Rajasthan High Court

ANNUAL REPORT
2016

FOREWORD BY
HON’BLE SHRI NAVIN SINHA
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—
**Preamble**

*We THE PEOPLE OF INDIA, having*

solemly 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.
FOREWORD

It gives me immense pleasure while writing this Foreword of the Annual Report 2016 of Rajasthan High Court. Everything starts with an idea or concept in mind. The idea of Annual Report of each High Court to highlight its activities and to offer it for public audit came up in 2015 and inaugural issue of Annual Report was published.

Annual Report 2016 is an effort to canvass all the activities of institution of High Court besides giving a brief introduction of its History and Background. Landmark decisions of public importance are included in the Report. The Annual Report also covers the activities of Rajasthan State Legal Services Authority and Rajasthan State Judicial Academy. Broad Performance Indicators based on statistics are also available in the Report for public appraisal.

I am sure that the compilation will be useful for all the stakeholders of Justice Delivery System.

I am thankful to my brother and sister Judges, officers of Registry and staff of the High Court for their valuable contribution for the publication.

(Navit Sinha) CJ
### LIST OF SITTING HON'BLE JUDGES IN RAJASTHAN HIGH COURT AS ON 31.12.2016

<table>
<thead>
<tr>
<th>S. No.</th>
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<td>HON'BLE MR. JUSTICE NAVIN SINHA, CHIEF JUSTICE</td>
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<td>02.</td>
<td>HON'BLE MR. JUSTICE KALPESH SATYENDRA JHAVERI</td>
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<td>03.</td>
<td>HON'BLE MR. JUSTICE AJAY RASTOGI</td>
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<td>04.</td>
<td>HON'BLE MR. JUSTICE GOVIND MATHUR</td>
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<td>05.</td>
<td>HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS</td>
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<tr>
<td>06.</td>
<td>HON'BLE MR. JUSTICE MOHAMMAD RAFIQ</td>
</tr>
<tr>
<td>07.</td>
<td>HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA</td>
</tr>
<tr>
<td>08.</td>
<td>HON'BLE MR. JUSTICE SANGEET RAJ LODHA</td>
</tr>
<tr>
<td>09.</td>
<td>HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI</td>
</tr>
<tr>
<td>10.</td>
<td>HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA</td>
</tr>
<tr>
<td>11.</td>
<td>HON'BLE MRS. JUSTICE SABINA</td>
</tr>
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<td>12.</td>
<td>HON'BLE KUMARI JUSTICE NIRMALJIT KAUR</td>
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<tr>
<td>13.</td>
<td>HON'BLE MR. JUSTICE PRASHANT KUMAR AGARWAL</td>
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<tr>
<td>14.</td>
<td>HON'BLE MR. JUSTICE ALOK SHARMA</td>
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<tr>
<td>15.</td>
<td>HON'BLE MR. JUSTICE SANDEEP MEHTA</td>
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<td>16.</td>
<td>HON'BLE MR. JUSTICE JAINENDRA KUMAR RANKA</td>
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<td>HON'BLE MR. JUSTICE PRATAP KRISHNA LOHRA</td>
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<td>19.</td>
<td>HON'BLE MR. JUSTICE VIJAY BISHNOI</td>
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<td>22.</td>
<td>HON'BLE MR. JUSTICE BANWARI LAL SHARMA</td>
</tr>
<tr>
<td>23.</td>
<td>HON'BLE MR. JUSTICE PRAKASH GUPTA</td>
</tr>
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<td>HON'BLE MR. JUSTICE G. R. MOOLCHANDANI</td>
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<td>HON'BLE MR. JUSTICE DEEPAK MAHESHWARI</td>
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<td>HON'BLE MR. JUSTICE PANKAJ BHANDARI</td>
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<td>30.</td>
<td>HON'BLE MR. JUSTICE DINESH CHANDRA SOMANI</td>
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<td>HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA</td>
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<td>HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI</td>
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<td>HON'BLE MR. JUSTICE DINESH MEHTA</td>
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# LIST OF JUDICIAL OFFICERS POSTED IN REGISTRY

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<th>POST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>SATISH KUMAR SHARMA</td>
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</tr>
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<td>2.</td>
<td>RAVINDRA KUMAR JOSHI</td>
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<td>3.</td>
<td>BHUWAN GOYAL</td>
<td>REGISTRAR-CUM-PRINCIPAL SECRETARY TO HON'BLE C.J.</td>
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<td>4.</td>
<td>NIRMAL SINGH MERATWAL</td>
<td>REGISTRAR (EXAMINATION)</td>
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<td>5.</td>
<td>MADHUSUDAN MISHRA</td>
<td>REGISTRAR (RULES)</td>
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<td>6.</td>
<td>RANDHEER SINGH MIRDHA</td>
<td>REGISTRAR (CLASSIFICATION)</td>
</tr>
<tr>
<td>7.</td>
<td>KRISHNA SWAROOP CHALANA</td>
<td>O.S.D., FINANCE-CUM INFRA STRUCTURE, HQ. AT RHC, JODHPUR</td>
</tr>
<tr>
<td>8.</td>
<td>MUKESH BHARAGAVA</td>
<td>DEPUTY REGISTRAR (EXAMINATION)</td>
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<tr>
<td>9.</td>
<td>RAJKUMAR SHARMA</td>
<td>DEPUTY REGISTRAR (EXAMINATION)</td>
</tr>
<tr>
<td>10.</td>
<td>DEVENDRA SINGH BHATI</td>
<td>DEPUTY REGISTRAR (JUDICIAL)</td>
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<td>11.</td>
<td>SANUJ KULSHRESTHA</td>
<td>OFFICER ON SPECIAL DUTY</td>
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<td>BRIJESH KUMAR DANGRA</td>
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<td>2.</td>
<td>RAJINDER KUMAR</td>
<td>REGISTRAR (ADMINISTRATION)</td>
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<td>3.</td>
<td>SMT. SANGEETA SHARMA</td>
<td>REGISTRAR (WRITS)</td>
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<td>4.</td>
<td>HEMANT SINGH</td>
<td>REGISTRAR CUM C.P.C.</td>
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<td>5.</td>
<td>DR. NAMITA DHAND NEE VASHISHTHA</td>
<td>REGISTRAR (CLASSIFICATION)</td>
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<td>6.</td>
<td>JAGAT SINGH PANWAR</td>
<td>DEPUTY REGISTRAR (JUDICIAL)</td>
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<td>7.</td>
<td>DEEPENDRA MATHUR</td>
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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 AD were dynastic of which the Rulers also known as Princes who 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 hand 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, State of Rajputana evolved in March 1948.

A greater Rajasthan was formed when Jaipur, Jodhpur, Bikaner and Jaisalmer 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 7/4/1949. 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 29.8.1949. 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 26.1.1950, 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 1November 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 1st Nov., 1956. Four Hon'ble Judges Viz. Justice Bapna, Justice Ranawat, Justice Sharma and Justice Bhandari at that time functioned at the Jaipur Bench, while Justice Dave and Justice Modi used to sit at Jodhpur, Chief Justice Wanchoo sitting at both places.

The Bench at Jaipur was initially abolished in the year 1958. It was re-established with effect from 31.1.1977. The strength of the High Court Judges since thereafter has increased. At present the Rajasthan High Court has sanctioned strength of 50 Judges.
The State is bifurcated into 35 Judgeships comprising of 415 Courts of District Judge Cadre, 340 Court of Sr. Civil Judge Cadre and 450 Courts of Civil Judge Cadre. There are 408 outlying Courts, functioning under respective District Courts, dispensing justice to the people of the State, working under the overall superintendence of the High Court.
Rajasthan High Court Rules 1952, as amended from time to time, regulate the administrative business and judicial work in the High Court.

The cadre-wise strength of Judicial officers in the Subordinate judiciary is as follows:-

<table>
<thead>
<tr>
<th>Cadre</th>
<th>SANCTIONED STRENGTH</th>
<th>WORKING STRENGTH</th>
<th>VACANT POSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Judge Cadre</td>
<td>415</td>
<td>360 (including 23 Ad-hoc)</td>
<td>55</td>
</tr>
<tr>
<td>Senior Civil Judge Cadre</td>
<td>340</td>
<td>284 (including 13 ad-hoc)</td>
<td>56</td>
</tr>
<tr>
<td>Civil Judge Cadre</td>
<td>450</td>
<td>432 (including 108 trainee officers)</td>
<td>18</td>
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Rajasthan has 35 Judgeships, 19 of which fall under the jurisdiction of Rajasthan High Court Principal Seat Jodhpur whereas 16 are under the jurisdiction Rajasthan High Court Bench Jaipur.

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<tr>
<th>PRINCIPAL SEAT, JODHPUR</th>
<th>BENCH AT JAIPUR</th>
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<tr>
<td>BALOTRA</td>
<td>AJMER</td>
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<tr>
<td>BANSWARA</td>
<td>ALWAR</td>
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<tr>
<td>BHILWARA</td>
<td>BARAN</td>
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<tr>
<td>BIKANER</td>
<td>BHARATPUR</td>
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<tr>
<td>CHITTORGARH</td>
<td>BUNDI</td>
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<tr>
<td>CHURU</td>
<td>DAUSA</td>
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<tr>
<td>DUNGARPUR</td>
<td>DHOLPUR</td>
</tr>
<tr>
<td>GANGANAGAR</td>
<td>JAIPUR DISTRICT</td>
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<tr>
<td>HANUMANGARH</td>
<td>JAIPUR METRO</td>
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<tr>
<td>JAISALMER</td>
<td>JHALAWAR</td>
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<tr>
<td>JALORE</td>
<td>JHUNJHUNU</td>
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<tr>
<td>JODHPUR DISTRICT</td>
<td>KARAULI</td>
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<tr>
<td>JODHPUR METROPOLITAN</td>
<td>KOTA</td>
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<td>MERTA</td>
<td>SAWAI MADHOPUR</td>
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<td>PALI</td>
<td>SIKAR</td>
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<td>PRATAPGARH</td>
<td>TONK</td>
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<td>RAJSAMAND</td>
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<td>SIROHI</td>
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<td>UDAIPUR</td>
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MAJOR ACTIVITIES AND EVENTS DURING THE YEAR

Administrative Activities

Promotions & Scales

Judicial Officers

- For the first time, exercise of all due promotions in District Judge Cadre and Sr. Civil Judge Cadre was carried out **thrice within one year**
- For the first time, Civil Judge cum Judicial Magistrates were promoted as Sr. Civil Judge cum ACJM on completion of only Five Years of Service.
- Exercise of granting all due Selection Scales to the Judicial Officers was carried out.

High Court Staff

- Similarly, exercise for all due promotions of High Court Staff was carried out thrice.
- Exercise for granting all due Selection Scales to the Staff was also carried out.
- Long awaited exercise for confirmation of High Court Staff was also carried out.

Recruitment

Judicial Officers

- All the vacancies upto 31.12.2016 in Civil Judge Cadre have been filled up.
- Notification for recruitment of 27 vacant posts of District Judge cadre has been issued.
- Exercise of determination of vacancies for the year 2017-18 has been carried out for all cadres.

High Court Staff

- 527 JJAs, 16 Junior Personal Assistants and 18 Law Clerks cum Legal Research Assistants were appointed.

Quick processing of Pension cases and other retiral benefits

Hon’ble Judges

- For revised pension to former Hon’ble Judges, all possible exercise was carried out.

Judicial Officers

- Required exercise for pension is carried out well in advance to ensure pension and other retiral benefits on superannuation.
High Court Staff

- Required exercise for pension is carried out well in advance to ensure pension on superannuation.

**Extensive Training to enhance efficiency of Court Staff**

- First of its kind, extensive training was planned for all ministerial employees covering office etiquette, private and public character, including all important aspects to ensure effective and smooth administration.
- Above training was imparted both at Jodhpur and Jaipur to all the employees. In addition to it, section specific practical training was also imparted to address specific issues.

Judicial Administration

- Exhaustive review was made regarding pendency and other aspects and following steps were taken-

High Court

- Fixing of one day in every week in each roster for cases which are more than ten years old.
- Listing of oldest 50 held up cases according to the roster on every Monday and to take up the same from post lunch session.
- Identification of Infructuous cases for listing in respective Bench indicating under the head "Infructuous Matters".
- To frame listing policy, a Committee of Hon’ble Judges was constituted.
- To identify the files of different subjects, file covers of three different colours were introduced.
- Directions were issued for proper indexing and paging of judicial records.

Subordinate Courts

- All the District & Sessions Judge were interacted through State Level Colloquium of District Judges & CJMs and through periodical video conferences to encourage and motivate them for improvement in all spheres particularly early disposal of more than 10 years old cases. This brought great enthusiasm all over resulting in substantial increase in disposal of old cases and at the same time, smooth administration everywhere.
- Circulars were issued containing definite guidelines regarding case management and court management for expeditious disposal of civil and criminal cases explaining how the proceedings of trial can be streamlined to ensure timely and effective justice.
Regular monitoring of the progress and disposal of cases which are more than 5 years old. Guidelines and directions were issued for early disposal of such cases and at the same time to ensure that in no case quality is compromised for the sake of quantity.

Directions were given for periodical meetings to be convened by the District Judges to identify the problems coming in the way of early disposal of cases and to find out practical solutions thereof.

Directions were given to Presiding Officers of subordinate courts to draw the order sheets of more than 5 years old cases themselves and not to leave this task to be done by the Reader of Court.

Hon'ble Inspecting Judges were requested to monitor the progress of disposal of old cases along with overall supervision of their respective judgeship.

**Increase in Disposal**

As a result of above constant efforts, there has been substantial increase in disposal of all types of cases including old cases and cases pertaining to weaker and marginalized segments both in High Court and Subordinate Courts.

**Legislative work**

**Rules related to High Court**

A sub-committee headed by Hon’ble retired Judge of High Court was constituted to make an exercise to re-frame 65 years old existing High Court Rules in conformity with developments in all spheres particularly in Information Technology.

This committee has submitted Draft Rajasthan High Court Rules to be finalized by Hon’ble Rule Committee.

Required amendments were also made in Rajasthan High Court Staff Service Rules.

**Rules related to Subordinate Courts**

A sub-committee comprising of three retired District Judges was constituted to make an exercise to assist Hon’ble Rule Committee in finalizing the process re-engineering exercise of General Rules Civil and Criminal.

The sub-committee has submitted Draft Procedural Rules for Subordinate Courts to be considered by Hon’ble Rule Committee.

Exercise for amendment in Subordinate Courts Ministerial Establishment Rules 1986 has been carried out.
Republic Day Celebration, 2016 was organized on 26.01.2016 in the premises of Rajasthan High Court Jodhpur & Bench at Jaipur, in the benign presence of Hon'ble the Acting Chief Justice, Hon'ble Former Judges, Hon'ble Sitting Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.

Flag Hoisting at Rajasthan High Court, Jodhpur by Hon'ble the Acting Chief Justice Mr. Ajit Singh on the occasion of the 67th Republic Day.

Flag Hoisting on the occasion of the 67th Republic Day by Hon'ble Mr. Justice Ajay Rastogi at Rajasthan High Court Bench, Jaipur.
A Reference Ceremony was held on the eve of transfer of Hon'ble Ms. Justice Bela M. Trivedi on 05.02.2016. Her Lordship has been transferred to the Gujarat High Court.

Hon'ble Ms. Justice Bela M. Trivedi & Hon'ble Sitting Judges of the Rajasthan High Court at Jaipur Bench on the eve of transfer of her Lordship to the Gujarat High Court on 05.02.2016.

Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice, Rajasthan High Court took the oath of office as the Chief Justice, Gauhati High Court, Gauhati on 05.03.2016. Reference ceremony in the honour of Hon'ble Mr. Justice Ajit Singh was organized at Principal Seat, Jodhpur on 02.03.2016.

Hon'ble Mr. Justice Ajit Singh & Hon'ble Sitting Judges at Rajasthan High Court, Jodhpur on the eve of transfer of his Lordship to the Gauhati High Court.
Hon'ble Mr. Justice Satish Kumar Mittal assumed charge of office as the Chief Justice of Rajasthan High Court on 05.03.2016. His Lordship was transferred from Punjab & Haryana High Court.

Swearing-in ceremony of Hon'ble Mr. Justice Satish Kumar Mittal as Chief Justice of Rajasthan High Court on 05.03.2016.

Hon'ble Mrs. Justice Sabina, Judge, Punjab & Haryana High Court was transferred as a Judge of the Rajasthan High Court. Her Lordship assumed charge on 11.04.2016.

