



सत्यमेव जयते



# RAJASTHAN HIGH COURT

## NEWSLETTER

Vol.-3 Part No. III

July-September 2012



**Rajasthan High Court, Principal Seat, Jodhpur**

**Editorial Board**

**Hon'ble Mr. Justice Narendra Kumar Jain-I**

**Hon'ble Dr. Justice Vineet Kothari**

**Compiled by**

**Mr. B.N. Bhatt, Registrar General, Rajasthan High Court**

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Hon'ble Mr. Justice  
Narendra Kumar Jain-I



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Hon'ble Dr. Justice  
Vineet Kothari

## FROM THE DESK OF EDITORS

Volume 3 Part III for the quarter July-September, 2012 of Rajasthan High Court News Letter is being published in time.

The visit of Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India to inaugurate new ADR building at Dausa on 22/9/2012 and oath of Hon'ble Ms. Justice Nirmaljit Kaur on 9/7/2012 upon transfer from Punjab & Haryana High Court to Rajasthan High Court were important events of this quarter. Attending Third National Conference on Mediation at New Delhi by Chief Justice Hon'ble Mr. Justice Arun Mishra and three Hon'ble Judges of Rajasthan High Court and nomination of Hon'ble Mr. Justice Dalip Singh as Administrative Judge of Rajasthan High Court on 25/9/2012 were other important events during this quarter.

Subordinate courts were directed to ensure payment of Welfare Fund Stamp of Rs.25/- on each Vakalatnama or Memo of Appearance. Large disposal of cases through Mega Lok Adalats and special legal awareness programmes were conducted during this quarter by RLSA. e-Courts - Mission Mode Project status report is also given in the News Letter, besides useful activities, photographs of the various functions and gist of important case laws rendered by various Benches of Rajasthan High Court are the usual features.

It is expected that the News Letter, which is being received by the concerned stakeholders with great aplomb, will continue to receive similar patronage in future.

With Seasons' Greetings !

## Hon'ble Judges of Rajasthan High Court (As on 30/09/2012)

<b>Sr. No.</b>	<b><i>Name of Hon'ble Judge</i></b>
1	Hon'ble The Chief Justice Mr. Arun Kumar Mishra
2	Hon'ble Mr. Justice Dalip Singh
3	Hon'ble Mr. Justice Narendra Kumar Jain-I
4	Hon'ble Mr. Justice Dinesh Maheshwari
5	Hon'ble Mr. Justice Ajay Rastogi
6	Hon'ble Mr. Justice Govind Mathur
7	Hon'ble Mr. Justice Prem Shanker Asopa
8	Hon'ble Mr. Justice Gopal Krishan Vyas
9	Hon'ble Mr. Justice Raghvendra Singh Chauahan
10	Hon'ble Dr. Justice Vineet Kothari
11	Hon'ble Mr. Justice Mohammad Rafiq
12	Hon'ble Mr. Justice Raghuvendra Singh Rathore
13	Hon'ble Mr. Justice Mahesh Chandra Sharma
14	Hon'ble Mr. Justice Sangeet Raj Lodha
15	Hon'ble Mr. Justice Munishwar Nath Bhandari
16	Hon'ble Ms. Justice Nirmaljit Kaur
17	Hon'ble Dr. Justice Mrs.Meena V. Gomber
18	Hon'ble Mr. Justice Sajjan Singh Kothari
19	Hon'ble Miss Justice Bela M. Trivedi
20	Hon'ble Mrs. Justice Nisha Gupta
21	Hon'ble Mr. Justice Narendra Kumar Jain-II
22	Hon'ble Mr. Justice Prashant Kumar Agarwal
23	Hon'ble Mr. Justice Alok Sharma
24	Hon'ble Mr. Justice Sandeep Mehta

## Transfer To Rajasthan High Court (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>From</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Transfer</i>
1	Punjab & Haryana High Court	Hon'ble Kumari Justice Nirmaljit Kaur	Vide Government of India's Notification dated 29/06/2012. Her Lordship joined on <b>09/07/2012.</b>

