be replicated on eCourts Portal. Process/ summons can also be generated and made available in hindi language to serve the parties concerned through NSTEP.

8. FINANCIAL STATEMENT OF BUDGET AND EXPENDITURE

**The Financial Statement of Budget and Expenditure
(Revenue Expenditure for the year 2022) as under :-**

(Amount in Lacs)

S. No.	Budget Head	2022-2023	
		R.E.	Expenses
1.	2014-00-102-01-00 - Rajasthan High Court	20442.52	19513.77
2.	2014-00-105-19-01 - DJ/ ADJ Courts	53571.25	51723.83
3.	2014-00-105-02-00 - CJM/ ACJM Courts	22169.48	21459.00
4.	2014-00-105-03-00 - MJM/ AMJM Courts	20362.40	19671.28
5.	2014-00-105-04-00 - Mobile Courts	315.74	298.15
6.	2014-00-105-06-00 - Designated Court	92.94	89.44
7.	2014-00-105-07-00 - Dacoity Courts	75.52	75.07
8.	2014-00-105-08-00 - Sati Nivaran Court	115.04	107.62
9.	2014-00-105-09-00 - SC/ ST Act Cases Courts	2563.67	2442.24
10.	2014-00-105-11-00 - NDPS Act Cases Courts	972.74	945.34
11.	2014-00-105-15-00 - N.I. Act Cases Courts	4213.39	4038.02
12.	2014-00-105-16-00 - Bomb Blast Cases Court	94.48	107.12
13.	2014-00-105-20-01 - Commercial Courts	1138.92	1137.49
14.	2014-00-105-21-01 - Raj. Judicial Academy	522.80	492.77
15.	2014-00-116-02-1 - Rent Tribunals	383.01	347.60
16.	2014-00-116-02-2 - Appellate Rent Tribunals	179.98	156.57
17.	2014-00-117-01-01 - Family Courts	4596.19	4543.55
18.	2014-00-800-03-01 - Juvenile Justice Boards	1469.45	1369.53
19.	2014-00-105-17-00 - Gram Nyayalayas	1638.30	1540.52
20.	2014-00-789-02-00 - Gram Nyayalayas	344.96	335.65
21.	2014-00-796-02-00 - Gram Nyayalayas	476.00	426.31
22.	2014-00-105-23-01 - POCSO (Nirbhya)	9047.86	4234.10
23.	2014-00-105-22-01 - POCSO (Fast Track)	0	0
24.	2014-00-105-22-02 - POCSO (Fast Track)	0	0
25.	2014-00-105-01-00-62 - Computerisation	526.20	270.44
	TOTAL :	145312.84	135323.41

Financial statement of Budget and Expenditure

The Financial statement of Budget and Expenditure (Capital Expenditure) for the year 2022-23 are as under :-

(Rs. In Lacs)

S. No.	Budget Head	R.E.			Expenses (2022-23)
		State Fund	Central Assistance	Total	
Major Budget Head 4059/4216 (State Fund & CA) [for Scheme]					
1	4059-80-051- -03- [01]- Construction of New Rajasthan High Court Building, Jodhpur, 17 Major Construction Works	4000.00	0.00	4000.00	2500.00
2	4059-80-051-03- [02]- Construction of Building for Rajasthan State Judicial Academy, Jodhpur, 17 Major Construction Works (State Fund) Through RSRDC	200.00	0.00	200.00	0.00
3*	4059-80—051-03- [03] Other Judicial buildings, 17 Major Construction Works	7259.00	5991.00	13250.00	12078.71
4	4059-80-051-(03)- [04]- Construction of Gram Nyayalaya Buildings, - 17 Major Construction	0.00	0.00	0.00	0.00
5	4059-80-051-(03)- [06]- Judicial Administration Department-16- Minor Construction Works (Through the agency of Chief Engineer, PWD, Rajasthan	1100.00	0	1100.00	983.67
6	4059-80-796-(05)- [00]- Judicial Building (TSP) 17- Major Construction Work	703.00	950.00	1653.00	1034.66
7	4216-01-700-01- [90] – Construction work (Through the agency of Chief Engineer, PWD), 17- Major Construction work	1975.00	2758.00	4733.00	3547.62
8	4216-01-796- (01)- [90] – Construction work (Through the agency of Chief Engineer, PWD), 17- Major Construction work	145.00	219.00	364.00	272.40
	TOTAL	15382.00	9918.00	25300.00	20417.06
Note:	*Sr. No. 3 (Other Judicial Building-Budget Head 4059-80-051-03-03-17) an amount of Rs. 850.00 Lac has been Reappropriated from State Fund to Central Assistance vide Law & Legal Affairs Departments' letter dt. 10.03.2023. Thus State Fund amount of Rs. 6409.00 Lac and Central Assistance amount Rs. 6841.00 Lac.				