Swearing-in ceremony of Hon'ble Mrs. Justice Sabina, as Judge, Rajasthan High Court, on 11.04.2016.
Swearing-in Ceremony of 7 Judges was held on 11.04.2016 at the Rajasthan High Court. Hon'ble Mr. Justice G.R. Moolchandani, Hon'ble Mr. Justice Deepak Maheshwari, Hon'ble Mr. Justice Vijay Kumar Vyas, Hon'ble Mr. Justice Kailash Chandra Sharma, Hon'ble Mr. Justice Goverdhan Bardhar, Hon'ble Mr. Justice Pankaj Bhandari and Hon'ble Mr. Justice Dinesh Chandra Somani were elevated as Additional Judges of Rajasthan High Court.
Swearing-in ceremony of Hon'ble Mr. Justice Kailash Chandra Sharma, as Judge, Rajasthan High Court, on 11.04.2016.

Swearing-in ceremony of Hon'ble Mr. Justice Goverdhan Bardhar, as Judge, Rajasthan High Court, on 11.04.2016.

Swearing-in ceremony of Hon'ble Mr. Justice Pankaj Bhandari, as Judge, Rajasthan High Court, on 11.04.2016.
Swearing-in ceremony of Hon'ble Mr. Justice Dinesh Chandra Somani, as Judge, Rajasthan High Court, on 11.04.2016.

Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court was transferred to the Karnataka High Court. Reference Ceremony was organized in the honour of Hon'ble Dr. Justice Vineet Kothari on 12.04.2016. His Lordship was elevated as Judge, Rajasthan High Court in the year 2005.

Hon'ble the Chief Justice and Hon'ble Judges of Rajasthan High Court, Jodhpur on the eve of Reference Ceremony of Hon'ble Dr. Justice Vineet Kothari on 12.04.2016.
Hon'ble Mr. Justice Satish Kumar Mittal, Chief Justice, Rajasthan High Court superannuated on 14.04.2016. Reference ceremony was organized on the eve of superannuation of Hon'ble Mr. Justice Satish Kumar Mittal on 13.04.2016 at Principal Seat, Rajasthan High Court, Jodhpur.

Hon'ble the Chief Justice, Hon'ble Judges of Rajasthan High Court on the occasion of Reference Ceremony of Hon'ble the Chief Justice Mr. Satish Kumar Mittal on 13.04.2016.

Hon'ble Mr. Justice Ajay Rastogi, Administrative Judge, Rajasthan High Court took over charge as the Acting Chief Justice from 14.04.2016 to 13.05.2016.

Hon'ble Mr. Justice Navin Sinha, Chief Justice, Chhattisgarh High Court was transferred as Chief Justice of Rajasthan High Court. His Lordship has assumed charge as Chief Justice of Rajasthan High Court on 14.05.2016.

Swearing-in ceremony of Hon'ble Mr. Justice Navin Sinha, as Chief Justice of Rajasthan High Court, on 14.05.2016.
Hon'ble Ms. Justice Jaishree Thakur, Hon'ble Mr. Justice Anupinder Singh Grewal and Hon'ble Mr. Justice Prakash Gupta, Additional Judges of Rajasthan High Court were appointed as Permanent Judges of Rajasthan High Court on 20.05.2016.

Hon'ble Ms. Justice Jaishree Thakur sworn-in as Permanent Judge, Rajasthan High Court on 20.05.2016.

Hon'ble Mr. Justice Anupinder Singh Grewal sworn-in as Permanent Judge, Rajasthan High Court on 20.05.2016.

Hon'ble Mr. Justice Prakash Gupta sworn-in as Permanent Judge, Rajasthan High Court on 20.05.2016.
Flag Hoisting Ceremony

Independence Day was celebrated at the Rajasthan High Court, Jodhpur and Bench at Jaipur on 15.08.2016. Hon’ble the Chief Justice Mr. Navin Sinha hoisted our National Flag at Rajasthan High Court Bench, Jaipur followed by celebrations for the event. The august presence of Hon’ble Sitting Judges, Hon’ble Former Judges, Learned Advocates, Members of the Bar Association, Officers of the Registry and High Court Staff graced the occasion.

Hon’ble the Chief Justice Mr. Navin Sinha hoisting our National Flag on the occasion of Independence Day, 15.08.2016.

The National Flag was hoisted by Hon’ble Mr. Justice Govind Mathur, Senior Judge, Rajasthan High Court, Jodhpur on the auspicious occasion of Independence Day, 15.08.2016. Hon’ble Sitting Judges, Hon’ble Former Judges, Learned Advocates, Members of the Bar Association, Officers of the Registry and High Court Staff added vibrancy to the celebrations of the day.

Hon’ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court hoisting the National Flag on the occasion of Independence Day, 15.08.2016.
Hon’ble Mr. Justice Kalpesh Satyendra Jhaveri, Judge, Gujarat High Court was transferred as Judge of the Rajasthan High Court. His Lordship assumed charge on 24.08.2016.

Swearing-in Ceremony of Hon’ble Mr. Justice Kalpesh Satyendra Jhaveri, as Judge, Rajasthan High Court on 24.08.2016.

Reference Ceremony was held on the eve of transfer of Hon’ble Miss Justice Jaishree Thakur and Hon’ble Mr. Justice Anupinder Singh Grewal on 30.09.2016. Both the Lordships have been transferred to the Punjab & Haryana High Court.

Hon’ble Ms. Justice Jaishree Thakur and Hon’ble Sitting Judges of Rajasthan High Court on the eve of Reference Ceremony on 30.09.2016.
Hon’ble Mr. Justice Anupinder Singh Grewal and Hon’ble Sitting Judges of Rajasthan High Court Bench, Jaipur on the eve of Reference Ceremony on 30.09.2016.

Swearing-in Ceremony of 4 Additional Judges was held on 16.11.2016 at the Rajasthan High Court. Hon’ble Mr. Justice Sanjeev Prakash Sharma, Hon’ble Dr. Justice Pushpendra Singh Bhati, Hon’ble Mr. Justice Dinesh Mehta and Hon’ble Mr. Justice Vinit Kumar Mathur took oath as Judges, Rajasthan High Court.

Swearing-in Ceremony of Hon’ble Mr. Justice Sanjeev Prakash Sharma, as Judge, Rajasthan High Court, on 16.11.2016.
Swearing-in Ceremony of Hon'ble Dr. Justice Pushpendra Singh Bhati, as Judge, Rajasthan High Court, on 16.11.2016.

Swearing-in Ceremony of Hon’ble Mr. Justice Dinesh Mehta as Judge, Rajasthan High Court, on 16.11.2016.

Swearing-in Ceremony of Hon’ble Mr. Justice Vinit Kumar Mathur as Judge, Rajasthan High Court on 16.11.2016.
WEST ZONE REGIONAL JUDICIAL CONFERENCE 2016

West Zone Regional Conference for ‘Enhancing the Excellence of Judicial Institutions, Challenges & Opportunities” was organized on 19.11.2016 and 20.11.2016 at Rajasthan State Judicial Academy, Jodhpur.

Hon’ble Mr. Justice A.K. Goel, Judge, Supreme Court of India and Hon’ble the Chief Justice Mr. Navin Sinha, Rajasthan High Court inaugurating the West Zone Regional Conference on 19.11.2016 at Rajasthan State Judicial Academy, Jodhpur.

Rajasthan State Judicial Academy under the aegis of National Judicial Academy Bhopal, and Rajasthan High Court successfully organized yet another Judicial Conference of West Zone comprising the states of Rajasthan, Gujarat, Maharashtra & Madhya Pradesh on 19.11.2016 and 20.11.2016 on the topic “Enhancing the Excellence of Judicial Institutions: Challenges and Opportunities”.
The venue of the conference was RSJA, Jodhpur. The introductory session on 19.11.2016 was addressed by Hon’ble Mr. Justice A.K. Goel, Hon’ble Mr. Justice S.J. Mukhopadhaya, Hon’ble Mr. Justice Deepak Gupta, Hon’ble Mr. Justice Navin Sinha, Hon’ble Mr. Justice G. Raghuram. Thereafter, Judicial Officers and Resource Persons were addressed by Hon’ble Mr. Justice Arun Kumar Mishra, Hon’ble Dr. Justice S.S. Phansalkar Joshi, Hon’ble Mr. Justice K. Kannan, Mr. R. Venkataramani. On 20.11.2016, Hon’ble Mr. Justice K. Chandru, Mr. Justice S.G. Shah, Hon’ble Mr. Justice Sanjeev Sachdeva and Dr. Mohan Gopal enlightened the participants on various topics.

Dignitaries addressing the West Zone Regional Conference at Rajasthan State Judicial Academy, Jodhpur.

Hon’ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court & Chairman Rajasthan State Judicial Academy, addressing the West Zone Regional Conference at Rajasthan State Judicial Academy, Jodhpur.

Hon’ble Mr. Justice Ajay Rastogi, Hon’ble Mr. Justice Sangeet Raj Lodha, Hon’ble Mr. Justice M.N. Bhandari, Hon’ble Kumari Justice Nirmaljit Kaur and Hon’ble Mr. Justice Vijay Bishnoi, Judges, Rajasthan High Court participated in the conference.
Important Law Point – Service and Constitutional Law.

- Section 45 of Road Transport Corporation Act, 1950.
- Article 14 of Indian Constitution.

**Ratio -**

i) *In the process of public employment, first & the foremost consideration is the merit, which at no cost should be sacrificed in filling up the posts amongst candidates/participants.*

ii) *Common standards in evaluating candidature of the candidates has to be adopted/ followed in the process, and such process for selection should be in strict conformity with the scheme of prevailing relevant rules. The action has to be fair, impartial & in good conscience, which is the normal rule of service jurisprudence, is also a requirement & mandate of Article 14 of the Constitution.*

In this case, while considering Section 45 of Road Transport Corporation Act, 1950 in reference to Article 14 of Indian Constitution, it was held that selection for the post of Conductor in Corporation cannot be evaluated on two different standards/yardsticks. Without making valid amendments in the regulations or conditions of HMV driving license could not be notified in the advertisement for the post of Conductor. Eligibility conditions for the post of pre-supposes to be in accordance with the existing scheme of rules/ regulations on the date of advertisement and it is the bounden duty of the officers of recruiting agency to hold fair, transparent and impartial selection process keeping in view the mandate of law, providing equal and fair opportunity to all the candidates participating in the process of selection. Common standards in evaluating candidature of the candidates has to be adopted/ followed in the process and be carried out in fulfilment of the mandate of public employment and Article 14 of the Constitution of India. The process adopted for selection should be in strict conformity with the scheme of prevailing relevant rules. The action has to be fair, impartial & in good conscience. The Court further observed that in the process of public employment, first & the foremost consideration is the merit, which at no cost should be sacrificed in filling up the posts amongst candidates/participants. Holding fair & impartial process of selection, which is the normal rule of service jurisprudence, is also a requirement & mandate of Article 14 of the Constitution. The Court further held that the present appeals-writ petitions came to be preferred against the inaction/arbitrary action of the respondent Corporation in holding selection process pursuant to advertisement in question and since the Corporation is party to the litigation & impleaded as respondent, sufficient opportunity has been afforded to those who have been given appointment by impleading them as party in the appeals/writ petitions in the representative capacity. That apart, it is normally the merit which will prevail besides it claiming no relief against any individual candidate and prayed for by the appellants as such are at least not the necessary party to be impleaded as respondents.
**ARBTRATION LAW**

Allied Construction Civil Fabricators Vs. Hindustan Zinc Limited

Justice P.K. Lohra

Judgement dated 05.04.2016,

**Important Law Point—Limitation in Arbitration Law**

- Article 137 of the Limitation Act, 1963
- Section 20 of the Arbitration Act, 1940

**Ratio -**

i) Article 137 of the Limitation Act of 1963 is applicable vis-à-vis an application under Sec 20 of the Arbitration Act of 1940 for filing Arbitration Agreement in Court.

Issue before Hon’ble Court was the applicability of Article 147 of the Limitation Act, 1963 in relation to Section 20 of the Arbitration Act, 1940. It was held that Article 137 of the new Act is applicable to an application under Sec. 20 of the Act of 1940.

Hon’ble Court observed that “a bare perusal of above-quoted Article 181 of the Indian Limitation Act, 1908 and Article 137 of the Act of 1963 makes it amply clear that applicability of residuary clause under Article 181 of the Indian Limitation Act, 1908 is circumscribed by insertion of words “in this Schedule” and Section 48 of the Code of Civil Procedure. In derogation to it, Article 137 of the Act of 1963 is a residuary clause, which by its language clearly denotes that it can be applied vis-à-vis any application to be filed before a Civil Court without reference to CPC. This sort of construction of Article 137 of the Act of 1963 is clearly inferable from the legislative intent on account of insertion of words “elsewhere in this Division”. In that background, there remains no quarrel that Article 137 of the Act of 1963 is applicable vis-à-vis an application under Sec 20 of the Act of 1940 and consequently the verdicts on which the appellant has placed reliance wherein provision of Article 181 of the Indian Limitation Act of 1908 is construed and interpreted cannot render any assistance to its cause and are clearly distinguishable. Therefore, ratio decidendi of Kerala State Electricity Board (supra) clearly clinches the issue in favour of respondent, paving the way to attract Article 137 in respect of applications under Sec. 20 of the Act of 1940.”

**CRIMINAL LAW**

Arjun Ram Vs. State of Rajasthan & Ors

Hon’ble Mr. Justice Govind Mathur

Hon’ble Ms. Justice Jaishree Thakur


**Important Law Point—Law of Sentencing**


**Ratio -**

i) The Trial Court, Appellate Court, Revisional Court or High Court exercising its Inherent powers, may invoke the discretion, based on settled principles that in two different matters, the subsequent conviction of imprisonment shall run concurrently with previously undergoing sentence.
While considering the provisions of Section 427 and 482 of the Criminal Procedure Code, 1973, examined whether the High Court while exercising the powers under Section 482, can invoke Section 427 Criminal Procedure Code and order to run the sentence concurrently passed in two different matters.

While duly considering the Full Bench judgment of the Punjab and Haryana High Court in the case Jang Singh Vs. State of Punjab which held otherwise, Hon’ble Mr. Justice Govind Mathur speaking for the bench held “that as per Section 427 Code of Criminal Procedure, in normal course, a person already undergoing a sentence of imprisonment, if sentenced on a subsequent conviction to imprisonment, such imprisonment commences at the expiration of the imprisonment to which he has been previously sentenced, but the Court in its discretion based on settled principles may direct that the subsequent sentence shall run concurrently with previous sentence. While exercising such discretion, the Trial Court, Appellate Court or Revisional Court, as the case may be, keeps in mind several factors. While examining such factors, the possibility of some error cannot be ruled out. Not only the error, but absolutely non-consideration of the issue about invoking this discretion, may also be there and that may cause great injustice. In general, it can be said that every provision of law is meant to impart justice and to ensure fair and objective treatment with every subject, but while doing so, the chances of causing injustice or failure in extending complete justice cannot be denied. To meet such an eventuality the inherent powers like Section 482 Code of Criminal Procedure are meant and those are always open to be invoked to prevent abuse of process of Court and secure the ends of justice. The inherent jurisdiction is having a very large amplitude but should always be exercised cautiously and only to prevent miscarriage of justice. While keeping in mind that the inherent powers must be exercised sparingly, the Court should not restrain itself to invoke the same if any injury is caused to the justice.”

Bhagwan Sahai & Anr. Vs. Manoj Kumar & Ors
Hon’ble Mr. Justice Prashant Kumar Agarwal
Judgment dated 05.05.2016

Important Law Point: Power of Investigation and Right against self incrimination

• Rule 181 General Rule Civil,1986.
• Article 20(3) Constitution of India.

Ratio-

i. A document was forged or fabricated before it was produced in a Court, complaint by the Court is not necessary and cognizance can be taken for such an offence under Sec. 190 Cr.P.C. and police is entitled to undertake investigation about the genuineness of such document.

ii. Court cannot refuse to hand over such document to police merely on the ground that cognizance cannot be taken by any Court unless complaint is filed by that Court.

iii. When the accused himself voluntarily parted with the possession of the document and tendered it in the Court in support of his claim made in the case, no question of compulsion to the accused arises within the meaning of this provision if the investigating officer request the Court to hand over the document to him for investigation purposes.