## Sanctioned Strength & Vacancies in Rajasthan High Court (As on 30/09/2012)

<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
40	24	16

## Sanctioned Strength & Vacancies in District & Subordinate Courts (As on 30/09/2012)

<i>Cadre</i>	<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
District Judge Cadre	265 (Including 23 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	183 (including officers who were continued as ADJ after abolition of 40 FT Courts)	82
Fast Track Judge Cadre	43	42	1
Senior Civil Judge Cadre	256 (Including 21 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	222 (including officiating)	34
Civil Judge Cadre	395 (Including 36 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	283	112

**Note :** The process of filling up above vacancies is under process.

## Institution, Disposal And Pendency of Cases in District & Subordinate Courts (From 01/07/2012 to 30/09/2012)

Sr. No.	Disrtict	Opening Balance as on 01/07/2012		Institution from 01/07/2012 to 30/09/2012		Disposal from 01/07/2012 to 30/09/2012		Pendency at the end of 30/09/2012	
		Civil	Cr.	Civil	Cr.	Civil	Cr.	Civil	Cr.
1	Ajmer	22533	37610	4309	15228	3877	15926	22965	36912
2	Alwar	31115	45790	4307	7600	3319	7188	32103	46202
3	Balotra	6223	15295	683	3195	617	3335	6289	15155
4	Baran	3971	16650	527	3197	480	3426	4018	16421
5	Banswara	2628	10952	302	2343	262	3081	2668	10214
6	Bharatpur	14822	33912	5878	6542	2090	6356	18610	34098
7	Bhilwara	15248	34950	1784	6913	2040	7800	14992	34063
8	Bikaner	16912	30555	1797	6833	1413	6509	17296	30879
9	Bundi	7153	14443	984	4034	757	3900	7380	14577
10	Chittorgarh	10151	28961	1077	6241	1331	6342	9897	28860
11	Churu	6642	10191	1278	3086	937	3224	6983	10053
12	Dausa	7184	20199	1493	4803	1455	5031	7222	19971
13	Dholpur	4199	16574	486	2221	463	2375	4222	16420
14	Dungarpur	2282	8939	238	2273	266	2695	2254	8517
15	Ganganagar	13195	37186	2038	7301	1922	8472	13311	36015
16	Hanumangarh	9908	21870	1552	3865	1489	3788	9971	21947
17	Jaipur Metropolitan	77308	251186	15108	69633	15929	74980	76487	245839
18	Jaipur Distt.	18331	37753	1600	5398	2260	6879	17671	36272
19	Jalore	3888	11710	430	4177	333	4293	3985	11594
20	Jaisalmer	1675	2681	125	1252	77	1197	1723	2736
21	Jhalawar	4511	23034	498	3514	391	4212	4618	22336
22	Jhunjhunu	9748	25765	1177	4069	961	4689	9964	25145
23	Jodhpur Metropolitan	17689	44939	2774	21348	2320	19769	18143	46518
24	Jodhpur Distt.	3979	12129	395	2392	526	2499	3848	12022
25	Karauli	4761	13659	609	2054	619	2026	4751	13687
26	Kota	19857	55116	3495	15027	3523	16023	19829	54120
27	Merta	8727	15408	1000	4379	817	4194	8910	15593
28	Pali	9332	25545	1458	7232	1711	7136	9079	25641
29	Pratapgarh	2108	10554	191	1606	237	1896	2062	10264
30	Rajsamand	4927	9026	706	2685	606	2621	5027	9090
31	Sawai Madhopur	7458	12221	862	2101	795	2118	7525	12204
32	Sikar	15047	24614	1729	5083	1348	5099	15428	24598
33	Sirohi	3837	10510	563	3050	318	3038	4082	10522
34	Tonk	7309	19664	1023	3055	1441	2943	6891	19776
35	Udaipur	14005	42569	2175	12519	1865	13243	14315	41845
<b>Total</b>		<b>408663</b>	<b>1032160</b>	<b>64651</b>	<b>256249</b>	<b>58795</b>	<b>268303</b>	<b>414519</b>	<b>1020106</b>