OTHER THAN SCHEME		Provision 2022-23 by Finance Department		Expenditure (2022-23)
		State Fund	CA	Total
9.	2059-80-053-18- (01) – Rajasthan High Court (Committed) 21-Repair & Maintenance (State Fund)	30.00	0.00	17.84
10.	2059-80-053-18- (02) through PWD (Committed), 21- Repair & Maintenance (State Fund)	131.00	0.00	122.63
11.	2216- 05-053- 02- [02]- Other Maintenance Expenses, 21-Repair & Maintenance, (State Fund)	1200.00	0.00	1052.04
	TOTAL	1361.00	0.00	1192.51

9. FUNCTIONING OF GRIEVANCE REDRESSAL MECHANISM

REDRESSAL OF GRIEVANCES OF ADVOCATES

To resolve the grievances of advocates Grievance Redressal Committees comprising of Hon'ble Judges have been constituted at Rajasthan High Court Jodhpur and Bench Jaipur.

REDRESSAL OF GRIEVANCES OF SEXUAL HARASSMENT AGAINST WOMEN AT WORKPLACE

In compliance of Section 4 of Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 Internal Complaint Committees have been constituted to address and redress the grievances.

REDRESSAL OF GRIEVANCES AGAINST JUDICIAL OFFICERS

To consider the complaints against the judicial officers there are separate Vigilance Cells at Rajasthan High Court, Jodhpur and Jaipur Bench Jaipur headed by Registrars, working under the direct control of Hon'ble the Chief Justice.

REDRESSAL OF GRIEVANCES OF LITIGANTS ABOUT COURT FUNCTIONING AND STAFF

The grievances of litigants against the court functioning and staff are dealt with by the concerned establishments and same are disposed/ resolved expeditiously.

10. WORKING OF STATE LEGAL SERVICES AUTHORITY AND DISTRICT LEGAL SERVICES AUTHORITIES AND STATUS ON LEGAL-AID TO POOR. NUMBER OF BENEFICIARIES OF DIFFERENT CATEGORIES

1. International Women Day (08.03.2022)

Every year 8th March is celebrated as International Women's Day with the objective of raising awareness about the rights of women, empowering women so that new avenues are opened to them and celebrating the achievements of women as a fraternity.

This year International Women's Day was celebrated by RSLSA in joint collaboration with Law College, University of Rajasthan. A debate competition was also held during the event on the issue of "Better Opportunities in Employment for Women is the only way to achieve the goal of Gender Equality." This event was marked by an all-women-dais, comprising of Judicial Officers and Educational Luminaries. Women from all walks of life viz, social workers, health workers, students, house wives, women from underprivileged background, scouts & guides etc. participated in the event.

RHCLHC, Jodhpur in joint collaboration with the Judgeships of Jodhpur Metro and Jodhpur District, also organized a legal awareness camp on the occasion of International Women's Day under the Chairmanship of Hon'ble Ms. Justice Rekha Borana, Judge, Rajasthan High Court, Jodhpur, at Dr. Sampurnanand Medical College, Jodhpur auditorium.

At the end of the programme balloons were released in the sky, signaling the start of the legal awareness rally by the scouts and guides cadets.



2. World Water Day (22.03.2022)

With the aim of raising awareness in children towards conservation of water, a legal awareness programme was organized by RLSA in joint collaboration with M G Govt. School (English Medium), Jaipur to celebrate World Water Day. On this Occasion a slogan writing and painting competition, on the theme of 'water conservation' and 'जल ही जीवन है', was organized, which was enthusiastically participated in by the students.



3. Freedom from Untouchability & Prevention of Atrocities'

On the auspicious occasion of the 75th Anniversary of Independence (Azadi Ka Amrit Mahotsav) i.e. 15th August, 2022, an year-long Campaign '**Freedom from Untouchability & Prevention of Atrocities**' was launched by RSLSA. This campaign aims to address the issues related to Dalit community for their Constitutional and Legal Rights through the interventions of the civil society organizations working to ensure rights of Dalit equality, especially Non-Governmental Organizations working for empowerment of Dalits.

Specific Objectives :-

1. Increasing access to justice for Dalit men & women and assuring zero discrimination.
2. Increasing access to economic entitlements, budget, basic services and social welfare measures for eligible Dalit men, women, boys and girls;

Proposed Activities :-

1. Legal Literacy Camp : All District Legal Services Authorities and Taluka Legal Services Committees will organize monthly Mega legal literacy camps at Gram Panchayat /Panchayat Samiti/ Zila Parishad HQs.
2. Legal Aid : A special drive will be carried out to provide Free Legal Aid to all eligible and entitled persons of this class of people through RHCLSC, DLSAs and TLSCs and Monitoring and Mentoring Committee will review the progress of cases in which free legal aid has been provided.
3. Workshops: With the purpose of sensitizing various segments of the society as to amelioration of the lot of Dalits and elimination of untouchability, the RSLSA will organize workshops in co-ordination with Department of Social Justice and Empowerment, Advocates, Special Public Prosecutors, Police, Government Officers, Social Workers, Victims, PLVs and members of various committees constituted under the Legal Services Authority Act and will ensure protection to the victims and witnesses so that they can depose before a court of law without any fear.
4. Inspection of Hostels and Residential : Hostels and Residential Schools registered and managed by Central and State Government will be visited and inspected by Secretaries DLSAs and Chairpersons of TLSCs under the directions and guidance of RSLSA. Direct contact and communication will be established with Dalit children and they will be exhorted to make efforts to move ahead in life by taking educational ladder.
5. Legal aid Clinic: Apart from common people, focus will be directed at persons, women and children of Dalit community to impart legal advice regarding their legal rights at legal aid clinics. Legal aid will also be provided to victim of caste based discrimination, violence, atrocities and gender violence.