In this case it was held that if a document was forged or fabricated before it was produced in a Court, complaint by the Court is not necessary and cognizance can be taken for such an offence under Sec. 190 Cr.P.C. and police is entitled to undertake investigation about the genuineness of such document and, therefore, Court cannot refuse
to hand over such document to police merely on the ground that no useful purpose would be served to undertake investigation as cognizance cannot be taken by any Court unless complaint is filed by that Court.

The investigating officer during investigation of a case can make a request to the Court to hand over the document in its possession for investigation purposes. Under Chapter XII of Cr.P.C., police has wide power of investigation and in exercise of that power, an investigating officer can request the Court also to hand over him a document alleged to be forged for getting it examined by FSL. If the investigating officer does not have such power, then it would be very easy and convenient for a person to file frivolous case in a Court and also file the forged document in the Court and prevent the investigating agency to undertake investigation regarding such forged document. Although under Sec. 91 Cr.P.C., police cannot ask an accused to produce a document in his possession but police having wide power of investigation, during investigation can request Court to hand over the document which is in its possession. The process of criminal law cannot be scuttled and the document alleged to be forged is required to be given to the investigating agency for investigation.

For the applicability of Article 20 (3) of Indian Constitution, one of the essential ingredient is compulsion to the accused but when the accused himself voluntarily parted with the possession of the document and tendered it in the Court in support of his claim made in the case, no question of compulsion to the accused arises within the meaning of this provision if the investigating officer request the Court to hand over the document to him for investigation purposes. After document has been produced in the Court, accused has lost his possession and control over it and it is now in the custody of the Court and the accused cannot claim that it is still in his possession and if the request is made by investigating officer to a Court for handing over of a document alleged to be forged and fabricated which is in the possession of the Court for the purpose of its examination by FSL, the Court having possession of the document can hand over it to the investigating agency for the aforesaid purpose. Apart from it, permission may be sought by the Court under Rule 181 from the High Court and if such permission is granted the document can be handed over in compliance of the permission so granted by the High Court.

Bhagirath Ram & ors Vs. State of Rajasthan
Hon'ble Mr. Justice Vijay Bishnoi
Judgment dated 26.06.2016

**Important Law Point: Cognizance during Trial**

- Section 319 CrPC, 1973

**Ratio-**

i. *Trial Court while invoking the powers under section 319 of Cr.P.C. is not required to form any opinion as to the guilt of the accused while considering the evidence led before it during the course of the trial.*

ii. *Further, the trial court has to satisfy itself that on the basis of the evidence, led before it; the person, who has been left out from being arraigned as accused, could be tried together with the persons already arraigned as accused.*
Important Law Point: Criminal Jurisprudence and Object of Cross Examination.

- Bangalore Principles of Judicial Verdict, 2002

**Ratio-**

i. Independence of Judicial Function, presupposes that A dispassionate measurement of law and facts is accordingly called for in all cases.

ii. Object of cross examination is to (a) destroy and or weaken the evidentiary value of the witness, (b) to show that a witness is unworthy of belief. Unless opportunity to cross-examine is provided the statement recorded under Section 164 of the Cr.P.C. cannot be read in evidence as per Section 33 of the Evidence Act.

iii. In the absence of any recovery of the carcass, absence of postmortem and absence of medical evidence as to the cause of death, there is no proof with respect to the kind of weapon, if any, used for killing, whether it was killed by a weapon at all or simply hunted and killed by some other carnivorous animal. Under these circumstances, it would be highly unsafe to place reliance on such kind of evidence which is surrounded with suspicion and doubt

While acquitting Salman Khan vide two separate judgments dated 25th July, 2016 rendered in SB Criminal Revision Petition No.905/2007 (Salman Khan Vs. State of Rajasthan) and SB Criminal Appeal Nos.53/2012 (Salman Khan Vs. State of Rajasthan), Justice Nirmaljit Kaur started the discussion by drawing attention to the principles of judicial understanding which we all know but are often overlooked. The Bangalore Principles of Judicial Verdict, 2002 stipulates that “A judge shall exercise the judicial function independently on the basis of the judge’s assessment of the facts and in accordance with a conscientious understanding of the law free of any extraneous influences, pressures, threats or interference, direct or indirect from any quarter or for any reason.” These principles ensure the undeniable truth that a court must adopt and as President Roosevelt, the 26th President of the United States put it that, “while no man is above the law, no man is below it either and the status of any man should neither stand to benefit him or harm him in any manner.” A dispassionate measurement of law and facts is accordingly called for in all cases.”

In the detailed discussion, the Court held that the statement of the eyewitness Harish Dulani cannot be read against the petitioner. The witness PW-1 Harish Dulani left the court without any information. Therefore, a notice under Section 350 of the Cr.P.C. was issued to him on 20.03.2002 itself for leaving the Court without being examined. A notice was also given under Section 344 Cr.P.C. for giving false evidence before the trial court. While dealing with the statement of the eye witness under Section 164 of the Cr.P.C., Section 33 of the Evidence Act was dealt with. It was observed that Section 33 of the Evidence Act provides a right to the accused to cross-examine a witness. Cross-examination is an acid test for testing the truthfulness of the statement made by a witness after his examination-in-chief. The main object of cross examination is to (a) destroy and or weaken the evidentiary value of the witness, (b) to show that a witness is unworthy of belief. The weapon of cross examination is a powerful weapon, by which, the defence can separate true from false and can pierce through the evidence given by the witness in his examination-in-chief. One of the prime requisites for the statement to be admissible is that accused should have been granted an opportunity to cross-examine a witness whose statement is sought to be admitted into evidence. When a
statement is recorded under Section 164 Cr.P.C., the accused does not have a right to cross-examine and nor he is given an opportunity to cross examine such a witness. Hence, it is necessary that the said witness should not only be examined in court as witness but opportunity to cross-examine should also be granted and in case, the said condition is not fulfilled, the statement recorded under Section 164 of the Cr.P.C. cannot be read in evidence as per Section 33 of the Evidence Act.

Besides the above, Salman Khan was acquitted by holding that “in the absence of any recovery of the carcass, absence of postmortem and absence of medical evidence as to the cause of death, there is no proof with respect to the kind of weapon, if any, used for killing, whether it was killed by a weapon at all or simply hunted and killed by some other carnivorous animal. No pellets were found when the gypsy was searched on 07.10.1998 but they were suddenly found on 12.10.1998. No weapons were found when the room was searched on 10.10.1998 but surprisingly were recovered from the same room on 12.10.1998 while lying around openly. The pellets recovered from the gypsy do not match with the ones recovered from either the room of Salman Khan or Saif Ali Khan, and in any case, the recovered pellets are used only for hunting small animals like a rabbit or a bird. A notice was given to the witness by the trial court for giving false evidence. Under these circumstances, it would be highly unsafe to place reliance on such kind of evidence which is surrounded with suspicion and doubt”.

Sher Singh Banjara Vs. State of Rajasthan
Hon’ble Mr. Justice Mohammad Rafiq
Hon’ble Mr. Justice Dinesh Chandra Somani
Judgment dated 01.09.2016

Important Law Point: Doctrine of Precedence, Error or omission in charge, and Law of sentencing.

- Section 304(B), 498(A), 201/511 of IPC, 1860.

Ratio-

i. As a principle on the law of precedents, a decision cannot be relied in support of a proposition which it did not decide and that the courts should not place reliance on decisions without discussing as to how the factual situation of the case before it fits in the fact situation of the decision on which reliance has been placed. A little variance and difference between facts as also in the position of law and the relevant rules may make a whole deal of difference in the precedential value of the judgment cited before the court.

ii. Charged for offence under Section 304-B IPC, could simultaneously be convicted for offence under Section 302 IPC, such error or omission as per Section 215 Cr.P.C. would not be regarded as material unless the accused appellant, “was misled by such error or omission and it has occasioned failure of justice and as per Section 464(1) Cr.P.C, no finding sentence or order by a Court of competent jurisdiction shall be deemed invalid merely on the ground that no charge was framed or on the ground of any error, omission or irregularity in the charge including any misjoinder of charges, unless, in the opinion of the Court of appeal, confirmation or revision, a failure of justice has in fact been occasioned thereby.

iii. High Court while maintaining sentence can alter the finding, if it is deemed just and proper. But this course is subject to certain restrictions which are contained in two provisos to Section 386 Cr.P.C. namely; that the sentence shall not be enhanced unless the accused has had an opportunity of
showing cause against such enhancement and secondly, that the appellate court shall not inflict greater punishment for the offence which is its opinion the accused has committed, than might have been inflicted for that offence by the Court passing the order or sentence under appeal.

While dealing with the Section 304(B), 498(A), 201/511 of IPC and Section 214, 215, 221(2), 386B(II) read with Section 386E and 464 of Cr.P.C. the Court held that, “It is trite that a precedent is an authority for what it actually decide and not what can be logically deduced there from. It is also well-settled that ratio of a judgment must be understood as having regard to fact situation obtaining therein. In order therefore to cull out the ratio of a judgment, the law laid down therein has to be ascertained by analyzing the material facts and the issues involved in the case and argument of both the sides. What is held in a given case should be read with reference to fact situation of that case in the context of particular statutory provision interpreted by the court. It has therefore been often reiterated as a principle on the law of precedents that a decision cannot be relied in support of a proposition which it did not decide and that the courts should not place reliance on decisions without discussing as to how the factual situation of the case before it fits in the fact situation of the decision on which reliance has been placed. A little variance and difference between facts as also in the position of law and the relevant rules may make a whole deal of difference in the precedential value of the judgment cited before the court.”

The Court further held that, “Code of Criminal Procedure is a comprehensive and time tested enactment which provides for every foreseeable situation that may arise before the courts during trial. The words “dowry murder”, especially “murder” repeatedly used in the article of charges to describe the offence, would as per Section 214 Cr.P.C. have the meaning as the law making such offence punishable prescribe. If at all there was any error or omission in not specifically mentioning Section 302 IPC in the charge, such error or omission as per Section 215 Cr.P.C. would not be regarded as material unless the accused appellant, “was misled by such error or omission and it has occasioned failure of justice”. Moreover even as per Section 464(1) Cr.P.C., “no finding sentence or order by a Court of competent jurisdiction shall be deemed invalid merely on the ground that no charge was framed or on the ground of any error, omission or irregularity in the charge including any misjoinder of charges, unless, in the opinion of the Court of appeal, confirmation or revision, a failure of justice has in fact been occasioned thereby”. What in the present case we are concerned is whether the accused, while he was charged for offence under Section 304-B IPC, could simultaneously be charged for offence under Section 302 IPC. This is where Section 221 Cr.P.C. is attracted, which empowers the criminal court to convict an accused for an offence with which he is not charged, although on facts proved in evidence, he could have been charged for such an offence. Apart from providing aforementioned safeguards during the course of trial, the Parliament has especially engrafted Section 386 in Code of Criminal Procedure which contains complete guidelines to be kept in view by the appellate court while considering the appeals filed against the judgment/order of conviction/sentence or acquittal. Section 386(b)(ii) when read with Section 386(e) Cr.P.C. clearly provides that this Court while maintaining sentence can alter the finding, if it is deemed just and proper. But this course is subject to certain restrictions which are contained in two provisos to Section 386 Cr.P.C. namely; that the sentence shall not be enhanced unless the accused has had an opportunity of showing cause against such enhancement and secondly, that the appellate court shall not inflict greater punishment for the offence which is its opinion the accused has committed, than might have been inflicted for that offence by the Court passing the order or sentence under appeal. Section 304-B and Section 302 IPC both contain life imprisonment as the common sentence, but while in the former, it is maximum sentence, in the latter, it is minimum sentence. Since this Court in the facts of the case, does not propose to enhance the sentence of life imprisonment awarded to the accused-appellant to death penalty, therefore, neither of the provisos to Section 386 Cr.P.C. would be attracted if the finding recorded by the trial
court and consequential conviction of the accused-appellant is altered from Section 304-B IPC to Section 302 IPC by invoking provisions of Sections 214, 215, 221(2), 386(b)(ii) read with Sections 386(e) and 464(1) Cr.P.C.”

**INDIAN EVIDENCE ACT - HINDU LAW**

**Preeti Jain Vs. Kunal Jain & Another**

**Hon’ble Mr. Justice Alok Sharma**

**Judgment dated 27.05.2016.**

**Important Law Point: Law of privilege Communication in electronic form & its admissibility in Evidence.**

- Section 65-B, 122 Indian Evidence Act, 1872.
- Section 14 of the Family Court Act, 1984

**Ratio-**

i. *Shield of Privilege Communication between Husband and Wife’ [S.122 Evidence Act] is not available in Family Court Proceeding.*

ii. *Family Court can admit the evidence in the form of Pin Hole camera with a hard disk memory on which a recording was done, as Primary evidence and Section 65 B of Evidence Act is not applicable, since it deals only with Secondary evidence. That evidence would take the colour of primary evidence, subject no doubt to its credibility based on forensic examination and cross examination.*

In this case, it was held that the benefit of 'Privilege Communication between Husband and Wife' [S.122 Evidence Act] was not available in Family Court Proceedings and observed that Family Court can admit the evidence in the form of Pin Hole camera with a hard disk memory on which a recording was done, as Primary evidence and Section 65 B of Evidence Act is not applicable, since it deals only with Secondary evidence. While doing so the Court observed that “Section 14 of the Family Court Act, 1984 provides that a Family Court may receive any evidence, report, statement, documents, information or matter which in its opinion will facilitate the effective adjudication of the disputes before it, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872. The aforesaid section therefore makes it pellucid that the issues of relevance and admissibility of evidence which regulate a regular trial do not burden proceedings before the Family Courts. It is the discretion of the Family Court to receive or not to receive the evidence, report, statement, documents, information etc. placed before it on the test whether it does or does not facilitate an effective adjudication of the disputes before it.”

Rejecting the contention of the petitioner, the Court further held “Section 65B of the Act of 1872 only deals with the secondary evidence qua electronic records. It does not at all deal with the original electronic records, as in the instant case, where the pinhole camera, with a hard disk memory on which the recording was done has been submitted before the Family Court. The Apex Court in the case of Anvar P.V. Vs. P.K. Basheer [(2014)10 SCC 473] has held that if an electronic record is produced as a primary evidence under Section 62 of the Evidence Act, the same is admissible in evidence without compliance with the conditions of Section 65B of the Act of 1872. That evidence would take the colour of primary evidence, subject no doubt to its credibility based on forensic examination and cross examination.”
JUVENILE JUSTICE
Sattu Ram @ Satiya & Anr. Vs. State of Rajasthan
Hon’ble Mr. Justice Sandeep Mehta

Important Law Point: Meaning of Juvenile Explained.

- Section 15(1)(g), 16 and 52 of Juvenile Justice (Care and Protection of Children) Act, 2000.

Ratio-

i. Amplitude and scope of power available to the Juvenile Justice Board for passing an order under these provisions operates only against a juvenile.

ii. By no stretch of imagination, the operation of these provisions can be extended to a person, who has crossed the age of juvenility as on the date of the decision.

iii. Allowing a person, who has crossed the age of juvenility to be kept in such an institution, would be in direct conflict with the very purposes of the Juvenile Justice Act.

The amplitude and scope of power available to the Juvenile Justice Board for passing an order under these provisions operates only against a juvenile. In each subsection of the above provisions, the term Juvenile is repeatedly emphasized. By no stretch of imagination, the operation of these provisions can be extended to a person, who has crossed the age of juvenility as on the date of the decision. As per the clear language of the statute, it cannot be disputed that only a juvenile can be sent to a special home/fit institution after being found guilty in an inquiry. The special home or the fit institutions are facilities created under the Juvenile Justice Act keeping the juveniles in protective custody so as to ensure their reformation. Allowing a person, who has crossed the age of juvenility to be kept in such an institution, would be in direct conflict with the very purposes of the Juvenile Justice Act. There is an imminent likelihood that if the offender has crossed the age of juvenility and has continued with his criminal activities, then he/she could adversely influence the minds of the juveniles, who are housed in such facility upon being brought in direct contact with such a person. Such an action would be doing violence with the very purpose of the Juvenile Justice Act.