## Major Events (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Event</i>
1	09/07/2012	<b>Swearing -in-Ceremony</b> was held on the transfer of <b>Hon'ble Kumari Justice Nirmaljit Kaur</b> , Judge of the Punjab & Haryana High Court as Judge of the Rajasthan High Court.
2	15/08/2012	<b>Independence Day Celebration</b> was held in the Rajasthan High Court, Jodhpur & Bench at Jaipur and Flag Hoisting was done by <b>Hon'ble the Chief Justice Mr. Arun Kumar Mishra at Jodhpur</b> and by <b>Hon'ble Mr. Justice Dalip Singh at Bench at Jaipur</b> . The said function was attended by Hon'ble Judges, Former Hon'ble Judges, Advocates and Officers/Staff of the Registry.
3	22/09/12	<b>Newly constructed ADR building at Dausa was inaugurated by Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India, New Delhi.</b> Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA, Hon'ble Mr. Justice N.K.Jain-I, Judge, Rajasthan High Court & Chairman, RHCLSC, Jaipur , Hon'ble Mr. Justice Dinesh Maheshawari, Judge, Rajasthan High Court & Chairman, RHCLSC and Judge Incharge, Mediation, Rajasthan High Court, Jodhpur, Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur and other Hon'ble Judges of Rajasthan High Court were also present on this occasion.

## Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Rajasthan High Court (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	7 <sup>th</sup> to 8 <sup>th</sup> July, 2012	Hon'ble The Chief Justice Mr.Arun Kumar Mishra, Hon'ble Mr.Justice Dalip Singh, Hon'ble Mr. Justice Dinesh Maheshawari and Hon'ble Mr. Justice Ajay Rastogi attended <b>Third National Conference on Mediation</b> at New Delhi.
2	11 <sup>th</sup> to 12 <sup>th</sup> August, 2012	Hon'ble Mr. Justice Mohd. Rafiq and Hon'ble Mr. Justice M.C. Sharma attended a National Conference of High Court Judges on <b>Administration of Criminal Justice</b> at National Judicial Academy, Bhopal.
3	15 <sup>th</sup> to 16 <sup>th</sup> Spetember, 2012	Hon'ble Mr. Justice Narendra Kumar Jain-I and Hon'ble Mr. Justice Sandeep Mehta attended a National Conference of High Court Judges on <b>Human Rights and Civil Liberties</b> at National Judicial Academy, Bhopal.

## Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Supreme Court of India (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	22/09/2012	<b>Hon'ble Mr. Justice G. S. Singhvi</b> , Judge, Supreme Court of India inaugurated newly constructed ADR Building at District Court, Dausa.



## Important Rules & Notifications of Rajasthan High Court (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>S.R.O./G.S.R. No.</i>	<i>Name of Rule/Notification</i>
1	09/08/2012	01/S.R.O./2012	The Rajasthan High Court Staff Service (Amendment) Rules, 2012 (in re : Amendment in Schedule-I regarding enhancement of honorarium of Part Time Editor & Asstt. Editor)

## Standing Orders (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>S. O. No.</i>	<i>Date</i>	<i>Particulars</i>
1	5	13/07/12	Hon'ble <b>Mr. Justice Govind Mathur</b> , Judge, Rajasthan High Court, Jodhpur has been nominated as <b>head of the Task Force</b> , constituted under vision statement, the National Mission for Delivery of Justice and Legal Reforms-Under Trials Programme.
2	6	14/08/12	All the Court Masters to maintain proforma of the Register as has been ordered vide S.O. No. 5 dt. 25/04/1988 and transmit the Remarks Slips to the confidential Branch of this Registry by the end of every month positively.
3	7	25/09/12	Hon'ble <b>Mr. Justice Dalip Singh</b> has been nominated as <b>Administrative Judge</b> with immediate effect.

## Some Important Permanent Instructions (Circulars) Issued by Hon'ble Rajasthan High Court (From 01/07/2012 to 30/09/2012)

<i>Circular No.</i>	<i>Date</i>	<i>Particulars</i>
4	11/07/2012	It is enjoined upon the presiding officers of all the subordinate courts to make strict compliance of amended Section 20 (1) of the Rajasthan Advocates Welfare Fund Act, 1987. No such Vakalatnama or Memo of Appearance or any other document by which an advocate represents his clients, to Court of Law, should be accepted unless it is accompanied by a requisite <b>Welfare Fund Stamp of Rs. 25/-</b> as per Section 20 of the Act.
5	07/08/2012	Regarding Applications for grant of Leave to the Officers of Subordinate Judiciary .
6	25/09/2012	Instructions regarding work arrangement of the Presiding Officers of Family Courts during leave period.