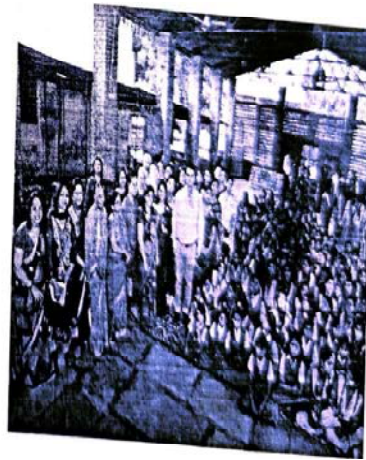
6. Publication and Distribution of publicity Materials: RSLSA has prepared a compilation of public welfare schemes. In order to create awareness among the down trodden, the RSLSA will publish brochures, posters and other publicity material for distribution among downtrodden and Dalit community.
7. Research paper and study: The RSLSA, after taking feedback from District Legal Services Authorities and NGOs, and conducting detailed study, will prepare and publish a status report regarding implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules made there under.
8. Building Harmony through dialogue: With the purpose of elimination of caste-based discrimination, untouchability and atrocities in the state of Rajasthan, a dialogue will be initiated amongst various social groups. The main objective of such discussions/debates is the creation of goodwill and building of harmony with Dalit community. Dialogue will be established with the purpose of sensitizing and building harmony at Gram Panchayat samiti and Zilaparishad Level.
9. Zero Tolerance in the matter of discrimination in School Education: It will be the endeavor of RSLSA that the schools are free from caste-based discrimination and untouchability. Towards achieving this objective, the school children and teachers will be sensitized through Legal Aid Clinics. Distribution of Scholarships through the Department of Social Justice and Empowerment will also been ensured by keeping constant touch with the Department. In order to create awareness and to sensitize the society regarding Dalit rights, Nukkad Nataks /Rallies will also be organized through school children and Scouts & Guides. Essay & poetry writing, poster making, debates- declamation and slogan writing competition will be organized at school, college and university level.
10. Protection and Promotion of Land Rights: Special drives will be conducted to eject trespassers/ encroachers from the ancestral /self acquired property of members of SC/ST community. Members of land allotment committee will be sensitized towards the land rights of this category of people.
11. Psychological Counseling & Social Support : The RSLSA will provide psychosocial help and social support to survivors of such trauma. They will also be provided medical treatment and alternative accommodation. Relief and rehabilitation will be the part of healing process going to be facilitated by RSLSA. Primacy will be given to women traumatized by caste based gender violence and rehabilitation will be ensured through medical, psychological and legal support.
12. Celebrations of Special Days: Special days will be celebrated to focus on the core issues and to raise awareness with the aim of finding solutions to problems associated with and related to the Dalits.
13. Victim Compensation Scheme: If an offence is committed against a person/woman/ child of a scheduled caste or a scheduled tribe then in order to financially recompense the victim he/she is provided compensation. RSLSA will ensure that the concerned DLSA disburses the compensation to the victim within a set time frame.

14. Contribution of NGOs: Various NGOs are working in the State towards welfare of weaker sections and depressed classes. RSLSA will co-ordinate with such NGOs and will strive to successfully accomplish the task shouldered by it on its own.

Other Activities -

1. Organizing state Level Legal Awareness programme;
2. Regional Level consultation;
3. Awareness Programme in each village of Rajasthan having population of SCs;
4. Increasing access to economic entitlements, budget, basic services and social welfare measures for eligible Dalit men, women, boys and girls;
5. Providing assistance for filing applications to access to the relevant government Schemes/programmes;
6. Formation and strengthening of Dalit Groups and networks, at the Gram Panchayat Level;
7. Engagement with the mass media.
8. Community awareness programmes will be organized on the SCs and STs PoA Act, 1989, Protection of Civil Rights Act, 1955 (PCR) and Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
9. Creating sensitivity towards Dalit women through Training on Gender Equality.
10. Special campaign for legal and social empowerment of weaker, deprived, backward, differently abled, mentally disabled, senior citizens, transgender, people living below poverty line, women and children.
11. Organizing special implementation drives so that benefits of different welfare and people oriented schemes of government reach the targeted sections.
12. Constitution of Special Assistance and Support Groups at Panchayat level for the category of people.
13. Special Implementation Drive for allotment of government land to the landless persons of this class of people.
14. Special drive for Economic Empowerment of this category of people through special self-employment and skill development programmes.
15. Separate special drive for the women and children of this class of persons.
16. Special programmes to make available at the earliest, benefits to working class persons of this class of people; namely-E-labour card, insurance policies for labour, workmen compensation benefits, policy benefits to victims of Silicosis.
17. Special drive to provide admission to children aged between 6 & 14 years of this class of people in government / private schools and free boarding & lodging in hostels (Special focus on dropout children).
18. Awareness as to and implementation of victim compensation scheme to this category of people (Special focus on persons of Scheduled Caste and Scheduled Tribes).
19. Special drive to create cyber awareness, to make legal remedies available in connection with cybercrimes and redressal of cybercrime related grievances of this class of people.
20. Awareness and implementation of witness protection scheme for the persons of scheduled caste and scheduled tribes.