PUBLIC INTEREST LITIGATION
Abhyutthanam Society Vs. State of Rajasthan & Anr.
Hon’ble The Acting Chief Justice Mr. Ajay Rastogi
Hon’ble Mr. Justice Dinesh Chandra Somani

Important Law Point:

- Sec.2 (d) of the Right to Education Act, 2009

Ratio-

Disposing the Public Interest Litigation, the court made following substitution to be made a part of the new notification issued by the state:

- Let the child belonging to OBC & SBC whose parents’ annual income does not exceed Rs. 2.50 Lakhs be also included as part of the Notification dt. 28.03.2016 of the appropriate Government for “child belonging to disadvantaged group”, as contemplated u/Sec.2 (d) of the Act, 2009;

- The children whose parents/guardians annual income does not exceed Rs. 2.50
Lakhs be considered as “child belonging to weaker section”, as contemplated u/Sec.2(c) of the Act, 2009. In the earlier notification issued in 2011, state had included Child belonging to OBC & SBC in disadvantaged group, but through another notification, this year, it has not included them in the group. Similarly new notification does not define the annual income of the parent or guardian of the child belonging to weaker section. This notification was challenged by Abhyutthanam Society. While holding as above, the Court observed that the benefits under the Right to Education Act are available to child belonging to disadvantaged group as constituting one class and child belonging to weaker section as constituting another class. There may, of course, be some cases of overlapping, that there are children who may answer both the definitions, but for availing benefits under the Right to Education Act, it is not necessary that a child must satisfy both the definitions.

SERVICE LAW
Saurabh Kumar Kothari & Others. Vs. RPSC & Others
Hon’ble Mr. Justice Ajay Rastogi
Hon’ble Mr. Justice J.K. Ranka
Judgment dated 03.02.2016

Important Law Point:


Ratio-

i. It is the duty of the court to give effect to the words regardless of any other consideration and it would not be justified in ignoring any part of the language of the statute and as regards the syllabus & scheme of competitive examination are concerned, it has to be read in tandem with the statute and explanation lays down procedure to be followed for entering from Phase-I to Phase-II and the marks obtained to be taken care of for preparation of the final merit list and the scheme of Rules which is self explicit leaves no manner of doubt and with ordinary & natural meaning of the provisions of the statute, we do not find any conflict with the substantive scheme of Rules.

ii. It mandates the Commission not to recommend such of the candidates who have failed to obtain minimum of 40% in each of the paper of Phase-I & minimum of 36% in each of the paper of Phase-II of the competitive examination held for Lower Division Clerk.

In this case Hon’ble Court examined the selection process which was initiated by the Rajasthan Public Service Commission for holding recruitment for the post of Lower Division Clerk/Stenographer under the Rajasthan Secretariat Ministerial Service Rules, 1970, the Rajasthan Subordinate Offices Ministerial Service Rules, 1999 and the Rajasthan Public Service Commission (Ministerial & Subordinate Service) Rules & Regulations, 1999 and the criteria along with the eligibility and procedure of selection were one & the same.

The batch of special appeals filed was basically assailing the selection process held for the post of Lower Division Clerk considered by the learned Single Judge and interpretation of the scheme of Rules. At the same time, writ petitions were filed by some of the candidates assailing the validity of the proviso to Rule 29 of the Rules, 1999 which envisages that only such of the candidates could be recommended by the Commission who have obtained a minimum of 40% marks in each of the paper of Phase-I and a minimum of 36% marks in each of the paper of Phase-II of the competitive examination for the post of Stenographer and this condition according to the petitioners is
unreasonable and has no nexus with the object sought to be achieved and violative of Article 14 of the Constitution and those who qualified in Phase-I with 40% marks in aggregate and Phase-II with 36% in aggregate of the competitive examination be declared eligible & be recommended for the post of Stenographer.

While allowing the appeals and upholding the provision of Rule 28 of the Rules of 1999 held “although, we find ourselves in respectful disagreement to what has been expressed by the learned Single Judge and in our considered view the provision of which we have made a reference in detail and proviso to sub-rule (3) of Rule 28 of the Rules and corresponding to all the service Rules are self explicit and it mandates the Commission not to recommend such of the candidates who have failed to obtain minimum of 40% in each of the paper of Phase-I & minimum of 36% in each of the paper of Phase-II of the competitive examination held for Lower Division Clerk. It is the duty of the court to give effect to the words regardless of any other consideration and it would not be justified in ignoring any part of the language of the statute and as regards the syllabus & scheme of competitive examination are concerned, it has to be read in tandem with the statute and explanation lays down procedure to be followed for entering from Phase-I to Phase-II and the marks obtained to be taken care of for preparation of the final merit list and the scheme of Rules which is self explicit leaves no manner of doubt and with ordinary & natural meaning of the provisions of the statute, we do not find any conflict with the substantive scheme of Rules”.

Kapura Ram Vs. Jalore Central Co-operative Bank Limited, Jalore & anr
Hon’ble Ms. Justice Nirmaljit Kaur

Judgment dated 02.06.2016

Important Law Point: Promotion Seniority cum merit explained.

Ratio-

i. The selection by 'merit' follows the 'seniority-cum-merit'. In the present case, the solitary post should have been, in any case, filled by seniority-cum-merit and only in case of a second post was available; the same should have been filled on the basis of merit alone. Such an interpretation is only fair and just and reduces the chances of manipulation.

ii. In case of solitary post to be filled by seniority-cum-merit, the seniority should be kept in mind specially when there is nothing adverse against such a person.

In this case, it was held that in case of solitary post to be filled by seniority-cum-merit, the seniority should be kept in mind specially when there is nothing adverse against such a person.

The grievance of the petitioner was that as per the rules applicable to the petitioner, 60% of the posts of Officer Grade D(i) is required to be filled by Clerk cadre, out of which 50% is by seniority-cum-merit and another 50% is by merit. 02 posts were to be reserved for S.C. category against vacancy at 1st and 7th of the roster point. Therefore, first post was required to be filled by seniority-cum-merit and the second post was to be filled by merit. The respondents, however, filled up only 01 post and that too on merit basis ignoring the seniority.

While allowing the writ petition, the Court held that the petitioner has no adverse record. There was no reason as to why the solitary post should not have been filled by seniority-cum-merit instead of merit alone. The amendment dated 10.08.1984 also suggests 50% by seniority-cum-merit and 50% by merit. The selection by 'merit' follows the 'seniority-cum-merit'. In the present case, the solitary post should have been, in any case, filled by seniority-cum-merit and only in case of a second post was available, the same should have been filled on the basis of merit alone. Such an interpretation is only
fair and just and reduces the chances of manipulation.

**Rajasthan Urban Co-operative Bank Ltd. Vs. Ajay Kumar Katewa & Ors**

Hon'ble The Acting Chief Justice Mr. Ajit Singh

Hon'ble Mr. Justice Anupinder Singh Grewal

Judgment dated 12.01.2016

**Important Law Point: Functioning of Board of Directors not to be Arbitrary.**

**Ratio-**

i. *The requirement of recording specific grounds to arrive at the decision in the rules is intended to ensure that the Board of Directors does not act arbitrarily while compulsorily retiring the employees. Such functions entrusted upon the Board of Directors by the rule could not be outsourced to the legal advisers.*

ii. *Existence of alternate remedy is not an absolute bar for the exercise of writ jurisdiction.*

Division Bench held that functions entrusted upon the Board of Directors by the rule could not be outsourced to the legal advisers. A Bank assailing the judgment of the Single Bench setting aside the compulsorily retirement/retirement of its employees, preferred an intra court appeal before the Division Bench.

Perusing the records, the Bench observed that it has evident that the termination orders had been passed by the Board of Directors on the advice of the Legal Advisers and the Banking Experts. While observing that it was incumbent upon the Board of Directors to have independently applied their mind and taken decision based on specific grounds, the Court held “the requirement of recording specific grounds to arrive at the decision in the rules is intended to ensure that the Board of Directors does not act arbitrarily while compulsorily retiring the employees. There does not seem to be any independent and due application of mind on the part of the Board of Directors while arriving at the decision which has the effect of bringing the services of the employees to a premature end. The function which had been entrusted upon the Board of Directors by the rule could not have been outsourced to the legal adviser”.

The contention that, the matter should have been referred to arbitration was also rejected by the Court holding that alternate remedy is not an absolute bar for the exercise of writ jurisdiction.

**Hari Om Garg & Ors. Vs. The State of Rajasthan and Ors.**

Hon'ble the Chief Justice Mr. Navin Sinha

Hon'ble Mr. Justice Vijay Kumar Vyas


**Important Law Point: Departmental Inquiry procedure explained vis-a-vis Scope of Judicial review**

**Ratio-**

i. *The jurisdiction of this Court in judicial review arising out of punishment orders pursuant to departmental proceedings lies in a narrow compass confined to errors in the decision making process and not the merits of the decision itself.*

ii. *Procedural irregularity will also not ipso facto vitiate the punishment unless a conclusion of prejudice can be established. Non furnishing of the inquiry report before punishment cannot under all circumstances be considered per se*
to have vitiated the order of punishment. Prejudice will have to be demonstrated. If the useless formality theory will apply, the punishment shall not stand vitiated.

iii. In Departmental Enquiry the nature of proof & findings have to be based on preponderance of probabilities. If there be reasonable iota of evidence it will suffice for punishment in a departmental inquiry.

iv. An appellate order at variance with the disciplinary authority is undoubtedly required to be reasoned and well considered, consisting of disclosure of due consideration of the charges, the findings of the Inquiry Officer, the grounds taken in appeal and brief reasons disclosing application of mind.

While considering the Writ Petitions against the order of dismissal from service the Court held that:

“The jurisdiction of this Court in judicial review arising out of punishment orders pursuant to departmental proceedings lies in a narrow compass confined to errors in the decision making process and not the merits of the decision itself. Judicial precedents abound which have only to be considered in the facts of the case as available in the records. Thus, unless there be perversity of findings or the conclusions be such that no reasonable person would have arrived at the same on basis of the materials the Court will not interfere. Procedural irregularity will also not ipso facto vitiate the punishment unless a conclusion of prejudice can be established.” Non furnishing of the inquiry report before punishment cannot under all circumstances be considered per se to have vitiated the order of punishment. Prejudice will have to be demonstrated. The Court can examine the defence that another conclusion was possible if it had been furnished and reply submitted. **If the useless formality theory will apply the punishment shall not stand vitiated.** There can be no abstract conclusion that under all circumstances prejudice is writ large by non supply of the inquiry report leaving the punishment vitiated without the need for any further inquiry.

The Court further held that in Departmental Enquiry the nature of proof & findings have to be based on preponderance of probabilities. The strict theory of proof beyond reasonable doubt in a criminal trial has no application. If there be reasonable iota of evidence it will suffice for punishment in a departmental inquiry.

An appellate order at variance with the disciplinary authority is undoubtedly required to be reasoned and well considered. An order of affirmance is not required to be reasoned like the former but is only required to disclose due consideration of the charges, the findings of the Inquiry Officer, the grounds taken in appeal and brief reasons disclosing application of mind.

**State of Rajasthan and Ors. Vs. Ummed Singh and Ors.**

**Hon'ble the Chief Justice Mr. Navin Sinha**

**Hon'ble Mr. Justice Pankaj Bhandari**

Judgment dated 08.08.2016

Important Law Point: Discretionary power –vice of arbitrariness and objective criteria.

- Rule 28(A) of Rajasthan Police Subordinate Service Rules
- Article of 14 & 16 of Indian Constitution
Ratio-

i. Discretionary power can also be exercised with care and caution with due diligence by application of mind. But if similarly situated persons are dealt with in different manner by exercise of unreasoned discretionary orders it becomes discriminatory and arbitrary.

ii. The right to be considered for out of turn promotion is not a vested right. But if the Rules provide for the same, there have to be objective criteria or guidelines with regard to the manner of its exercise in absence of which the discretionary power may degenerate into arbitrariness or discrimination causing a civil wrong to one and an undue benefit to another though both may be similarly situated.

While considering the Rule 28(A) of Rajasthan Police Subordinate Service Rules in respect of Article of 14 & 16 of Indian Constitution the Court held that Rule 28 (a) does not contain any guidelines for deciding who are to be considered as having performed “outstanding work”. No criterion appears to have been laid down as to what shall constitute “outstanding work”. The power is therefore discretionary. Merely because the power is discretionary cannot lead to a conclusion that it suffers from the vice of arbitrariness. Discretionary power can also be exercised with care and caution with due diligence by application of mind. But if similarly situated persons are dealt with in different manner by exercise of unreasoned discretionary orders it becomes discriminatory and arbitrary. If there are no objective criteria laid down for exercise of the discretion and the power is absolute, it is bound to suffer from the vice of arbitrariness and discrimination. The more the discretion the greater the caution required in its exercise.

The Court further held that the job of the police is highly complex and technical, more so with the increasing intelligence with which crime is committed where the police have to be smarter than the criminal. In this context, we may usefully refer to the definition of the word “outstanding” from Webster's Encyclopedic Unabridged Dictionary of the English Language 2001 Edition which defines it as “prominent; conspicuous; striking; marked by superiority or distinction; excellent; distinguished.” Therefore, the word “outstanding” constitutes something different from the routine. We purposefully refrain from further judicial analysis of the term as it may impinge upon the freedom of the police authorities in deciding the objective criterion in light of the same to guide the discretion of the Selection Committee and the Director General of Police. Suffice it to observe that it will necessarily vary from one case to another where even the nature of the crime and the manner in which it was solved may become a very relevant factor. The right to be considered for out of turn promotion is not a vested right. But if the Rules provide for the same, there have to be objective criteria or guidelines with regard to the manner of its exercise in absence of which the discretionary power may degenerate into arbitrariness or discrimination causing a civil wrong to one and an undue benefit to another though both may be similarly situated.

Important Law Point: Compassionate Appointment.

• Clause 4(3) Compassionate Appointment of dependent of deceased employees of RSRTC Regulation 2010.
• Article 14 of Constitution of India

Ratio-

i. Reg. 4(3) of the Regulation 2010 is certainly discriminatory and violative of Art. 14 of the Constitution for the reason that if the employee of the Corporation met with an accident with the vehicle other than the vehicle of the Corporation the victim could claim compensation under the MV Act and one of the dependent could seek compassionate appointment under Regulation 2010 but if the employee of the Corporation met with an accident with the vehicle of the Corporation, family members/dependent of the employee has to submit option either to seek compassionate appointment or to sue the Corporation claiming compensation under the MV Act.

ii. Claiming compensation for death occurred in accident under the MV Act has no co-relationship while seeking compassionate appointment under the relevant scheme of rules.

While considering the clause 4(3) compassionate appointment of dependent of deceased employees of RSRRTC Regulation 2010 with reference to Article 14 of Constitution of India the Court held that compassionate appointment is to mitigate hardship of the family of bread winner and appointment should therefore be provided immediately to redeem the family in distress.

Undoubtedly in the instant case, the bread winner of the family died while in service and if he had met with an accident with the vehicle other than the vehicle of the Corporation certainly the members of the family could claim compensation under the MV Act and at the same time one of the dependent of the deceased employee could be considered for compassionate appointment under the Regulation 2010 but to their dismay and misfortune the deceased met with an accident with the vehicle of the Corporation. That disentitled the members of the family to claim compassionate appointment, if they have sued the Corporation claiming compensation under the MV Act to which the member of family of the deceased employee has an independent statutory right to claim under the MV Act.

Compassionate appointment can be one of the conditions of service of an employee, if a scheme to that effect is framed by the employer. In case, the employee dies in harness i.e. while in service leaving behind the dependents, one of the dependents may request for compassionate appointment to maintain the family of the deceased employee. This cannot be stated to be an advantage receivable by the heirs on account of one's death and has no correlation with the amount receivable under a statute i.e. MV Act occasioned on account of accidental death. Compassionate appointment may have nexus with the death of an employee while in service but it is not necessary that it should have a correlation with the accidental death. If an employee dies in harness even in normal course, due to illness, to maintain the family of the deceased, one of the dependents may be entitled for compassionate appointment but that cannot be termed as "Pecuniary Advantage" that comes under the periphery of Motor Vehicles Act.

Reg. 4(3) of the Regulation 2010 is certainly discriminatory and violative of Art. 14 of the Constitution for the reason that if the employee of the Corporation met with an accident with the vehicle other than the vehicle of the Corporation the victim could claim compensation under the MV Act and one of the dependent could seek compassionate appointment under Regulation 2010 but if the employee of the Corporation met with an accident with the vehicle of the Corporation, family members/dependent of the employee
has to submit option either to seek compassionate appointment or to sue the Corporation claiming compensation under the MV Act. Such restriction under Regulation 2010 in our considered view has no nexus with the object to be achieved and is violative of Art. 14 of the Constitution of India. Claiming compensation in regard to death occurred in accident under the MV Act has no co-relationship while seeking compassionate appointment under the relevant scheme of rules.