## Creation & Abolition of Courts (From 01/07/2012 to 30/09/2012)

<i>Sr. No.</i>	<i>Ordinance No./Date</i>	<i>Name of Newly Created Court</i>	<i>Place</i>
1	F.1(1)Nyaya/2012 dated 10/09/2012	5 Addl. District and Sessions Judge	Bansur (Alwar), No. 3 Chittorgarh, No.2 Hindaun City (Karauli), Sri Madhopur (Sikar), Rajsamand
2	F.1(1)Nyaya/2012 dated 10/09/2012	8 Special Court (SC/ST POA Cases)	Barmer, Bharatpur, Bundi, Dholpur, Hanumangarh, Jhunjhunu, Karauli, Sirohi
3	F.1(1)Nyaya/2012 dated 10/09/2012	15 Family Court	Alwar, Banswara, Bharatpur, Dausa, Dungarpur, Ganganagar, Merta, Sawai Madhopur, Churu, Chittorgarh, Jhunjhunu, Pali, Rajsamand, Sikar, Tonk
4	F.1(1)Nyaya/2012 dated 12/09/2012	04 MACT	Banswara, Dungarpur, Jhunjhunu, Sikar
5	F.2(4)Nyaya/96 dated 14/09/2012	3 ACD	Alwar, Sri Ganganagar, No.2 Jaipur
6	F.1(3)Nyaya/2010 Part dated 14/09/2012	ACJ (JD) MM No. 19 Jaipur Metropolitan upgraded into CJ (SD) ACMM-No.15, Jaipur Metropolitan (Now requested to amend the nomenclature as ACJ (SD) ACMM No. 14, Jaipur Metropolitan	Jaipur Metropolitan

## Activities And Achievements of Rajasthan State Legal Services Authority (From 01/07/2012 to 30/09/2012)

S.No	Programme	Particulars
1	Mediation & Conciliation programme from July 2012 to September, 2012	<p><b>Cases disposed of through Mediation &amp; Conciliation Centre at High Court and District level-</b> During the month of <b>July 2012 to September, 2012</b> total 1464 cases referred by Hon'ble High Court and subordinate courts in which <b>220 cases disposed of successfully</b> by the mutual consent of the litigants.</p>
2	Regular Legal Services Programme during the Month of July 2012 to August, 2012	<p><b><u>Lok Adalat</u></b></p> <p><b><u>Section 22-B</u></b></p> <p><u>114</u> Permanent Lok Adalats were organized for public Utility Services pre litigation cases at District Level, 2434 cases were pending as on 1-7-2012 and 161 cases instituted during the said period out of them <b>191 cases were disposed</b> of and 2404 cases were pending as on 31-8-2012.</p> <p><b><u>Section 19 ( including conventional Lok Adalats)</u></b></p> <p><u>3882</u> Lok Adalats were organized at High Court, District and Taluka Level, 130027 cases taken up in these Lok Adalats and 56686 cases were disposed off and <b>amount of Rs. 7,06,01,049/- awarded in 555 MACT cases.</b></p> <p><b><u>Legal Literacy Camps.</u></b></p> <p><u>1488</u> Legal Literacy Camps were organized and Total 119735 persons benefited through these Legal Literacy Camps.</p> <p><b><u>Legal Aid</u></b></p> <p>568 Persons benefited through Legal Aid during the said period.</p> <p><b><u>Legal Aid Clinic</u></b></p> <p>512 applications received during the said period in which 341 applications were disposed off .</p>

S.No	Programme	Particulars
3	Mega Lok Adalat	As per direction of 13 th Finance Plan of Action cases disposed off through <b>Mega Lok Adalat at Rajasthan High Court, Jodhpur and Bench at Jaipur</b> and subordinate courts of District and Taluka levels during the month of July to September 2012 Total 159511 cases taken up and <b>42743 cases disposed off through Mega Lok Adalats and awarded Rs. 75623514 /- to the parties.</b>
4	Programmes organized as per National Action Plan 2012-13	<b>Special Legal Awareness Prorammes</b> were organized at District and Taluk level i.e. to restrain child marriages, to stop female foeticide, women empowerment for uplifting the status of women in society, protection of women from domestic violence, against women trafficking, prohibition of tobacco, protection of rights of disabled persons, maintenance and welfare of parents and senior citizens, protection from child labour, protection of Consumer Law, Environment Law, National Trust Law and spread the awareness about the Law and provisions of NREGA through Micro Legal Literacy Scheme. 1488 Legal Literacy Camps were organized during the month of July to August, 2012.