21. Creating awareness regarding forcible dismounting of bridegrooms from mares, creation of obstruction in funeral, processions, not allowing Dalits to cremate their dead in burial/cremation grounds, causing hindrance in the movements of Dalits along public roads and places etc.
22. Coordinating with the District Administration for identification and allotment of agriculture land/ abadi land to landless persons of SC/ST communities.
23. Coordinating with the District Administration for identifying and restoring possession of already allotted/occupied/owned land to members of SC/ST communities, if dispossessed by land grabbers.



4. Refresher Training Programme for PLVs deputed at Legal Assistance Centres

To ensure effective and efficient working of Legal Assistance Centres, a need for refresher training of PLVs deputed therein was felt by RSLSA. Refresher training is also necessary to provide proper legal assistance and spread general awareness about legal aid programmes and at the same time, facilitate interaction between various agencies and stakeholders of legal aid services. Hence, a refresher training programme for the 52 PLVs, deputed at Legal Assistance Centres, was organized virtually on 29 September, 2022 (Thursday).

This training covered the important and relevant topics viz "Introduction of Legal Services Institutions & Legal Assistance Centres & important Schemes" & "Role & Responsibilities of Para Legal Volunteers under Legal Assistance Centre Scheme". The training programme was followed by an open session to resolve any questions/queries on the matter.



5. NALSA's 02 Week Long Special Campaign:

National Legal Services Authority, New Delhi launched nationwide campaign "Empowerment of citizens through Legal Awareness and Outreach" and "Haq Hamara Bhi Toh Hai @75" from 31st October, 2022 to 13th November, 2022.

A. Empowerment of citizens through Legal Awareness and Outreach-

The empowerment of citizens' campaigns sought to bridge the gap between the institutions and the underprivileged by spreading legal awareness and ensuring delivery of legal entitlements to eligible beneficiaries. The second campaign related to rights of inmates and sought to provide basic legal assistance to persons confined in prisons and child care institutions to commemorate the 75th year of independence.

Both these campaigns were fervently carried out by the Rajasthan State Legal Services Authority, along with its District Legal Services Authorities and Taluka Legal Services Committees throughout Rajasthan. In pursuance of NALSA's guidelines, Door-to-Door awareness campaign at Panchayat Headquarters and Sub-Divisions, Mega Legal Awareness Camps, etc. were organized in collaboration with the local administration.

Realizing the importance of the idea behind these campaigns, RLSA took initiative and chalked-out a detailed awareness programme day-by-day scheduled for all DLSAs/TLSCs. This schedule included activities like legal literacy march, Mini-Marathon, Prabhat Pheri, Nukkad Natak, Cyclothon, Chai Pe Charcha, etc. To mark the occasion of Legal Services Day on 9th November, 2022, blood donation camps were also organized Pan Rajasthan, by the Legal Services Institutions. These endeavors culminated in successful organization of the NALSA's campaign and also same time raised awareness about the Noble cause of blood donation.

The above activities, carried out by the Legal Services Institutions in Rajasthan, have heralded the new era of legal awareness, wherein persons residing at the remotest of the places received legal services at their door-step. RLSA is optimistically assured that these activities are continuously carried-out then in no time Rajasthan State may achieve hundred percent legal literacy.

B. Haq hamara bhi to hai@75'

The 'Haq_humara_bhi_to_hai@75' Campaign, launched by NALSA, has proved to be a milestone in providing basic legal assistance to persons confined in prisons and in Child Care Institutions. This campaign has brought the legal services institutions closer to such persons by ensuring that they are represented by a lawyer and have received free legal counselling and updated case status & other assistance and services.

Rajasthan State Legal Services Authority has taken up the issue highlighted under this campaign on top priority and commenced special programmes to address the same.

One-on-One Virtual Interaction-

Gauging the gravity of the issue of legal awareness amongst inmates and necessity of due compliance of the directions issued by NALSA, the Rajasthan State Legal Services Authority, under the steady mentorship of Hon'ble Mr. Justice Manindra Mohan Shrivastava, Judge, Rajasthan High Court & Executive Chairman, RLSA, took an inventive step and conducted one-on-one virtual interaction with female inmates (under trial and convicted) and children in conflict with law currently residing in CCIs.

Towards realising the objectives of this campaign, secretaries of all District Legal Services Authorities across Rajasthan were directed to personally inspect female prisons & CCIs and take stock of the conditions of persons living therein as well as provide them information regarding their cases and legal assistance.

The first part of interactions were organized on 10.11.2022, when Member Secretary, RLSA Mr. Dinesh Kumar Gupta, himself conducted one-on-one virtual interaction with female inmates (under trial and convicted) of the districts of **Ajmer, Alwar, Bikaner & Jaipur**. At the same time Director RLSA, Mr. Sanjay Kumar conducted one-on-one virtual interaction with the children in conflict with law currently residing in CCIs in the **16 Districts of Alwar, Barmer, Baran, Banswara, Bundi, Churu, Chittorgarh, Dausa, Dholpur, Dungarpur, Sriganganagar, Hanumangarh, Jhalawar, Karauli, Nagaur and Sawai Madhopur**.