**TENANCY LAWS**

National Textiles Corporation Ltd. Vs Pankaj Singhal & Ors.
Hon’ble Mr. Justice Arun Bhansali
Judgment dated 29.03.2016

**Important Law Point:**

- Section 106 (1) & (3) of the Rajasthan Public Premises (Unauthorized Occupants) Act, 1964.

**Ratio:**

i. Sec. 106 (3) reveals that the Notice shall not be deemed invalid merely because the period mentioned therein falls short of the period specified under Sub-section (1), providing for determination of lease by efflux of time.

While dealing with Section 106 (3) of the Rajasthan Public Premises (Unauthorized Occupants) Act, 1964 held that Sec. 106 (3) reveals that the Notice shall not be deemed invalid merely because the period mentioned therein falls short of the period specified under Sub-section (1). While dismissing the writ petition the Court held that a bare perusal of Section 106 reveals that a notice being held invalid merely because in the said case the notice was issued during the currency of the lease deed indicating the fact that the lease would stand determined by efflux of time, would not make any difference and the submission cannot be sustained that the proceedings were not validly instituted on account of alleged invalidity of notice.

**CUSTOM & EXCISE LAW**

Ravindra Kumar s/o Sh. Rameshwar Lal Vs. Union of India, Through Special Public Prosecutor CBI Cases, CBI, Jodhpur.
Hon'ble Mr. Justice Pankaj Bhandari
Judgment dated 08.11.2016

**Important Law Point:**

- Section 155 of the Customs Act.
- Section 40(2) of Central Excises & Salt Act

**Ratio:**

i. *Section 40(2) of Central Excises & Salt Act is not pari materia with Section 155(2) of the Customs Act, therefore the bar as provided under Section 40(2) of the Central Excises & Salt Act cannot be made applicable to Section 155(2) of the Customs Act.*

ii. *The word ‘no proceeding’ appearing in Sub-Section 2 of Section 155 of the Customs Act do not include criminal prosecution.*

iii. *As for the protection pertaining to prosecution, there is a specific provision under sub-section 1 of Section 155 of the Custom Act.*
While dealing with the provision of Section 155 of the Customs Act the Court held that Sub-Section 1 of Section 155 gives a protection to the Central Government or any officer of the Government or a local authority for anything which is done or intended to be done in good faith. In pursuance of the act or the rules or regulations there is a bar on filing a suit, prosecution or other legal proceedings, if the act is done in good faith, the word ‘no proceeding’ appearing in Sub-Section 2 of Section 155 of the Customs Act do not include criminal prosecution. As for the protection pertaining to prosecution, there is a specific provision under sub-section 1 of Section 155 of the Custom Act. Section 40(2) of Central Excises & Salt Act is not pari materia with Section 155(2) of the Customs Act, therefore the bar as provided under Section 40(2) of the Central Excises & Salt Act cannot be made applicable to Section 155(2) of the Customs Act.

EDUCATION – ESTABLISHMENT OF SCHOOL

Teja Ram and Ors. Vs. State of Rajasthan and Ors.

Hon'ble Mr. Justice Govind Mathur
Hon'ble Mr. Justice Kailash Chandra Sharma


- Article 226 of the Indian Constitution.

Ratio-

i. The Administrative policy matters are not supposed to be interfered by the courts in normal course, subject to following exceptions when writ court may invoke its extraordinary authority to erase the mischief or wrong with a view to protect objectivity in public deeds by public authorities:

   a. Administrative decision causes injury to any party and affect its rights adversely; or
   
   b. Decision is not rational; or
   
   c. Have no justifiable reason to substantiate the same; or
   
   d. It is an outcome of extraneous, malicious or colourable exercise of powers; or
   
   e. It is apparently the outcome of unreasonable exercise of discretion.

While discussing the scope of Judicial Review in administrative matters under Article 226 of the Indian Constitution the Court held that the policy matters are not supposed to be interfered by the courts in normal course, however, if any administrative decision causes injury to any party and affect its rights adversely, then such decision is open for examination by a writ court. Our constitutional scheme is founded to ensure the primacy of the rule of law. If any administrative decision is not rational or is having no justifiable reason to substantiate the same or it is an outcome of extraneous, malicious or colourable exercise of powers or is apparently the outcome of unreasonable exercise of
discretion, then such a decision is open for examination under Article 226 of the Constitution of India and a writ court may invoke its extraordinary authority to erase the mischief or wrong with a view to protect objectivity in public deeds by public authorities. The system of governance under our constitutional scheme is founded on basic principle of “Rule of Law” and the rule of law always demands rationality, objectivity and fairness in every action, may that be administrative or otherwise. The administrative decision, if fails to qualify the qualities noticed above, then such a decision deserves to be set aside.

**LIMITATION**

Anisha Bano (Smt.) Vs. Hisar Mohammad
Hon’ble The Chief Justice Mr. Navin Sinha
Hon’ble Mr. Justice Pankaj Bhandari
Judgment dated 08.11.2016

**Important Law Point:**
- Section 114(e) of Indian Evidence Act.
- Section 5 of Limitation Act.

**Ratio**

i. There is a presumption that a registered letter has reached its destination by delivery to the addressee under Section 114 (e) of the Evidence Act. But the presumption is not absolute. If it is rebutted, evidence has to be led in proof of delivery. Such evidence inter-alia can be of the Postman who had gone to deliver it. Service can be said to be complete when the registered notice has either been delivered or it is returned with endorsement of the Postman that it was refused acceptance. In the latter event, evidence would again have to be led of the concerned, including the Postman. A mere endorsement on the envelope that information had been given to the Appellant without even examining the Postman in question cannot lead to an absolute presumption of delivery as all possibilities remain open with regard to the time and manner in which the endorsement may have actually been made.

ii. The Court further held that the law of limitation has to be interpreted so as to advance the cause of justice and not to defeat the ends of justice by relying on hyper-technicalities.

While considering the Section 114(E) of Indian Evidence Act & Section 5 of Limitation Act held that there is a presumption that a registered letter has reached its destination by delivery to the addressee under Section 114 (e) of the Evidence Act. But the presumption is not absolute. If it is rebutted, evidence has to be led in proof of delivery. Such evidence inter-alia can be of the Postman who had gone to deliver it. Service can be said to be complete when the registered notice has either been delivered or it is returned with endorsement of the Postman that it was refused acceptance. In the latter event, evidence would again have to be led of the concerned, including the Postman. A mere endorsement on the envelope that information had been given to the Appellant without even examining the Postman in question cannot lead to an absolute presumption of delivery as all possibilities remain open with regard to the time and manner in which the endorsement may have actually been made.

The Court further held that the law of limitation has to be interpreted so as to advance the cause of justice and not to defeat the ends of justice by relying on hyper-technicalities. The present was a matter relating to two human beings arising out of a matrimonial relationship. It called for a level of sensitivity and humane approach on part
of the Family Judge rather than a mechanical approach of what may be otherwise a routine litigation with regard to property or similar matters.

**INTERPRETATION OF STATUTES**

*Kalpataru Power Transmission Ltd. (Biomass Energy Division) Vs. State of Rajasthan.*

Hon’ble Mr. Justice Vijay Bishnoi  

**Important Law Point:**

- Policy for Promoting Generation of Electricity from Biomass-2010.
- **Ratio:-**
  
  i. *Rule of interpretation says that a statute must be read as a whole and the provisions of a statute should be construed with reference to other provisions in the same statute so as to make consistent enactment of the whole statute. If the court finds that there is some inconsistency between the two provisions of the same statute, then it is the duty of the court to remove the said inconsistency between the two provisions of the same statute, so both the provisions can be made workable.*
  
  ii. *If there is any doubt about the words of a statute, then the interpretation which is harmonious with the subject of the enactment and the object, with which the statute makers enacted the law, should be adopted.*

While interpreting the Policy for Promoting Generation of Electricity from Biomass-2010, Hon'ble Court has held that rule of interpretation says that a statute must be read as a whole and the provisions of a statute should be construed with reference to other provisions in the same statute so as to make consistent enactment of the whole statute. If the court finds that there is some inconsistency between the two provisions of the same statute, then it is the duty of the court to remove the said inconsistency between the two provisions of the same statute, so both the provisions can be made workable.

Another rule of interpretation is that in case of a doubt, it is always safe to take aid of the object and purpose of the statute or the spirit behind it. If there is any doubt about the words of a statute, then the interpretation which is harmonious with the subject of the enactment and the object, with which the statute makers enacted the law, should be adopted.

*****
STATUS OF INFRASTRUCTURE

RAJASTHAN HIGH COURT - PRINCIPAL SEAT AT JODHPUR

Principal Seat of Rajasthan High Court is at present functioning in an old Heritage Building in Jodhpur. With the increase in work, the existing building falls short of the requirement. Therefore, a new building was planned with ample space and all modern facilities. Construction of this building is on the verge of completion and is likely to be made functional very soon.

This new Building is a state of art building having a big dome of 36.6 meter diametric size. Its height is 11.438 meter. The new Building has 7 lacs Square feet built up area along with area for advocate chambers which is 1.85 lacs square feet.

RAJASTHAN HIGH COURT - BENCH AT JAIPUR

Behind old heritage building of Rajasthan High Court, Jaipur Bench, a new building has been constructed which is having sufficient courts and space for all other facilities. With the new building, old building is also functional.

DISTRICT COURTS

Court & Residential Buildings

There are 35 Judgeship in the State of Rajasthan having 1035 courts. 647 Courts are in own buildings. 363 Courts are working from buildings provided by State Government, Gram Panchayats, Bar Association etc., 25 courts are running in rented premises.

For judicial officers, 525 Residential Accommodation are available. 27 residential accommodations are under construction. Some Residential accommodations have been provided by other Departments and some are in rented premises.
(2) Demand of Budget from GOI under Centrally Sponsored Schemes as 60% Central Share (CSS)

(Rs. In Lacs)

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The Central Govt. has released a sum of Rs. 43.74 crore during the year 2016-17 for ongoing construction projects of Court/Residential Building. (60% Central Share) under Centrally Sponsored Scheme.
SANCTIONED STRENGTH, WORKING STRENGTH AND VACANCIES OF JUDGES IN HIGH COURT AND DISTRICT/ SUBORDINATE COURTS

STRENGTH OF HON'BLE JUDGES

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STRENGTH OF DISTRICT/ SUBORDINATE COURTS (As on 31.12.2016)

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<td>Senior Civil Judge</td>
<td>340</td>
<td>284</td>
<td>56</td>
</tr>
<tr>
<td>Cadre</td>
<td></td>
<td>(including 13 ad-hoc)</td>
<td></td>
</tr>
<tr>
<td>Civil Judge Cadre</td>
<td>450</td>
<td>432</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(including 108 trainee officers)</td>
<td></td>
</tr>
</tbody>
</table>
HUMAN RESOURCE DEVELOPMENT

(I) TRAINING OF JUDGES / JUDICIAL OFFICERS

(II) ACTIVITIES OF STATE JUDICIAL ACADEMY

Training Programme for District Judges -

A two day’s training programme for 102 Judicial Officers of District Judge Cadre was organized by Rajasthan State Judicial Academy on 13th & 14th February 2016 on the topic “Criminal Justice Delivery System and the Role of Trial Judges”. The participants during various sessions of the programme were addressed by Hon’ble Mr. Justice R.S.Chouhan, Judge, Karnataka High Court, Hon’ble Mr. Justice Govind Mathur & Hon’ble Mr. Justice Sandeep Mehta, Hon’ble Judges of Rajasthan High Court and Dr. R.K. Punia, Professor and HOD (Forensic Sciences) SMS Medical College, Jaipur and Dr. Ashish Bhalla, HOD (Toxicology), PGIMER, Chandigarh.

The Chief Guest of the Valedictory session of the Programme on 14.02.2016 was Hon’ble the Chief Minister of Rajasthan Smt. Vasundhara Raje and the dais was also adorned by Hon’ble Mr. Justice, Ajit Singh, Acting Chief Justice, Hon’ble Mr. Justice Ajay Rastogi, Administrative Judge, Hon’ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court and Chairman, RSJA.

Hon’ble Chief Minister of Rajasthan, Mrs. Vasundhara Raje also inaugurated the newly constructed Faculty Guest Hon’ble of RSJA on 14.02.2016.

Training Programme for Public Prosecutors

On 5th and 6th March, 2016, a two days Training Programme for 83 Public Prosecutors (advocate cadre) from all over the State on the topic “Criminal Justice System: Role of Public Prosecutors” was organized by RSJA. The programme was inaugurated by Hon’ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court and Chairman, RSJA. Participants were also addressed by experienced faculties like former DDPs, ADPs, etc.

Training Programme for MACT Judges

On 2nd and 3rd April 2016 a two days Training Programme for 91 presiding officers of MACT and Courts having power of MACT was held on the topic “Principles, provisions and practice in Motor Accident Claims.”

Induction Training for Junior Personal Assistants

From 5th - 7th April 2016, a three days Induction Training Programme for 75 newly recruited Junior Personal Assistants of Rajasthan High Court was imparted at Rajasthan State Judicial Academy. Officers of RSJA, Sr.DRs, ARs, Private Secretaries, Sr. Librarian, A.A.O., Sr. System Analyst etc. of Rajasthan High Court have addressed the participants on various topics related to their Job Profile, Court Proceedings, Social and Judicial Etiquette, Staff Service Rules and Computer.

Reflective Training for newly recruited Civil Judges

From 20th April - 6th May 2016, second Phase Reflective Training for 178 newly recruited Civil Judges was organized. During this, trainee officers were addressed by Hon'ble Mr. Justice Govind Mathur, Chairman, RSJA, resource persons and prominent advocates and other Judicial Officers of Rajasthan.

After this second phase training, from 1st - 18th July 2016, Final Phase Reflective Training was held during 01.07.2016 to 18.07.2016. During this, trainee officers were
addressed by subject experts, prominent advocates and other Judicial Officers from Rajasthan.

To refine the practical knowledge and writing skills of trainee officers, various sessions on practical exercises were conducted during these trainings.

**Regional Conference for Sensitization of Family Court Matters**

On 9th July 2016, Regional Conference for sensitization on Family Courts matters was held on 09.07.2016 at Jaipur. The seminar was chaired by Hon'ble Mr. Justice Deepek Mishra, Judge, Supreme Court of India and Co-chaired by about 21 Hon'ble Judges of Seven High Courts viz. Madhya Pradesh, Maharashtra, Himachal Pradesh, Gujarat, Punjab & Haryana, Jammu Kashmir and Rajasthan. Around 60 Presiding Officers of Family Courts of Rajasthan participated in the seminar.

**Ubuntu Linux Training**

On 23rd July and 24th July 2016, Ubuntu Linux 14.04 Computer Training Programme for judicial officers of various cadres of Rajasthan was held at Jaipur.

**Training Programme for Stakeholders under JJ Act**

On 30th and 31st July 2016, a two days Training Programme for sensitization of Principal Magistrates JJ Boards, Nodal Officers of Child Line NGO etc was conducted at RSJA under the aegis of RLSA, Jaipur. The participants were addressed by Hon'ble Mr. Justice A. R. Dave, Executive Chairman, NALSA and Senior Hon'ble Judges of Rajasthan High Court, Principal Secretary, Social Justice and Empowerment Department, Rajasthan, President, Child Welfare Committee and representative of UNICEF.

**Induction Training for newly recruited Civil Judges**

From 4th August to 17th September 2016, RJS Induction Training (Initial Induction training at Institutional Level) to newly recruited Civil Judges and Judicial Magistrates has been imparted from 04.08.2016 to 17.09.2016. During this, trainee officers were addressed by Hon'ble Mr. Justice Govind Mathur, Chairman, RSJA, Hon'ble Mr. Justice Navin Sinha, Hon'ble Mr. Justice P. K. Lohra, Hon'ble Mr. Justice G. K. Vyas, Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court, subject experts, prominent advocates and other judicial officers from Rajasthan.

To make the trainee officers aware of the day to day functioning, visit of trainee officers to Jail, FSL and Police Stations was also arranged.

**Conference on POCSO & Human Trafficking**

On 24th and 25th September 2016, a two days judicial conference was held on POSCO-2012 and Human Trafficking. The Conference was inaugurated by Hon'ble Mr. Justice Govind Mathur, Chairman, RSJA. It witnessed the participation of 51 Sessions Judges including 33 designated Judges under POSCO Act, from all over Rajasthan. There were 8 sessions during the workshop in which Hon'ble Judges of Rajasthan High Court, Retd. District Judge, ADGP (HG) and Project Director from UNICEF enlightened the participants on various topics.