## eCourts-Mission Mode Project-Rajasthan

Under the eCourts project implementation status in State of Rajasthan as on 30/09/2012 –

	Total		Site Preparation Funds sent for		Site Preparation Completed	
	Court Complexes	Courts	Court Complexes	Courts	Court Complexes	Courts
<b>Total</b>	<b>238</b>	<b>794</b>	<b>238</b>	<b>794</b>	<b>237</b>	<b>793</b>
District	56	479	56	479	55	478
Taluka	182	315	182	315	182	315

- Total 237 Court Complexes covering 794 District & Subordinate Courts.
- Hardware delivery and installation completed at all 237 Court Complexes comprising of all the Courts. Each Court has 4 Computer (1 Slim & 3 Thin Client Computer) and 2 Printers for their day-to-day work.
- Local Area Networking (LAN) completed at 177 Court Complexes comprising of 569 Courts and for remaining court complexes work is under progress.
- Training imparted to Court staff on Case Information System (CIS) Software which has been rolled out in 669 Courts spread over 193 Court Complexes till the time.
- Data entry has been initiated at 581 Courts spread over 163 Court Complexes and 3.80 lacs cases entered into CIS Software.
- Wide Area Network (WAN) connectivity will be provided at all District & Subordinate Courts through lease line and broadband for providing the case information on internet. WAN installed at 23 District Court Complexes. Broadband has already been installed at 66 Subordinate Court Complexes.
- Cause list of District Courts are available on the internet at <http://lobis.nic.in>. Causelists of all the other subordinate courts will be provided shortly.
- Judicial Service Centres (JSCs) have also been started at Jaipur District Court, Rajsamand District Court, Udaipur District Court, Sriganganagar District Court, Pali District Court and Bundi District Court. Case information status is provided to the advocates, litigants etc. at the Judicial Service Centres.

## Activities Done By Rajasthan State Judicial Academy, Jodhpur (From 01/07/2012 to 30/09/2012)

<i>Date</i>	<i>Place</i>	<i>Target Group</i>	<i>Subject/Topic</i>	<i>Total No. of Beneficiaries</i>
28-29 July, 2012	Jodhpur	Gram Nyayadhikaries (officers posted in Jodhpur, Bikaner & Udaipur Divisions)	<p><b>Subject:-Effective Implementation of Gram Nyayalaya 28/07/12</b> : The programme was inaugurated by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court &amp; Chairman, RSJA. In session two philosophy of Gram Nyayalaya alongwith aims, objects and scope of the act was discussed. In the post lunch sessions the deliberations were made regarding 'Gram Nyayalaya-as a new face of Indian Judiciary'.</p> <p><b>29/07/12</b> : Various provisions of the act regarding the power and jurisdiction of gram nyayalaya, procedural aspect in context with the object of the act, rules thereunder, provision and procedures to regulate the camp courts, execution of orders and decrees alongwith applicability of C.P.C., Cr.P.C. and Evidence Act was discussed elaborately.</p>	19
4-5 August, 2012	Jaipur	Gram Nyayadhikaries (officers posted in Jaipur, Ajmer, Bharatpur & Kota Divisions)	<p><b>Subject:-Effective Implementation of Gram Nyayalaya 04/08/12</b> : The Programme was inaugurated by Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court &amp; Hon'ble Mr. Justice Mohd. Rafiq, Judge, Rajasthan High Court. In session two philosophy of Gram Nyayalaya alongwith aims, objects and scope of the act was discussed. Hon'ble Mr. Justice M.N. Bhandari, Judge, Rajasthan High Court addressed the post lunch session.</p> <p><b>05/08/12</b> : Hon'ble Mr. Justice N.K. Jain-I, Judge, Rajasthan High Court addressed the participants. Various provisions of the act regarding the power and jurisdiction of gram nyayalaya, procedural aspect in context with the object of the act, rules thereunder, provision and procedures to regulate the camp courts, execution of orders and decrees alongwith applicability of C.P.C., Cr.P.C. and Evidence Act was discussed elaborately.</p>	26