The second part of this interaction is currently being carried out in the remaining districts from 15.11.2022 onwards.

As of 21st November, 2022 the total number of one-on-one interaction with female inmates stood at 262, while the number of children in conflict with law residing in CCIs was almost **600**.

This novel step has not only brought to fruition the objectives Of 'Haq_humara_bhi_to_hai@75' Campaign but also sparked a new era of legal awareness amongst the female inmates and children in conflict with law. The targeted sections of inmates received the opportunity to put forth their issues directly before the legal services institution in furtherance of which, immediate remedial directions were also given to the concerned DLSA, Secretary.

Rajasthan State Legal Services Authority is hopeful that this initiative would provide an enormous boost to the legal awareness amongst prison inmates and children living in child care institutions.

In the future, RLSA is determined to carry out such one-on-one virtual interaction with all categories of prison inmates and children living in child care institutions.





6. Special Campaign to provide Legal Services to POCSO Victims

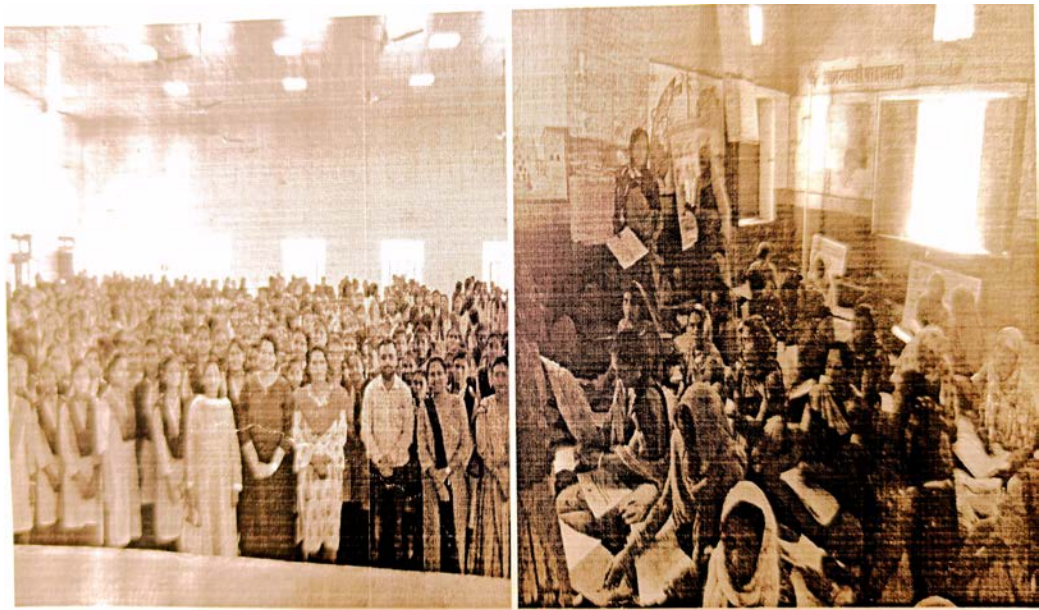
Cognizant of the hardships faced by the child victims of POCSO Act, 2012, Hon'ble Mr. Justice Manindra Mohan Shrivastava, Judge, Rajasthan High Court & Executive Chairman, RLSA steered the Rajasthan State Legal Services Authority towards launching a special campaign for providing legal services/assistance to child victims of POCSO Act, 2012.

Initiating a special drive for the same on the occasion of children's day i.e. 14th November, 2022, RLSA, along with its DLSAs, provided legal aid and victim compensation, u/s 40 POCSO Act, 2012 to more than 300 children across Rajasthan and approximately 8000 children benefitted from the POCSO legal awareness camps organized by DLSAs.

This special drive entailed the following steps-

- Identification of child victim.
- Establishing personal one-on-one contact with the child victim.
- Provide legal aid and victim compensation u/s 40 POCSO Act, 2012.
- Carrying out awareness campaign and special awareness programs.

This special drive and campaign by RLSA, heralds the better times when not only the child victims of sexual offences, but also victims of all other offences will receive prompt and proper legal aid and assistance, at their door steps.



7. Legal Services Day

On the occasion of Legal Services Day on 9th November, 2022, RLSA organized ceremonial launch of RLSA's campaigns on "Freedom from Untouchability and Prevention of Atrocities qua SC/ST Community" & "Legal Assistance to Child Victims of Offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act)".

On this occasion, Posters and Banners related to the campaigns were also launched by the Hon'ble Chief Justice Mr. Pankaj Mithal, Rajasthan High Court & Patron-in-Chief RLSA and other Hon'ble Judges of the Rajasthan High Court, Jaipur Bench.