**Special Training for CIS 2.0**

On 14th November, 2016, one day special training for CIS 2.0 was organized on 14.11.2016. This training was imparted by two National Master Trainers from Maharashtra. The training was participated by all the Nodal Officers of District Court Computer Committee, System Officers and District System Administrators from all the Districts.
West one Regional Conference

On 19th and 20th November 2016, West Zone Regional two days judicial conference was held on POSCO and Human Trafficking. The Conference was inaugurated by Hon'ble Mr. Justice Govind Mathur, Chairman, RSJA. It witnessed the participation of 51 Sessions Judges including 33 designated Judges under POSCO Act, from all over Rajasthan. There were 8 sessions during the workshop in which Hon'ble Judges of Rajasthan High Court, Retd. District Judge, ADGP (HG) and Project Director from UNICEF enlightened the participants on various topics.

Special Training for High Court Staff

On 26th November, 2016 & 03rd December, 2016, two one day Training Programmes for 195 newly appointed Junior Judicial Assistants and existing Ministerial Staff of Rajasthan High Court were conducted at RSJA under the aegis of Rajasthan High Court. Officers of Registry at Rajasthan High Court, Jodhpur addressed the participants on various topics like Role and responsibility of public servant, High Court and its functioning, maintenance of judicial records, establishment and accounts etc. Similar programmes were also organized at Rajasthan High Court, Bench at Jaipur.

Reflective Training for Civil Judges

From 28th November 2016 to 21st December 2016, first Phase Reflective Training of newly recruited Civil Judges & Judicial Magistrate was conducted. During this, trainee officers were addressed by Hon'ble Mr. Justice Sangeet Raj Lodha, Hon'ble Mr. Justice Sandeep Mehta and Hon'ble Mr. Justice Arun Bhansali, Motivational Speaker, subject experts and other judicial officers from Rajasthan.

To refine the practical knowledge and writing skills of trainee officers, various sessions on practical exercises were conducted.

During this phase, a one day 'Educational Tour' to Osian village was also organized.
STATUS REPORT OF COMPUTERIZATION OF RAJASTHAN HIGH COURT

THE BEGINNING

Computerization in Rajasthan High Court began in the year 1993 with the visit of a team of NIC, HQ New Delhi. The NIC Team in coordination with High Court Administration conducted a detailed study of the requirement and prospects of ICT Development & Computerization in High Court. Requisite hardware and software were provided by NIC, Delhi and with its assistance, Rajasthan High Court, Jaipur Bench, Jaipur was partially computerized in the year 1995.

To begin with, the cases listed on each day were started entering into the computer system and this way gradually the backlog was covered.

Subsequently, in the year 1996 the same software was replicated at the Principal Seat of the Rajasthan High Court at Jodhpur.

Since then, it has been a long way and the year 2016 has been an important year for ICT Development & Computerization in Rajasthan High Court and Subordinate Courts as well. Following is a brief summary of steps taken in this regard and future plans for Rajasthan High Court and Subordinate Courts.

ICT DEVELOPMENT AND COMPUTERIZATION IN RAJASTHAN HIGH COURT

Road map was prepared for ICT development and computerization for High Court. In a planned manner, implementation of the road maps was started. Following is the summary of the steps taken and those under process.

STEPS TAKEN UNDER THE ROAD MAP IN THE HIGH COURT

- E-Court Fees Collection Centers have been set up in Rajasthan High Court both at Jodhpur and Jaipur, for easy and quick access to court fees stamps.
- New computer programme is prepared for uploading judgments/orders. Process of uploading is streamlined and made faster.
- New computer programme for online certified copy is prepared and now certified copies are being issued without movement of file.
To distinguish the uploaded judgments/orders from Certified Copies, a seal showing 'web copy not official' is being auto embedded on the copies downloaded from internet.

New computer programme is prepared in which data entry of details of all the parties in new cases is being made for the purpose of record, templates etc.

By using this data entry, new computer programme is prepared for standardized order sheets/orders/judgment template which is linked to cause list.

Now, in new cases, full cause titles are available in templates to use in orders and judgments which will certainly save the time of judgment writer.

Order sheet template in new cases automatically shows the count of listings in cause list.

Online software programme for caveat checking has been launched.

Web portal for sharing statistical information related to eCourts Project is prepared which will be extended to other statistical information.

Mechanism is developed for tracking the service of summons through Postal Department website which would certainly curb the delay in service of processes.

The matter related to mistakes in uploading process and access to the judgments/orders uploaded has also been taken up and a detailed procedure has been provided to deal with it.

To effectively implement the new computer programmes, PS/PA etc. working in Courts have been given trainings. Other staff related to above new computer programmes have also been imparted special trainings.

General training was imparted to all the ministerial employees which is first training ever of its kind. In this training, besides computerization, all relevant aspects to ensure effective and smooth functioning were also addressed.

As a part of National Legal Information System a web based open source software KOHA has been installed in Library of High Court at both Principal Seat Jodhpur and Bench Jaipur. At present the work of entry of Report books, Text Books, Bare Acts (Central and State Government), Service Rules etc. in KOHA, is in progress.

All the programmes are simultaneously implemented at Jodhpur and Jaipur.
STEPS IN PROCESS AND FUTURE PLANS

- A module is prepared for Centralized Filing Section at Jaipur. Work is under progress.
- ICT requirements of new High Court Building at Jodhpur have been assessed and a plan is being prepared as per present and future needs.
- Computer programme for giving dates from Court itself is under process.
- E-filling of Cause Title by the advocates, identifiable through their Unique Identity Number.
- Communication of stay and bail orders passed by Hon'ble High Court to concerned District Court, through e mail soon after uploading.
- Online visitors pass with printed photo of the visitor taken at the counter.
- Development of online case scrutiny programme is almost complete, will be launched very soon.
- We are working on a plan to switch over to new Case Information System.
- Scanning and digitization of record is under process and will start within a couple of months, for which initial budget has been sanctioned.
- Development of Software Programme for budget allotment, Infrastructure related information and Hardware Procurement & supply.
- Mobile Application for Cause List and other facilities.
- To update litigants a Mobile Applications to facilitate various citizen centric services, like Date of hearing, listing of case etc.
- Web portal is being prepared for statistical information.
- Administrative profiling and tracking of administrative work of all the Officers/officials at High Court.
- Web page for family court matters has been developed which will be implemented after approval of Hon'ble Committee.
- Process Re-Engineering Exercise for Rajasthan High Court Rules, 1952 has been initiated and Sub-Committee has submitted Proposed Rules.

ICT INFRASTRUCTURE IN RAJASTHAN HIGH COURT

- One PC and one Laser Printer in the Court Room.
- Three PCs and Two Laser Printers in the Chamber of Private Secretary. As per the
requirement additional PCs & Printers are being provided.

- PCs and Printers are provided in all the Judicial Sections viz. Civil Section, Criminal Section, Writ Section, Peshi Section, Cause list Section, Copying Section, Record Section, Store Section, Accounts, Establishment Section, Protocol Section, Court Officer Cell, Paper Book Section, Gate Pass Section, General Section, Library and offices of Registry Officers.

**ICT FACILITIES PROVIDED TO HON’BLE JUDGES**

- One All-in-one PC and one multi-function printer at the residence of Hon’ble Judges.
- Broadband connection at the residence.
- One Laptop.
- One 3G data card.
- One USB Hard Disk.
- SCC Online
- AIR CD-ROM

**NETWORKING INFRASTRUCTURE IN HIGH COURT**

- Local Area Network (LAN) of 450 nodes at Jaipur Bench, Jaipur and 242 nodes at Principal Seat, Jodhpur are functional, comprising of several racks and switches.
- For internet accessing, Lease line (WAN-Wide Area Network Connectivity) is being used.

**VIDEO CONFERENCING FACILITY**

- In the year 2005, the V.C. facility was setup both at the Principal Seat at Jodhpur and Bench at Jaipur.
- In the year 2012, new V.C. Equipments were installed at the Principal Seat at Jodhpur.
- In the year 2013, new V.C. Studio was constructed and was made functional with new V.C. This V.C. Studio can accommodate 25 persons.
- A small V.C. Studio in Rajasthan High Court, Jaipur Bench, Jaipur was setup which may accommodate 6 persons.

- All meetings of Hon’ble Committees are being conducted through V.C. between the Principal Seat and the Jaipur Bench.
Full Court meetings are also held through V.C.
Hon’ble the Acting Chief Justice, Hon’ble Administrative Judge and Hon’ble Inspecting Judge of respective judgeships are holding meetings with the District Judge through V.C. for monitoring and supervising the functioning of subordinate courts.

MANAGEMENT INFORMATION SYSTEM (REPORTS)

REPORTS MENU
- Filing Register
- Paper Detail Register
- Peshi Register
- Institution Register
- Disposal Printing
- Detailed Report for selected type, year range, classification parameters.
- Department wise Pendency
- Challan Printing
- Reporting List by Police Station
- Reporting List by Lower Court
- Pendency Figure for selected type, year range, classification parameter.

CASE INFORMATION SYSTEM (ENTRY AND QUERY APPLICATION)

Administration:
- User Creation for the staff by providing individual user and password
- Granting Permission to Users for menu options
- Adding new police station
- Adding new judgeship
- Adding new place and new court under a judgeship
- Adding new court in an existing place and judgeship
- Holiday Master

Civil Writ Filing
Criminal Filing
Application (Paper in a case) Entry
Application Modification
Filing Modification
- Cancel Wrong Filing
- Modify filing details
- Old filing

**Lower Court / FIR Detail:**
- FIR details Entry
- FIR details Modification
- Lower Court Details Entry
- Lower Court Modification

**Data Entry of Extra Parties**
- New application launched in 2016 for data entry of details of all the extra parties including legal representatives

**Registration of Case**
- Regular Registration
- Old Registration
- Convert Criminal Leave to Appeal (CRLA) to Criminal Appeal (CRLA)
- Cancel Wrong Registration

**Caveat Checking**
- New Caveat checking programme launched in 2016
- Programme has advanced search features

**Classification:**
- 4DigitClassificationCodeEntry
- Department Code Entry

**Case Modification:**
- Register Case
- Extra Advocate
- Department Code
- Lower Court Record Received/ Returned Entry

**Peshi Entry (Assigning next date and case stage) Cause list**
- Cause list case Data Entry
- Cause list Note Entry
- Court Listing(Order of Case Stages)
- Court Allotment
- De-listing of case
Causes-list History of a case

Template for Judgments
- New application was started in 2016
- Programme is linked with cause-list
- By using data entry of extra parties, template of judgment/order is generated in editable word format with all details of parties

Disposal of a case (Entry of date of disposal, name of the Hon’ble Judge and result)

Restoration of a case

Challan Number Generation (Consigned to Record Room)

At the Query Counters and eKiosks answers to the queries are provided to the litigants/ Advocates on the following parameters:
- By Filing Number (Inward or diary number).
- By Party Name
- By Advocate’s Name
- By FIR number
- By Lower Court Details
- By Case Number
- Challan Number query by case number

JUDGMENT INFORMATION SYSTEM FEATURES

- New application was launched in 2016 for easy and quick uploading of judgments and orders.
- Daily Orders and Judgments are being uploaded by the concerned court staff from the court itself.
- Date wise Search shows the judgment/order of all the Hon’ble Judges uploaded on website.
- Judge wise Search shows the judgment/order of a particular Hon’ble Judges selected from the drop down menu.
- Court Staff wise Search shows the judgment/order uploaded by the staff.
- Both Reportable and Non-Reportable Judgments are available on the internet.
- Upto 2016 total 4,51,483 judgments/orders of Rajasthan High Court (Jodhpur
and Jaipur) are available on the internet. This figure was only 2,97,841 by the year 2015. In year 2016, total judgments uploaded were 1,53,642, which is 66% of the judgments collectively uploaded in presiding 11 years.

**ENTRY PASS (VISITOR MONITORING SYSTEM)**

Court entry pass and Section entry pass are generated through Visitor Monitoring System. Court entry pass contains the following information:

- Advocate’s Name
- Visitor’s Name
- Father’s Name
- Validity Upto
- Name of the Department
- Case type, Case Number and Case Year
- Title of the case, court number and item number is automatically displayed by the system to verify the visitor. Visitor cannot get the pass if he/she is not having his/her case in the court.
- Name of ID proof supplied by the visitor.

Section Entry Pass contains the following information:

- Visitor’s Name
- Father’s Name
- Phone Number
- Address
- Valid Upto
- Whom to meet
- Reason for meeting
- Name of ID proof supplied by the visitor.

Search and query of Entry Pass is provided under following parameters:

- By Visitor’s Name
- By Case Number
- By Court Number (It will display the court wise pass generated)
- By Date (It will display the passes generated within a date range)
- Department (Department wise pass generated list can be used to track whether the nominated Officer In-charge is attending the case or not)
COPYING

In 2016, new copying application was launched. Now, certified copies are being issued without any movement of file. For this purpose, uploaded copies of judgments and orders are being used. Copying programme has following menus:

Data Entry
- Copying Defaults
- Application Institution
- Edit Institution Details
- Scrutiny
- Orders/Judgments
- Case File Request
- File Receive / Send (Case Wise)
- File Receive / Send (Inward Wise)
- File Receive / Send (Bulk)
- Notice
- Application Disposal
- Rejection (Bulk)

Reports
- Watch Window
- Status Report
- Institution Details
- Case Files
- Notice Printing
- Applications Prepared

OTHER APPLICATIONS

eCourts Project Monitoring System
- Various monthly, quarterly, half-yearly and yearly information are required to be sent to Hon'ble eCommittee.
- Hence, to smoothen the process and save time consumed in collection and compilation of such information from all 35 Districts of State, a Multi-User Portal has been developed.
- In this portal, the Officials of respective District Courts through their login id and passwords, feeds the requisite information and the portal automatically manages and complies the data of all the District Courts.
- The compiled data is accessed by office of Registrar cum CPC and is further taken in use.
CITIZEN SERVICES

Touch Screen-Kiosk:
- Four e-Kiosks are functioning for litigants and advocates in the High Court premises at Principal Seat Jodhpur and Jaipur Bench

Case Status on Internet:
- Case status can be discovered through the website.
- No need to contact either the Registry or the Advocate.
- Litigants can keep track of their cases & maintain case records on their own.

Query Counter:
- On an average 1500 queries are replied daily at the computerized Query Counter.

Cause list on Internet:
- The Advocates & Litigants can access the cause list as soon as the cause list is prepared and freeze by the cause list section. It is fully automatic.
- No need to wait for the hard copy of the cause list
- Advocate can easily locate/generate their own cause list.

SMS Based Facility:
- Case Status can be pulled on the mobile by sending case number.
- Items Number running in court can be pulled by sending SMS.
- SMS of Case Status is pushed to litigants who have registered his/her mobile number with High Court whenever there is change in next date.

Mobile Application:
- Mobile Application for display board is available and is being used by the litigants and advocates.
- Display Board is available on the internet at (http://hcraj.nic.in/displayboard.aspx)

Recruitment is also computerized right from inviting application, Venue information, Roll number generation, Attendance Sheet, Mark list, Result announcement. Several MIS and data correction modules for the recruitment/examination section. (http://rhcexam.raj.nic.in)
ICT DEVELOPMENT AND COMPUTERIZATION IN SUBORDINATE COURTS

Road map was prepared for ICT development and computerization for High Court. In a planned manner, implementation of the road maps was started. Following is the summary of the steps taken and those under process.

STEPS ALREADY TAKEN UNDER THE ROAD MAP FOR SUBORDINATE COURTS

- District Court Computer Committees (DCCC) were reconstituted and assigned the task of overall monitoring of eCourts Project.
- A meeting of DCCC with Hon'ble the Chief Justice, Hon'ble the Administrative Judge and Hon'ble Steering Committee was organized in August 2016. All issues were extensively discussed and future plan was prepared.
- New Hardware (4 Computers) were procured and installed in 647 Courts.
- Courts having no computer were identified and were provided computers.
- 17 Districts & 114 Court complexes have been migrated to CIS 2.0.
- 6 Districts have started Centralized Filing Facility.
- Video Conference Facility between District Courts and Central/District Jails has been started in 23 Districts, will be extended to all the Districts very shortly.
- 100% Court Complexes have been migrated from CIS 1.1 to CIS 2.0.
- Exercise on Uniform Nomenclature of case types in all the District Courts has been done and implemented. Now all the cases will have only one computer generated number.
- To ensure smooth functioning of CIS 2.0, a training programme for Nodal Officers, System Officers and District Systems Administrators of all the Districts was organized in Judicial Academy, Jodhpur in which National Master Trainers from Maharashtra had successfully imparted training.
- At present 125 Court Complexes have started Centralized Filing Facility and at rest of the locations the process for initiation in under progress.