<p style="text-align: center;">8-9 September , 2012</p>	<p style="text-align: center;">Jodhpur</p>	<p style="text-align: center;">Officers dealing with NI Act cases</p>	<p><b>Subject :-</b> <u>Negotiable Instruments with special reference to criminal liability arising from dishonour of cheque.</u> <b>08/09/12</b> : The programme was inaugurated by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court &amp; Chairman, RSJA with introductory remarks regarding introduction to the workshop and philosophy of NI Act. The deliberations &amp; discussion were also made by Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court &amp; Hon'ble Mr. Justice G.K.Vyas, Judge, Rajasthan High Court on the topics 'aims and object of the NI Act with different types of Negotiable Instruments, Principles regarding presumption and extent of rebuttal thereof' respectively.</p> <p><b>09/09/12</b> : Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court enlightened the participants regarding the 'Provisions relating to rights and liabilities of director and partners, procedural aspect of complaint and power of sentencing' and Hon'ble Ms. Justice Nirmaljit Kaur made aware the participants with the various important judgments on the topics covered during the workshop and finally the session on the topic group discussion and evaluation was presided over by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court &amp; Chairman, RSJA.</p>	<p style="text-align: center;">25</p>
<p style="text-align: center;">14-17 September , 2012</p>	<p style="text-align: center;">Jodhpur</p>	<p style="text-align: center;">Court Managers of Rajasthan</p>	<p><b>Subject :-</b> <u>Enhancing the efficiency in Court Management</u> A four day extensive training programme for Court Managers from 14-17 September, 2012 was organised. The programme was inaugurated by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court &amp; Chairman, RSJA with introductory remarks regarding aims and object of training.</p>	<p style="text-align: center;">36</p>



## Some Recent Judgments of Rajasthan High Court

**1. On 20/09/2012, Hon'ble Full Bench** while deciding S.B. Civil Writ Petition No. 331/1995 and D.B. Civil Review Petition No. 57/2009, **Prem Singh Vs. State of Rajasthan & Ors. and the State of Rajasthan & Ors. Vs. Radhey Shyam**, on the following question referred by Hon'ble Single Bench :- "**Whether in view of the note (ii) below Rule 15 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958, Superintendent of Police is competent to impose the penalty of removal or dismissal specifide respectively in clauses (vi) and (vii) of Rule 14 thereof ?**" - held that there are specific provisions contained in note (i) of Rule 15 (1) of the Rules of 1958 and under the **Rajasthan Police Subordinate Service Rules, 1989** and specific order issued by the Head of Department with the prior approval of the State Government conferring power upon the Superintendent of Police/Commandant or officer of equivalent rank, who is appointing authority, to impose penalty of removal and dismissal as specified in clauses (vi) and (vii) of Rule 14 of the Rules of 1958. **Thus, Superintendent of Police/Commandant is fully competent to pass order of dismissal or removal from service.** The matters were ordered to be placed before the appropriate bench for deciding the same on merits.

**2. On 07/09/2012, Hon'ble Division Bench** while deciding D.B. PIL Petition No. 5287/12 and D.B. Civil Writ Petition (PIL) No. 15445/10, **Humanrights Association of India Vs. State & Ors. And Rajesh Chhikara Vs. State of Rajasthan & Ors.**, held that Article 21 of the Constitution casts the obligation on the state to preserve life. A doctor at the Government Hospital positioned to meet this State obligation is, therefore, duty-bound to extend medical assistance for preserving life. It goes without saying that **strike by doctors involves violation of Article 21 of the Constitution of India**. It is such a noble profession and considering the fact that they are life saver and considering importance of their services which may be required at any moment, they cannot be expected to proceed on strike. Hon'ble Division Bench was of the view that even employees have no right to go on strike. **The professionals like doctors and lawyers have also no right to go on strike. There is no legal/statutory right to go on strike.** On the question of compensation to the heirs of the persons who died during doctors' strike and regarding action against erring doctors, Hon'ble Division Bench was of the view that the issues cannot be generalized and the

appropriate bodies have to look into all these aspects. The State Government has to ensure that in future there should not be any occasion for such strikes and medical facilities/ treatment is provided without interruption.