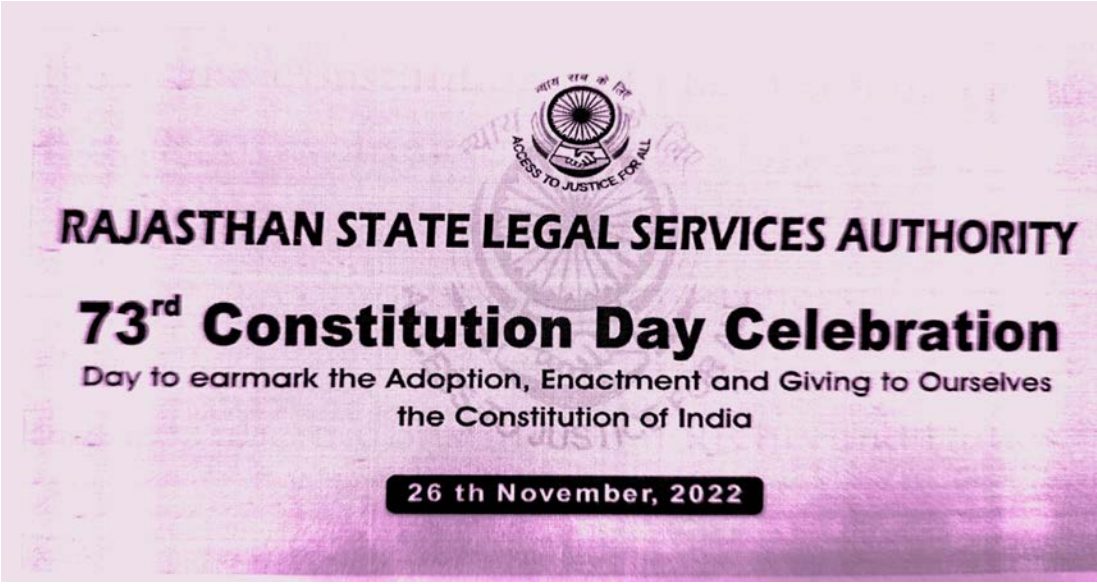




8. Constitution Day

As per the directions of NALSA and DOJ, Government of India, 73rd Constitution Day was celebrated on 26.11.2022 across Rajasthan, which marked the beginning of Constitution Week from 26.11.2022 to 02.12.2022.

This celebration began with community reading of the Preamble of the Constitution of India. Throughout this week numerous legal awareness activities like awareness camps, slogan writing/essay writing competition, quiz competition, moot court competition, awareness rallies/prabhat pheries/bicycle march etc. are being carried out to raise consciousness about Constitutional Rights and Duties.



9. Special Campaign Night Shelter Home/Rain Basera

In order to secure the homeless from extreme cold, State Government establishes Rain Baseras were their execution and day to day functioning has been often found lacking. To ensure free and adequate basic facilities in the Rain Baseras and protection of the homeless, a special campaign has been launched by RSLSA from 26.12.2022 to 31.01.2023. The objective behind this campaign is not only to ensure that all homeless persons are admitted in such Rain Baseras but also to make them aware about their legal rights and various welfare schemes run by the Government.

For this purpose, all DLSAs were directed to :

1. Ensure that all homeless persons are admitted to Rain Basera.
2. Ensure that following basic facilities are provided to admitted homeless persons:
 - a. All season appropriate facilities
 - b. Blankets, Rajai, Bed sheets, Mattresses, Carpet, etc. are made available in adequate quantity.
 - c. Potable water facilities.
 - d. Hygiene and cleaning facilities.
 - e. Separate bath and toilet facilities for male and female.
 - f. Season appropriate bath facility.
 - g. Regular electricity supply.
 - h. Adequate security arrangement.
 - i. First aid Kit.
 - j. Fire protection system.
 - k. Pest and vector control.
 - i. Availability of food at lowest rate.
 - m. Availability of Special food for infants and toddlers.
 - n. Common stay facilities for homeless families.
 - o. Special facilities for especially abled, children and senior citizens.
 - p. Proper medical facilities for sick persons.
3. Form teams for identification and assistance of the homeless.
4. Raise awareness in admitted homeless persons and providing free legal aid and assistance.
5. Ensure extensive advertisement of availability of Rain Baseras through print and electronic media.





पाली @ पत्रिका. झालरवा बावडी रैन बसेरे का जिला विधिक सेवा प्राधिकरण सचिव देवेन्द्रसिंह भाटी ने जायजा लिया। रैन बसेरे में साफ-सफाई, प्राथमिक उपचार किट, सुरक्षा व्यवस्था, शौचालय एवं पेयजल आदि की व्यवस्थाओं की जानकारी ली।

कुंभलगढ़, स्वमनौर, केलवा, दरीबा, कुंवारिया, ढेलवा

यूनाइटेड व रैन बसेरा का निरीक्षण • सचल विधिक जागरूकता वाहन ने दी विधिक जानकारी
दिसम्बर में अब तक रैन बसेरा में 289,
गत रात 13 व्यक्ति ने रात्रि आश्रय लिया

अनंत शर्मा / टिप्पणी

[illegible]

राष्ट्रिय आन्दोलन के तहत ही देश में
संघर्षित भूमि-दादा रोड कागजों पर
प्रियतम बनने का औद्योगिक निर्माण
निष्ठा। भूमि-दादा रोड कागजों पर
प्रियतम बनने में सैन्य नौकराना
निष्ठा। निर्माण आन्दोलन के बाद

भी आश्रयत नहीं मिलता। एकादश
के अक्षरचक्रण से ज्ञात हुआ कि
प्रथम अक्षर में निश्चित के दिक्कत तक
निर्धारण में 269 अक्षरों एवं गत
अक्षरों की 12 अक्षरों में निश्चित आश्रय
मिलता है। आश्रयत अक्षरों के