STEPS IN PROCESS AND FUTURE PLANS

- Procurement of DG Sets for all Court locations.
- Centralized Filing in all the Districts.
❖ After uniform nomenclature, work is under progress on uniform adjournment and purpose masters.

❖ Process for laying LAN in 647 Courts in underway. After this, these 647 courts will have 12 LAN points each. Remaining courts will be covered thereafter.

❖ Procurement of Digital Display Board, Thin Clients and Printers for all the District Courts is being initiated.

❖ Process for providing UPS for computers purchased for District Courts has also been initiated.

❖ Computer programme for Data base of all Judicial Officers with their complete record.

❖ Web Portal for sharing statistical information between High Court and District Courts.

 STATUS OF eCOURTS PROJECT

Site Preparation

Site Preparation completed at existing 236 Court Complexes covering 963 District & Subordinate Courts including outlying courts. Site Preparation is to be done for newly created 88 Court Complexes covering 114 Courts.

Local Area Network (LAN)

❖ LAN work has been completed at 236 Court Complexes, covering 964 Courts

❖ LAN Work in 171 courts under Phase II of eCourts Project is under progress. After this, each of these 171 Courts will have 12 LAN Points.

WAN Connectivity (Lease line & VPNoBB)

WAN connectivity for internet facility has been provided through Lease Line at 40 District Level Court Complexes, which is made operational at 38 locations covering 554 Courts. 190 Court Complexes of Taluka Stations, covering 379 Courts are connected through VPNoBB connections.
CIS Application Software

Migration to CIS 2.0

100% Migration has been done. All the 698 Establishments required to be migrated on CIS 2.0 have been migrated. Rajasthan is the biggest State in terms of Establishment and Area. There were lot of issues related to connectivity at all levels, viz. NIC and BSNL. Number of complexes were shifted to new buildings where connectivity was not feasible. During last three months, we have taken this task on war level as a mission. A dedicated technical team was deputed at Rajasthan High Court for the purpose and with constant monitoring, the target of 100% migration could be achieved.

Uniform Case Types and Case Nature nomenclature in CIS in all Courts across the State

Common Case Information System in all District Courts across the country is core of eCourts Project. Instant access to information on NJDG would certainly turn out to be a milestone in ensuring transparency and accountability in management of cases in District Courts. However, unmanaged data entry and multiple uneven case types in CIS have come up as a major challenge in achieving the desired result.

In order to overcome this, Rajasthan High Court has implemented uniform case types and case nature in all the District Courts upto Taluka Level throughout the State of Rajasthan. Uniform case types and their respective case natures have been standardized. Altogether different codes in CIS to the new standardized case types (starting from 500 series) have been assigned. This would make the data entry easier as the end user would easily differentiate the old case types with the new case types. As for the current year, all the Courts in Rajasthan will have only uniform case types in CIS in newly filed cases. In the second phase, steps would be taken up to map the old case types with the new case types and exercise would be undertaken to change the case types of all cases entered upto 2016 to new standardized case types by changing their case types and case numbers.

Rajasthan High Court is also in the process of standardizing the Purpose, Sub Purpose and Disposal Types to make the information on NJDG more easily assessable and understandable to the litigants and all other stakeholders.

Undated Cases

Rajasthan is the biggest State in the Country in terms of number of Establishments and area as well. Issues related to connectivity etc. frequently crops us but with constant efforts and monitoring, the undated cases were brought down to almost zero (0.08%). The status of undated cases in Rajasthan is far better than all other bigger States, even it is better than some small States.
Power Backup through DG Set & UPS

- 12 court complexes (having more than one court) have been provided with 5 KVA, 10 KVA DG sets for power backup to computer equipments as per guidelines and the strength of the court complexes.
- The Court Complexes having Single Court have been provided with 2KVA UPS.

Computer Hardware

All District & Subordinate Courts covered under Phase I of eCourts Project have been provided with 4 Computer (1Slim & 3 Thin Client Computer) and 2 Printers (One DMP & One Laser) for their day-to-day work and ICT hardware as Servers, Scanners, USB Hard Disk etc has been installed at the computer server rooms in each court complex. Projector has also been provided at each District Court Complex.

Under Phase II of eCourts Project, 647 Courts have been provided with 1 All-in-one Computer and 3 Regular Desktop Computers.

Laptops and Laser Printers

- Initially 769 Laptop in the year 2007 provided to all the Judicial Officers and later on replaced by providing new laptops in the year 2015.
- 813 Laser printers were allotted to all the Judicial Officers in the year 2008, which needs to be replaced.

ICT Training for Judges and Court Staff

- ICT training had been planned to be imparted to Judicial Officers and Court Staff with an aim to make them familiar and proficient in the use of ICT tools.
- Initially training of Open Office and usage of LINUX Operating System was imparted to Judicial Officers and Court Staff under eCourts project through empanelled vendor in the year 2008 and 2009.
- To spread awareness for use of Ubuntu Linux O.S. amongst the Judicial Officers, 8 Judicial Officers have been nominated as Ubuntu Master Trainers. Subsequently, 13 more Judicial Officers have also been nominated as New Ubuntu Master Trainers, who have attended regular as well as advanced intensive training and imparted training to all the Judicial Officers in the State of Rajasthan.
- To ensure smooth functioning of CIS 2.0, a training programme for Nodal Officers, System Officers and District Systems Administrators of all the
Districts was organized in Rajasthan Judicial Academy, Jodhpur in which National Master Trainers from Maharashtra had successfully imparted training.

- 5100 Court Staff were given training by District System Administrators and System Administrators during the year 2016

Internet Connectivity at Judges' Residence and District Courts

Internet connectivity has been provided at District Court and at Judges home offices through Broadband connection under e-Court Project. Initially Central Government has funded the Broadband Facility for a period of 2 Years. Thereafter, the State Government is providing funds on demand by the High Court for broadband connection at the residences of Judicial Officer and at each District Court and at the principal court at the Taluka level.

Unique ID Number for all Judicial Officers

Unique ID Number has been provided to all the Judicial Officers of the State.

Service Initiation-Judicial Service Centre

- Judicial Service Centers (JSCs) have been inaugurated at 232 Court Complexes.
- Initial 12 basic Services out of 28 Citizen Centric Services are being provided at the court complexes, where Hardware, Local Area Network (LAN) and Case Information System (CIS) have been installed.
- Though JSC Counters have been started at all the Court Complexes where Hardware/LAN work/Data Entry have been completed but it is observed that some JSC Counters are not fully functional due to lack of manpower or connectivity related issues.

SMS Facility

Hon'ble E-Committee has directed to initiate SMS Facility where Lease-Line Connection is available and hence incompliance, SMS delivery to Advocates and Litigants is being provided at 38 District Level Court Complexes of State of Rajasthan, where Lease-Line Connection is available.
Process Re-Engineering

High Court Rules -

The exercise of process re-engineering of Rajasthan High Court Rules has been completed by the sub-committee constituted for the purpose and proposed draft of new Rajasthan High Court Rules has been submitted. These draft Rules are under consideration and will be finalized at the earliest.

District Court Rules-

Two committees were constituted for process re-engineering of General Rules Civil and General Rules Criminal. After the exercise by these two committees, one sub-committee was constituted to further examine and submit draft of the new Rules. This sub-committee has also completed its task and submitted proposed draft of new Rules. These draft Rules are under consideration and will be finalized at the earliest.

Website of District Courts

- Official website of all 35 District Judgeships have been migrated from NIC domain to new web portal i.e. https://ecourts.gov.in.

- All the District Courts have utilized the Drupal Template and the data of the District Court has also been transferred to the new website.

- The Drupal Template has been designed and developed by Hon’ble E-Committee so as to have a uniformity for all District Court Websites and to provide easy access to the information available.

Video Conferencing

- Rajasthan has 35 judicial districts and 33 District Jails. Video Conference Units have been installed in all the 35 District Courts and are functional.

- Video Conference Units provided by Hon’ble eCommittee are available in 32 Central/District Jails. One District Jails was recently created after supply of VC Units by Hon’ble the eCommittee.

- As a result of constant persuasion, Video Conference Facility is presently being used between 23 Districts Courts and District Jails for remand of accused
persons.

- In 5 District Courts, preparations have almost been done and video conference will be started very shortly.
- In 6 District Jails, there is no connectivity at all. Matter is being regularly perused at the level of State Government for providing connectivity to these Jails.
The Financial statements of Budget and Expenditure (Revenue Expenditure) for the year 2016-17 are as under:-

(\text{In Rs.})

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Budget Head</th>
<th>Final grant 2015-16</th>
<th>Expenditure 2015-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2014-00-102-01-00- Rajasthan High Court (Charge)</td>
<td>749187000</td>
<td>749148000</td>
</tr>
<tr>
<td>2</td>
<td>2014-00-105-01-DJ/ADJ Courts (voted)</td>
<td>1876401000</td>
<td>1876323000</td>
</tr>
<tr>
<td>3</td>
<td>2014-00-105-02-CJM/ACJM Courts (voted)</td>
<td>1129105000</td>
<td>1128937000</td>
</tr>
<tr>
<td>4</td>
<td>2014-00-105-03-MJM/AMJM Courts (voted)</td>
<td>1202809000</td>
<td>1202705000</td>
</tr>
<tr>
<td>5</td>
<td>2014-00-105-04- MOBILE Courts (voted)</td>
<td>16539000</td>
<td>16536000</td>
</tr>
<tr>
<td>6</td>
<td>2014-00-105-06-Designate Court (voted)</td>
<td>3200000</td>
<td>3174000</td>
</tr>
<tr>
<td>7</td>
<td>2014-00-105-07-DACOITY Courts (voted)</td>
<td>12123000</td>
<td>12121000</td>
</tr>
<tr>
<td>8</td>
<td>2014-00-105-08-Sati Nivaran Courts (voted)</td>
<td>2679000</td>
<td>2678000</td>
</tr>
<tr>
<td>9</td>
<td>2014-00-105-09-SC/ST Court (voted)</td>
<td>111149000</td>
<td>111146000</td>
</tr>
<tr>
<td>10</td>
<td>2014-00-105-11-NDPS Court (voted)</td>
<td>43755000</td>
<td>43753000</td>
</tr>
<tr>
<td>11</td>
<td>2014-00-105-14-00-Jud. Acd. (voted)</td>
<td>45058000</td>
<td>43491000</td>
</tr>
<tr>
<td>12</td>
<td>2014-00-105-15-NI Act Court (voted)</td>
<td>124269000</td>
<td>124263000</td>
</tr>
<tr>
<td>13</td>
<td>2014-00-105-16-BOMB BLAST Court (voted)</td>
<td>2543000</td>
<td>2541000</td>
</tr>
<tr>
<td>14</td>
<td>2014-00-105-17-00-Gram Nay.</td>
<td>87037000</td>
<td>83732000</td>
</tr>
<tr>
<td>15</td>
<td>2014-00-789-02-00-Gram Nay</td>
<td>14063000</td>
<td>14061000</td>
</tr>
<tr>
<td>16</td>
<td>2014-00-796-02-00-Gram Nay</td>
<td>27304000</td>
<td>27300000</td>
</tr>
<tr>
<td>17</td>
<td>2014-00-117-00-01-Family Court</td>
<td>135732000</td>
<td>135731000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>5,58,29,53,000</strong></td>
<td><strong>5,58,09,40,000</strong></td>
</tr>
</tbody>
</table>
The Financial statements of Budget and Expenditure (Capital Expenditure) for the year 2016-17 (01.04.2016 to 31.12.2016) are as under:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>State Share</td>
<td>CSS</td>
</tr>
<tr>
<td><strong>PLAN</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>4059 capital Outlay on Public Works, 80-General, 051-Construction, (03)- General Building (Judicial Administration), [01]- Construction of New Rajasthan High Court Building, Jodhpur, 17 Major Construction Works (PLAN)</td>
<td>2052.00</td>
<td>0.00</td>
</tr>
<tr>
<td>2</td>
<td>4059 capital Outlay on Public Works, 80-General, 051-Construction, (03)- General Building (Judicial Administration), [02]- Construction of Building for Rajasthan State Judicial Academy, Jodhpur, 17 Major Construction Works (PLAN)</td>
<td>250.00</td>
<td>0.00</td>
</tr>
<tr>
<td>3</td>
<td>4059 capital Outlay on Public Works, 80-General, 051-Construction, (03)- General Building (Judicial Administration), [03]- Other Judicial buildings, 17 Major Construction Works (PLAN &amp; CSS)</td>
<td>9460.22</td>
<td>4489.78</td>
</tr>
<tr>
<td>4</td>
<td>4059 capital Outlay on Public Works, 80-General,051-Construction, (03)- General Building (Judicial Administration), [04]- Construction of Gram Nyayalaya Buildings, - 17 Major Construction Works (PLAN &amp; CSS)</td>
<td>109.86</td>
<td>41.10</td>
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<tr>
<td>5</td>
<td>4059 Capital Outlay on Public Works, 80-General, 796- Tribal Area Sub Plan, (05)- General Building (Rajasthan High Court), [00], 17- Major Construction Work (PLAN &amp; CSS)</td>
<td>1839.30</td>
<td>762.70</td>
</tr>
<tr>
<td>6</td>
<td>4216-Capital Outlay on Housing 01-Government Residential Building, 700-Other Housing – (01)-General Residential Building (Judicial Houses), [90] – Construction work (Through the agency of Chief Engineer, PWD), 17- Major Construction work (PLAN &amp; CSS)</td>
<td>227.81</td>
<td>322.85</td>
</tr>
<tr>
<td>7</td>
<td>4216-Capital Outlay on Housing 01-Government Residential Building, 796-Tribal Area sub Plan – (01)-General Residential Building (Judicial Houses), [90] – Construction work (Through the agency of Chief Engineer, PWD), 17- Major Construction work (PLAN &amp; CSS)</td>
<td>34.38</td>
<td>51.56</td>
</tr>
<tr>
<td><strong>NON-PLAN</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>2059-Public Works, 80-General-051-Construction, (02)-Judicial Building, 16-Minor construction Works, (Non-Plan) Through CE, PWD, Jaipur</td>
<td>600.00</td>
<td>0.00</td>
</tr>
<tr>
<td>9</td>
<td>2059-Public Works, 80-General, 053-Maintenance &amp; Repairs, (18)- Through Registrar General (RHC), Jodhpur, 21-Repair &amp; Maintenance (Non-Plan)</td>
<td>170.00</td>
<td>0.00</td>
</tr>
<tr>
<td>10</td>
<td>2216-Housing-05-General Pool Housing, 053-Maintenance &amp; Repairs, (02)- Through Law Department, [02]-Other Maintenance Expenses, 21-Repair &amp; Maintenance, (NON-PLAN)</td>
<td>716.41</td>
<td>0.00</td>
</tr>
</tbody>
</table>
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 with Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, internal complaint committees have been constituted.

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, 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 being dealt with by the concerned establishments and are disposed/resolved expeditiously.
LEGAL SERVICES ACTIVITIES BY STATE LEGAL SERVICES AUTHORITY AND DISTRICT LEGAL SERVICES AUTHORITIES

Under the aegis of Rajasthan State Legal Services Authority, various Legal Services Programmes and Schemes were implemented. Following is brief statement of legal services and other activities during the year 2016-

Rajasthan State Legal Services Authority and its associates, District Legal Services Authorities, Rajasthan High Court Legal Services Committees and Taluka Legal Services Committees are implementing various schemes for upliftment of weaker and marginalized sections of society such as free legal aid, legal awareness, Lok Adalats, Mediation, Para Legal Clinics and welfare schemes of Rajasthan State Legal Services Authority & National Legal Services Authority as per provisions contained under Legal Services Authorities Act, 1987, Rajasthan State Legal Services Rules, 1995 and Rajasthan State Legal Services Authority Regulations, 1999.

Following programmes were organized and achievements were achieved during the period commencing from 01.01.2016 to 31.12.2016:-

- **Legal Aid**
  
  Free Legal Aid were provided to 6203 peoples in the year 2016 and Rupees 57,36,953/- were paid to Advocates for providing free legal aid to the beneficiaries during the financial year 2016-17.

- **Victim Compensation Scheme, 2011:-**
  
  Total Rupees 13,06,13,250/- were awarded to the victims of different crimes in 1118 criminal cases under Victim Compensation Schemes in the year 2016.