**3. On 27/08/12**, Hon'ble Division Bench while deciding D.B.Civil Writ (Habeas Corpus) Petition No. 6123/2012, **Kishan Singh Vs. State of Rajasthan & Anr.**, held that power to make order of detention under S. 3 (1) of the Rajasthan Prevention of Anti Social Activities Act, 2006 vests with State Government but before issuance of notification, delegating powers upon district magistrates for passing an order of detention, so as to maintain public order against any person within its respective jurisdiction, the State Government has to record its satisfaction that there are “circumstances prevailing or likely to prevail” in the area within local limits of jurisdiction of a district magistrate. For passing of its authority to a District Magistrate, the State is not supposed to consider the activities of any individual, but the objective circumstances prevailing or likely to prevail. There may be a boot-legger, dangerous person, drug offender, immoral traffic offender and property grabber in a district or a part thereof, but that in itself is not sufficient to make delegation of powers to a District Magistrate. The stray incidents of an individual may be of cases pertaining to the issue of law and order, but not of public order. **The State Government has to satisfy itself with the material available regarding the situation arisen in the area concerned** that the public order is in danger and, that is sufficient for delegation of the powers of S. 3 (1) of the Act of 2006 to the District Magistrate. The State must understand that a little casualness on its part in exercising powers under preventive detention laws, such as the Act of 2006 may cause a huge casualty to a citizen as well as to the democratic and human values enshrined in our Constitution.

**4. On 13/08/12**, Hon'ble Division Bench while deciding D.B. Civil Writ Petition No. 3534/2010 **Ranjeet Singh Meena & Ors. Vs. The State of Rajasthan & Ors.**, held that **S.16 of the Land Acquisition Act, 1894, regarding power to take possession of the land when the collector has made an award under S. 11 of the Act, is not invalid** as there is no question of Section being discriminatory because it does not create any discrimination between any two persons. The section only declares that on acquisition, the land will stand free from all encumbrances whoever be the person whose land is acquired, whoever be the person who has any encumbrances over the land, the provision applies equally to all. The compensation that is awarded for the land at the time of its acquisition includes compensation for encumbrances also. Since nothing is to be done by the land acquiring

authority after deposit of amount of compensation in pursuance of award, they are at liberty to take possession of the acquired land at any time. Hon'ble Division Bench further held that direction for regularisation of land in favour of petitioners cannot be issued for the simple reason that land in dispute stood acquired and it has been entered in the Khatedari of U.I.T. The petitioners are no more owners or khatedars of the disputed land.

5. **On 27/08/12**, Hon'ble Division Bench while deciding D.B. Cr. Parole Writ Petition No. 7880/2012 **Narayan Ram Vs. State of Rajasthan & Ors.**, held that although incarceration of a person necessarily implies deprivation of his fundamental rights, but the fundamental rights are not completely obliterated. **The twin rights of life and personal liberty continue to glow even in the dark corners of a prison.** The Right of Consideration of being granted the parole is a substantive right. It cannot be converted in to an illusory one by imposition of onerous condition. **Poverty cannot deprive a convicted prisoner of the fundamental right to life.** The District Parole Committee/Advisory Committee should not impose the onerous requirement of furnishing of two sureties of a very high amount. They should be sensitive to economic condition of the convicted prisoner. Hon'ble Division Bench reduced the amount of personal bond and surety amount of the petitioner.

6. **On 20/09/12**, Hon'ble Division Bench while deciding D.B. Civil Writ Petition (PIL) No. 3738/2012, **Mushtaq Ali & Others Vs. Union of India & Others** held that the **transfer of cash subsidy scheme on Public Distribution System (PDS) Kerosene, cannot be stated to be suffering from arbitrariness** but is a wholesome provision made by the Union of India for preventing adulteration of HSD with Kerosene which causes air pollution and results in so many diseases. Such schemes are as a matter of fact necessary with respect to several products on which Government is giving subsidy, such as LPG, fertilizers etc. so that subsidy reaches to the proper hands and benefit of the same is not mis-utilized and the ultimate beneficiary who must receive it, is not deprived of the same. Hon'ble Division Bench directed the State Government and concerned Gram Panchayat to make publicity of the scheme and procedure to obtain the benefit, so that the persons who desire to obtain the benefit, are able to obtain it. Hon'ble division Bench also directed the District supply officer to look into, as to how many Ration Card Holders who have purchased subsidized Kerosene, have not been able to open bank/post office account as per the distribution made and let effort be also made to ensure that such persons also open the bank/post office accounts who are in receipt of supply of Kerosene.