पञ्चानन सर्वश्रेष्ठ दमनश्रेष्ठ रिहाज है। कर्मचारी विधुन रैन बरीर में प्रथमिक उपचार पेट्री में पर्वत मात में टाकाया एवं अन्य सम्पत्ति उपकरण मिली। रैन बरीर में 35 पर्वत एवं विमलरी की उपकरणधन है।

[illegible][illegible]

**11. Working of Alternative Dispute Resolution Mechanism–
ADR Centre, Permanent Lok Adalats/Lok Adalats.
Number of cases disposed off. Number of Lok Adalats
held etc.**

Alternative Dispute Resolution (ADR) includes several procedures that allow parties to resolve their disputes out of court with the assistance of a qualified neutral intermediary. Lok Adalats i.e. National Lok Adalat, Permanent Lok Adalat, Monthly Lok Adalat and Mediation are the most effective mechanism of ADR, which are being carried out by RLSA successfully.

**Legal Awareness Programme (Virtual)
January to December, 2022**

S.No.	Name of District	No. of All Programmes	No. of All Participants
1	Ajmer	11	305
2	Alwar	369	22016
3	Balotra	0	0
4	Banswara	22	649
5	Baran	38	2482
6	Bhartpur	18	885
7	Bhilwara	24	2512
8	Bikaner	52	2782
9	Bundi	85	1860
10	Chittorgarh	116	6412
11	Churu	74	1328
12	Dausa	67	5125
13	Dholpur	14	207
14	Dungarpur	10	699
15	Ganganagar	16	428
16	Hanumangarh	452	32050
17	Jaipur District	14	352
18	Jaipur Metro I	10	219
19	Jaipur Metro II	6	123
20	Jaisalmer	111	18744
21	Jalore	2	113
22	Jhalawar	17	535
23	Jhunjhunu	79	1559
24	Jodhpur District	125	17493
25	Jodhpur Metro	88	3263
26	Karauli	4	93
27	Kota	4	77
28	Merta	0	0
29	Pali	83	1014
30	Pratapgarh	20	960
31	Rajsmand	6	248
32	Sawai Madhopur	22	620
33	Sikar	6	233
34	Sirohi	1923	104862
35	Tonk	16	505
36	Udaipur	34	851
Total		3938	231604

Legal AID Beneficiaries Consolidate Data of year 2022								
Month	SC	ST	Accused	Women	General	Other	Children	Total
Jan 2022	2	0	8	6	0	0	0	16
Feb 2022	0	0	9	1	5	0	1	16
Mar 2022	0	0	12	2	2	0	0	16
Apr 2022	0	0	2	7	3	0	1	13
May 2022	2	0	7	4	15	0	0	28
Jun 2022	0	0	34	1	1	0	0	36
Jul 2022	3	0	16	8	0	0	0	27
Aug 2022	0	0	12	6	2	0	0	20
Sep 2022	2	0	13	6	0	0	0	21
Oct 2022	0	0	11	2	5	0	0	18
Nov 2022	0	0	13	4	0	0	0	17
Dec 2022	1	0	10	2	2	0	0	15
Total	10	0	147	49	35	0	2	243

SLP sent to SCLSC, New Delhi for Providing Legal Aid

	Convict	Women	Juvenile	SC/ST	Other
From Jan 2022 to Dec 2022	13	2	0	0	4

Statement of Cases Referred and Disposal of Cases through Mediation at Mediation Centers, Rajasthan High Court, Jodhpur
(From 26.12.2021 to 25.12.2022)

Name of year	Opening Balance of the month January 2022 to December	Number of Cases Referred for Mediation per Month	Total Cases in Mediation from 26.12.2021 to 25.12.2022	Result of Mediation			
				Successful cases	Unsuccessful cases	Not Hold	Closing balance of the month
Jan 2022 to Dec 2022	168	221	233	24	80	118	171

RAJASTHAN HIGH COURT LEGAL SERVICES COMMITTEE, JODHPUR					
NATIONAL LOK ADALAT DATA YEAR 2022					
S.No.	NLA Date	Bench	Taken Up	Disposal	Award
1.	12.03.2022	6	1820	421	59918005
2.	14.05.2022	6	2033	250	39110700
3.	12.11.2022	5	2576	320	44463500
		17	6429	991	143492205

• NATIONAL LOK ADALATS

Statement of Disposal of Cases in National Lok Adalats
from January to December – 2022

Date of NLA	Bench	Pre-Litigation Cases			Pending Cases			Total		
		Taken up	disposed of	award	Taken up	Disposed of	Award	Taken up	disposed of	award
12.03.2022	1044	273352	72720	1009250556	427674	133522	6232917699	701026	206242	7242168255
14.05.2022	891	948338	744594	1069823829	476845	177399	5333180582	1425183	921993	6403004411
13.08.2022	569	1384100	1147942	816233993	488367	211179	7243619840	1872467	1359121	8059853833
12.11.2022	486	2189505	1872435	1364654358	497070	212524	7551129325	2686575	2084959	8915783683
Total	2990	4795295	3837691	4259962736	1889956	734624	26360847447	6685251	4572315	30620810183

• MEDIATION CENTERS

Statement of cases received for Mediation
from January to December – 2022

pending as on beginning of the period	Number of cases referred to mediation centre	total	Result of Mediation			Pending as on ending of the period
			Settled cases	Unsettled	Non-Starter cases	
2199	6272	8471	463	2501	4315	1192

Information of PLC Jan. to Dec. 2022			
Year	Received	Disposed	Pending
2022	786	356	430

12. BROAD PERFORMANCE INDICATORS BASED ON ANALYSIS OF JUDICIAL STATISTICS

(i) Category-wise Institution, disposal and pendency of cases in High Court and District/ Subordinate Courts.