- **Legal Awareness:-**
  
  In the Year 2016, 11,427 Legal awareness Camps were organized, total 11,26,727 peoples participated in these camps. In these camps, people were made aware about the evils such as Child marriage, Dowry, Female foeticide and many other different public welfare Schemes.

- **Legal Awareness through School, Block, District, Divisional and State Level Games:-**
  
  On Legal Services Day 2016, various competitions i.e. debates, essay writing, poster-painting etc. were organized on various legal topics. Various sports competitions were organized at School level, block level, District, Divisional and
State Level to spread legal awareness through school children. Total 2,52,293 students (from 9th to 12th Class) participated in these competitions/games. All the participants were given certificates of participation and the winner students were honored with Gold Medals, Silver Medals and Bronze Medals along with certificates of commendation in a state level commendation ceremony organized in the Chairmanship of Hon’ble Mr. Justice Navin Sinha, Chief Justice, Rajasthan High Court and Patron-in-Chief, RSLSA; Hon’ble Mr. Justice Kalpesh Satyendra Jhaveri, Executive Chairman, RSLSA and in the august presence of Hon’ble Judges of Rajasthan High Court.

法治意识通过电子媒体：

法律意识广播：

法律意识项目通过电视广播：

“Kanoon Ki Baat” of Rajasthan State Legal Services Authority is being broadcast on television on every Saturday evening from 7.00 p.m. to 7.30 p.m. Since 18.04.2015.

法律意识通过私人电视频道广播：

Private T.V. Channels (ETV, A One TV, Zee, Marudhara etc.) are also broadcasting different programmes of Rajasthan State Legal Services Authority.

法律意识通过全印度广播：

Programme “Kanoon Ki Baat” of Rajasthan State Legal Services Authority is being broadcast on All India Radio on every Sunday evening from 5.00 p.m. to 5.30 p.m. Since 08.02.2015.

法律意识通过社区广播：

Programme “Kanoon Ki Baat” of Rajasthan State Legal Services Authority is being broadcasting on 7 community radio stations in their own fields.

处置公众问题应用程序：

In the year 2016, with the help of Legal Services Clinics total 90,199 applications relating to problems of the public were disposed of.

组织会议、研讨会和研讨会：

Total 72 meetings, seminars and workshops were organized for Legal Aid, Legal Literacy, Mediation, Lok Adalat and other Legal Services Programmes as per direction of National Legal Services Authority.

移动法律普及项目：

Every year large number of child marriages are solemnized on the occasion of
Peepal Poornima and Aakha Teej. Rajasthan State Legal Services Authority has chosen 16 Child Marriage prone Districts for Child Marriage restraint campaign with technical and financial support of UNICEF through his 8 mobile vans to abolish child marriage from 17.04.2016 to 30.06.2016.

These mobile vans visited the far-flung places of Districts to aware the general public about the evils of child marriage. Total 3,230 camps in respect of child marriage restraint campaign were organized in about 2½ months, thereby benefiting 2,43,455.

Total 8,184 Mobile Legal Awareness Literacy Camps were organized through mobile vans benefiting 5,84,125 people thereby. Total 118 cases were disposed of in mobile Lok Adalats.

Special Schemes of Rajasthan State Legal Services Authority:-

1. Mega Legal Awareness and Public welfare Camp Scheme:-

Central and State Governments have framed various schemes for welfare of weaker and marginalized sections of society but for illiteracy and lack of awareness, the benefits of these schemes are not reaching to the eligible persons. In this scenario, Rajasthan State Legal Services Authority has launched ‘Mega Legal Awareness and Public Welfare Camp Scheme’ with the object to organize legal literacy camps to spread legal awareness and at the same time, with the help of concerned Govt. Departments, legal service institutions facilitate the benefits of various welfare schemes to the needy and deserving persons.

In this scheme, DLSA Chairman and District Collector select a Village Panchayat or Panchayat Samiti and fix the venue and date of camp. Almost three months time is taken for preparation. All the concerned departments are instructed to ensure that no person entitled of getting benefit of social welfare schemes is left out. Panchayat Secretary, Patwari and local Para Legal Volunteer make survey of the concerned villages and identify the eligible and needy persons related to various Government Public Welfare Schemes. They procure applications from them and also assist them in fulfillment of required formalities. During the camp, besides spreading legal awareness, public at large is also made aware of the welfare schemes.

Most of the benefits are given during the preparation of camp and rests of the benefits are given in the camp itself. If some persons are left out for want of the formalities, concerned govt. officers ensure that the benefits are given in due course of time.

In 2016, total 104 Mega Welfare Camps were organized across the State benefiting 49,59,728 lakh people. The beneficiaries include 29,348 specially abled persons who were given tricycles, wheelchairs, Jaipur foot etc.; 43091 widows were sanctioned widow pension; 20,36,25 senior citizens old aged beneficiaries of Pension Scheme; 260
beneficiaries of Maharana Pratap Scheme to provide houses to Gadia Luhars (Homeless persons who live in carts).

2. **Legal Services to weaker and marginalized sections of society:**

   Keeping in view the limited role of Legal Services Institutions which is restricted to Legal aid, legal advice, legal literacy and awareness, the available limited resources and to avoid the criticism of interference in the jurisdiction of other Departments, RSLSA is committed to provide socio-legal services to the poor, weaker and marginalized sections of the society. The activities of RSLSA may be summarized as under. For fulfillment of these rights, Rajasthan State Legal Services Authority has implemented different schemes in year 2016 for Weaker Sections of Society. The achievements of these schemes in year, 2016 are as follows:-

1. **NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 :-**  
   Total 1,661 camps were organized thereby benefiting 19,2098 peoples in this scheme for children and their protection.

2. **NALSA (Protection and Enforcement of Tribal Rights), 2015 :-**  
   Total 865 camps were organized and 55198 peoples were benefited in legal service scheme for SC/ST and Tribals.

3. **NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 :-**  
   Total 789 camps were organized for mentally ill persons thereby 47016 persons were benefited by these camps.

4. **NALSA (Legal Services to the Workers in the Unorganized Section) Scheme, 2015 :-**  
   Total 1009 camps were organized and 70027 people were benefited in schemes for workers in unorganized sector and mining.

5. **NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015:-**  
   Total 755 camps were organized and 47001 people were benefited in this scheme for victims of Trafficking and commercial sexual protection.

6. **NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace Scheme) Scheme, 2015:-**  
   Total 594 camps were organized and 40,786 peoples were benefited in scheme for victim of Drug Abuse and Eradication of Drug Menace.

7. **NALSA (Effective Implementation of Poverty Alleviation Scheme) Scheme,**
2015:-

Total 499 camps were organized in which 34,917 peoples were benefited in this scheme for implementation of poverty Alleviation.

8. NALSA (Legal services to Senior Citizens) Scheme, 2016:-

Total 1204 camps were organized and 63697 peoples were given benefit under this scheme for senior citizens.

9. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016 :-

Total 10 camps were organized and 509 peoples were given benefit under this scheme of Acid Attack.

10. RSLSA (Legal Services and assistance to inmates and children in conflicts with law) Scheme:-

Total 938 camps were organized and 65382 peoples were given benefit under this scheme of inmates and children in conflicts with law.

❖ National Award:

On 9th Nov. 2016, Legal Services day was celebrated. A National Level Commendation Ceremony was organized under the aegis of National Legal Services Authority in which District Legal Services Authority; Jodhpur Metropolitan was declared India’s best District Legal Service Authority at west Zone Level and at National Level. It is a glorious moment for Rajasthan State Legal Services Authority.
Status and Achievements of Alternative Dispute Resolution Mechanisms

Under the aegis of Rajasthan State Legal Services Authority, various Legal Services Programmes and Schemes were implemented and their achievements are as follows achieved in the year-2016 (01.01.2016 to 31.12.2016) :-

Rajasthan State Legal Services Authority and its associates, District Legal Services Authorities, Rajasthan High Court Legal Services Committees and Taluka Legal Services Committees are implementing various schemes for upliftment of weaker and marginalized sections of society such as free legal aid, legal awareness, Lok Adalats, Mediation, Para Legal Clinics and welfare schemes of Rajasthan State Legal Services Authority & National Legal Services Authority as per provisions contained under Legal Services Authorities Act, 1987, Rajasthan State Legal Services Rules, 1995 and Rajasthan State Legal Services Authority Regulations, 1999.

Following programmes were organized and achievements were achieved during the period commencing from 01.01.2016 to 31.12.2016:-

(1) Special Lok Adalat:-

In the year 2016, total 85,677 cases were disposed of in Special Lok Adalats and award of Rupees 75,79,35,883/- were passed in Motor Vehicles Accident Cases.

(2) National Lok Adalat:-

In the year 2016, total 1,38,740 cases were disposed of in National Lok Adalats and award of Rupees 2,41,70,89,104/- were passed in Motor Vehicles Accident Cases.

(3) Permanent Lok Adalat under Section 22B of Legal Services Authority Act:-

In the year 2016, total 2135 cases were disposed of by Permanent Lok Adalat in the State of Rajasthan.

(4) Mediation:-

In the year 2016, total 17078 cases were referred in Mediation out of which total 2422 cases were disposed of successfully.
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**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>Pendency as on 01.01.2016</th>
<th>Institution during the year 2016</th>
<th>Disposal of cases during the year 2016</th>
<th>Total pendency as on 31.12.2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>182501</td>
<td>54577</td>
<td>52627</td>
<td>184451</td>
</tr>
<tr>
<td>Criminal</td>
<td>62365</td>
<td>48567</td>
<td>41252</td>
<td>69680</td>
</tr>
<tr>
<td>Total</td>
<td>244866</td>
<td>103144</td>
<td>93879</td>
<td>254131</td>
</tr>
</tbody>
</table>

**SUBORDINATE COURTS**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>Pendency as on 01.01.2016</th>
<th>Institution during the year 2016</th>
<th>Disposal of cases during the year 2016</th>
<th>Total pendency as on 31.12.2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>472996</td>
<td>246730</td>
<td>244762</td>
<td>474964</td>
</tr>
<tr>
<td>Criminal</td>
<td>1006177</td>
<td>1226610</td>
<td>1133765</td>
<td>1099022</td>
</tr>
<tr>
<td>Total</td>
<td>1479173</td>
<td>1473340</td>
<td>1378527</td>
<td>1573986</td>
</tr>
</tbody>
</table>

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

**HIGH COURT**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>0 to 1 year old cases</th>
<th>1 to 5 years old cases</th>
<th>5 to 10 years old cases</th>
<th>More than 10 years old cases</th>
<th>Total pendency as on 31.12.2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>33321</td>
<td>63904</td>
<td>53652</td>
<td>33574</td>
<td>184451</td>
</tr>
<tr>
<td>Criminal</td>
<td>15620</td>
<td>20377</td>
<td>14440</td>
<td>19243</td>
<td>69680</td>
</tr>
<tr>
<td>Total</td>
<td>48941</td>
<td>84281</td>
<td>68092</td>
<td>52817</td>
<td>254131</td>
</tr>
</tbody>
</table>

**SUBORDINATE COURTS**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>0 to 1 year old cases</th>
<th>1 to 5 years old cases</th>
<th>5 to 10 years old cases</th>
<th>More than 10 years old cases</th>
<th>Total pendency as on 31.12.2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>125743</td>
<td>238904</td>
<td>76643</td>
<td>33674</td>
<td>474964</td>
</tr>
<tr>
<td>Criminal</td>
<td>320377</td>
<td>513517</td>
<td>191574</td>
<td>73554</td>
<td>1099022</td>
</tr>
</tbody>
</table>
(iii) Number of adjournments being granted on an average in various categories of Civil and Criminal cases during the life cycle of cases

<table>
<thead>
<tr>
<th>Civil cases</th>
<th>No. of adjournments being granted on an average</th>
<th>Criminal cases</th>
<th>No. of adjournments being granted on an average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil suits</td>
<td>41</td>
<td>Sessions cases</td>
<td>37</td>
</tr>
<tr>
<td>Civil appeal</td>
<td>22</td>
<td>Criminal original</td>
<td>30</td>
</tr>
<tr>
<td>Civil revision</td>
<td>11</td>
<td>Criminal appeal</td>
<td>19</td>
</tr>
<tr>
<td>Civil execution</td>
<td>30</td>
<td>Criminal revision</td>
<td>16</td>
</tr>
<tr>
<td>Civil misc.</td>
<td>24</td>
<td>Criminal Misc.</td>
<td>10</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Civil cases</th>
<th>No. of cases</th>
<th>Average time (in days)</th>
<th>Criminal cases</th>
<th>No. of cases</th>
<th>Average time (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil suits</td>
<td>1868</td>
<td>1248</td>
<td>Sessions cases</td>
<td>229</td>
<td>1055</td>
</tr>
<tr>
<td>Civil appeal</td>
<td>139</td>
<td>327</td>
<td>Criminal original</td>
<td>1045</td>
<td>760</td>
</tr>
<tr>
<td>Civil revision</td>
<td>8</td>
<td>173</td>
<td>Criminal appeal</td>
<td>35</td>
<td>257</td>
</tr>
<tr>
<td>Civil execution</td>
<td>2223</td>
<td>1317</td>
<td>Criminal revision</td>
<td>31</td>
<td>335</td>
</tr>
<tr>
<td>Civil misc.</td>
<td>479</td>
<td>893</td>
<td>Criminal Misc.</td>
<td>172</td>
<td>341</td>
</tr>
</tbody>
</table>
(v) Average time taken for disposal of various categories Civil and Criminal cases in High Court and District / Subordinate Courts.

### HIGH COURT

<table>
<thead>
<tr>
<th>Civil cases</th>
<th>Average time (in days)</th>
<th>Criminal cases</th>
<th>Average time (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFA</td>
<td>3915</td>
<td>CRLA</td>
<td>2838</td>
</tr>
<tr>
<td>CSA</td>
<td>2358</td>
<td>CRLA</td>
<td>925</td>
</tr>
<tr>
<td>CMA</td>
<td>1758</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CW</td>
<td>701</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAW</td>
<td>712</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SUBORDINATE COURTS

<table>
<thead>
<tr>
<th>Civil cases</th>
<th>Average time (in days)</th>
<th>Criminal cases</th>
<th>Average time (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil suits</td>
<td>1266</td>
<td>Sessions cases</td>
<td>919</td>
</tr>
<tr>
<td>Civil appeal</td>
<td>905</td>
<td>Criminal original</td>
<td>809</td>
</tr>
<tr>
<td>Civil revision</td>
<td>215</td>
<td>Criminal appeal</td>
<td>512</td>
</tr>
<tr>
<td>Civil execution</td>
<td>953</td>
<td>Criminal revision</td>
<td>324</td>
</tr>
<tr>
<td>Civil misc.</td>
<td>617</td>
<td>Criminal Misc.</td>
<td>152</td>
</tr>
</tbody>
</table>

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

### RAJASTHAN HIGH COURT

<table>
<thead>
<tr>
<th></th>
<th>Civil cases</th>
<th>Criminal cases</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal during the year(a)</td>
<td>52627</td>
<td>41252</td>
<td>93879</td>
</tr>
<tr>
<td>Total working strength(b)</td>
<td></td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Disposal per judge per year=a/b</td>
<td>1547.85</td>
<td>1213.29</td>
<td>2761.15</td>
</tr>
</tbody>
</table>

### SUBORDINATE COURTS

<table>
<thead>
<tr>
<th></th>
<th>Civil cases</th>
<th>Criminal cases</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal during the year(a)</td>
<td>244762</td>
<td>1133765</td>
<td>1378527</td>
</tr>
<tr>
<td>Total working strength(b)</td>
<td></td>
<td></td>
<td>894</td>
</tr>
<tr>
<td>Disposal per judge per year=a/b</td>
<td>273.78</td>
<td>1268.19</td>
<td>1541.98</td>
</tr>
</tbody>
</table>
(vii) Category-wise number of Criminal and Civil cases where orders of the District / Subordinate Courts are challenged in appeal before the High Court.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Kind of cases</th>
<th>Pending as on 31.12.2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civil First Appeal</td>
<td>16556</td>
</tr>
<tr>
<td>2</td>
<td>Civil Second Appeal</td>
<td>6903</td>
</tr>
<tr>
<td>3</td>
<td>Civil Misc. Appeal.</td>
<td>46273</td>
</tr>
<tr>
<td>4</td>
<td>Criminal Appeal</td>
<td>36560</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>PIL filed</th>
<th>PIL disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td>544</td>
<td>281</td>
</tr>
</tbody>
</table>