The newly constructed building of ADR Centre at Dausa.



The newly constructed building of ADR Centre being inaugurated by Hon'ble Mr. Justice G.S.Singhvi, Judge, Supreme Court of India, Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA at Dausa on 22/09/2012.





Hon'ble Mr. Justice G.S.Singhvi, Judge, Supreme Court of India and Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA on the inauguration of ADR Centre, Dausa on 22/09/2012.



Audience on the inauguration of ADR Centre, Dausa on 22/09/2012.



Distinguished dignitaries released the ADR MECHANISM booklet at Dausa on 22/09/2012. (From L to R) – Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur, Hon'ble Mr. Justice N.K.Jain-I, Judge, Rajasthan High Court & Chairman, RHCLSC, Jaipur, Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA, Hon'ble Mr. Justice G.S.Singhvi, Judge, Supreme Court of India, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA , Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court & Chairman, RHCLSC and Judge Incharge, Mediation, Rajasthan High Court, Jodhpur and Mr. G.S. Bapna, Advocate General, State of Rajasthan.



Hon'ble Judges of Rajasthan High Court and other dignitaries on the occasion of inauguration of ADR Centre at Dausa on 22/09/2012.





Distinguished dignitaries adorning the dias on the inauguration of ADR Centre, Dausa on 22/09/2012. (From L to R) – Shri K.B.Katta, Member Secretary, RLSA, Shri Inderraj Saini, Chairman, Bar Council of Rajasthan, Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur, Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court and Chairman, RHCLSC, Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RSLSA, Hon'ble Mr. Justice G.S.Singhvi, Judge, Supreme Court of India, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RSLSA, Shri B.S.Kumawat, D.J. Dausa and Hukam Singh, President, Bar Association, Dausa.





Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court administering the oath of office to Hon'ble Ms. Justice Nirmaljit Kaur on 09/07/2012 at Jodhpur.



Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court inaugurating the Guest House building along with Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court, Hon'ble Mrs. Justice Nisha Gupta, Judge, Rajasthan High Court, Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court and Hon'ble Mr. Justice G.K.Vyas, Judge, Rajasthan High Court on 12/07/2012 at Jodhpur.



Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA addressing a State Level conference by Rajasthan State Legal Services Authority for Effective Implementation of Legal Services Programmes. Dignitaries sitting on the dias (From L to R)- Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA and Hon'ble Mr. Justice N.K.Jain-I, Judge, Rajasthan High Court & Chairman, RHCLSC on 02/09/2012 at Jaipur.



Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA addressing a State Level conference by Rajasthan State Legal Services Authority for Effective Implementation of Legal Services Programmes. Dignitaries sitting on the dias (From L to R)- Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur, Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA and Hon'ble Mr. Justice N.K.Jain-I, Judge, Rajasthan High Court & Chairman, RHCLSC on 02/09/2012 at Jaipur.





Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court and Chairman, RHCLSC addressing a State Level conference by Rajasthan State Legal Services Authority for Effective Implementation of Legal Services Programmes. Dignitaries sitting on the dias (From L to R)- Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Judge Incharge, Mediation, Rajasthan High Court, Jaipur Bench Jaipur, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA and Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court and Patron in Chief, RLSA on 02/09/2012 at Jaipur.



Hon'ble Judges of Rajasthan High Court and other dignitaries on the occasion of State Level conference by Rajasthan State Legal Services Authority for Effective Implementation of Legal Services Programmes on 02/09/2012 at Jaipur.



Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court and Hon'ble Mr. Justice Mohd. Rafiq, Judge, Rajasthan High Court inaugurating the Programme "Effective Implementation of Gram Nyayalaya" organised by Rajasthan Judicial Academy, Jodhpur on 04/08/2012 at Jaipur.



Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court and Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court at the programme organised by Rajasthan Judicial Academy, Jodhpur on Negotiable Instruments Act on 08.09.2012 at Jodhpur.





Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Rajasthan High Court saluting the National Flag on 15/08/2012 at Jodhpur. Other Hon'ble Judges of Rajasthan High Court were also present on this occasion.



Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court saluting the National Flag on 15/08/2012 at Jaipur.



**Rajasthan High Court Bench, Jaipur**

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