HIGH COURT

<i>Type of case</i>	<i>Pendency as on 01.01.2022</i>	<i>Institution during the year 2022</i>	<i>Disposal of cases during the year 2022</i>	<i>Total pendency as on 31.12.2022</i>
Civil	412503	104451	74637	442317
Criminal	147559	92665	77673	162551
Total	560062	197116	152310	604868

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</i>	<i>Pendency as on 01.01.2022</i>	<i>Institution during the year 2022</i>	<i>Disposal of cases during the year 2022</i>	<i>Total pendency as on 31.12.2022</i>
Civil	518923	263015	248377	533561
Criminal	1643851	1429027	1333976	1738902
Total	2162774	1692042	1582353	2272463

(ii) Age-wise pendency of different category of cases in High Court and District and Subordinate Courts

RAJASTHAN HIGH COURT

<i>Type of cases</i>	<i>0 to 1 year old cases</i>	<i>1 to 5 years old cases</i>	<i>5 to 10 years old cases</i>	<i>More than 10 years old cases</i>	<i>Total pendency as on 31.12.2022</i>
Civil	69481	201912	94888	76036	442317
Criminal	35992	62086	29342	35131	162551
Total	105473	263998	124230	111167	604868

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</i>	<i>0 to 1 year old cases</i>	<i>1 to 5 years old cases</i>	<i>5 to 10 years old cases</i>	<i>More than 10 years old cases</i>	<i>Total pendency as on 31.12.2022</i>
Civil	139521	249105	113320	31615	533561
Criminal	430878	874515	360732	72777	1738902
Total	570399	1123620	474052	104392	2272463

(iii) **Number of adjournments being granted on an average in various categories of Civil and Criminal cases during the life cycle of cases**

<i>Civil cases</i>	<i>No. of adjournments being granted on an average</i>	<i>Criminal cases</i>	<i>No. of adjournments being granted on an average</i>
Civil suits	41.66	Sessions cases	43.14
Civil appeal	27.95	Criminal original	33.71
Civil revision	12.14	Criminal appeal	22.95
Civil execution	32.01	Criminal revision	18.84
Civil misc.	23.08	Criminal Misc.	10.32

(iv) **Number of cases in which trial proceedings have been stayed by Superior Courts in various categories of Civil and Criminal cases and average time for which cases in which trial proceedings have been stayed by Superior Courts in various categories of Civil and Criminal cases**

<i>Civil cases</i>	<i>No. of cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>No. of cases</i>	<i>Average time (in days)</i>
Civil suits	2037	1285	Sessions cases	339	1011
Civil appeal	115	602	Criminal original	761	604
Civil revision	11	102	Criminal appeal	25	172
Civil execution	1618	1193	Criminal revision	9	255
Civil misc.	465	524	Criminal Misc.	130	368

(v) Average time taken for disposal of various categories Civil and Criminal cases in High Court and District/Subordinate Courts.

RAJASTHAN HIGH COURT

<i>Civil cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>Average time (in days)</i>
CFA	4476	CRLA	4870
CSA	2596	CRLR	1504
CMA	2443		
CW	768		
SAW	576		

**** Average is based on the disposal of cases between the period 01.01.2022 to 31.12.2022**

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Civil cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>Average time (in days)</i>
Civil suits	1414	Sessions cases	1287
Civil appeal	1117	Criminal original	911
Civil revision	387	Criminal appeal	631
Civil execution	1013	Criminal revision	540
Civil misc.	653	Criminal Misc.	180

(vi) Category-wise disposal of cases per judge per year in the High Court and District/Subordinate Courts

RAJASTHAN HIGH COURT

	<i>Civil cases</i>	<i>Criminal cases</i>	<i>Total</i>
Disposal during the year (a)	74637	77673	152310
Total working strength (b)	26		
Disposal per judge per year = a/b	2870.65	2987.42	5858.08

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

	<i>Civil cases</i>	<i>Criminal cases</i>	<i>Total</i>
Disposal during the year (a)	248377	1333976	1582353
Total working strength (b)	1256		
Disposal per judge per year = a/b	197.75	1062.08	1259.84

- (vii) **Category-wise number of Criminal and Civil cases where orders of the District/Subordinate Courts are challenged in appeal before the High Court.**

<i>S. No.</i>	<i>Kind of cases</i>	<i>Pending as on 31.12.2021</i>
1	Civil First Appeal	23489
2	Civil Second Appeal	8744
3	Civil Misc. Appeal.	65422
4	Criminal Appeal	49482

- (viii) **Number of writ petitions/PILs being filed and being disposed of in High Court**

<i>PILs being filed</i>	<i>PILs being disposed of</i>
771	634