



सत्यमेव जयते



RAJASTHAN HIGH COURT

NEWSLETTER

Vol.-4 Part No. I

January-March 2013



Rajasthan High Court, Principal Seat, Jodhpur

Editorial Board

Hon'ble Mr. Justice Narendra Kumar Jain

Hon'ble Dr. Justice Vineet Kothari

Hon'ble Mr. Justice Vijay Bishnoi

Compiled by

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

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Rajasthan High Court



HON'BLE CHIEF JUSTICE
Mr. Amitava Roy

EDITORIAL BOARD



Hon'ble Dr. Justice
Vineet Kothari



Hon'ble Mr. Justice
Narendra Kumar Jain



Hon'ble Mr. Justice
Vijay Bishnoi



FROM THE DESK OF EDITORS

The Newsletter for the quarter ending 31st March, 2013 is being published now. The important Full Court Resolutions of the High Court and swearing-in-ceremonies of Additional Judges of this Court and Additional Hon'ble Judges being appointed as permanent Judges in this quarter are the highlights, besides the Republic Day celebrations, both at Principal Seat at Jodhpur and Bench at Jaipur.

The academic activities by various Judges of the High Court and disposal of cases by High Court and subordinate courts are published for the benefit of stake holders. The activities of Rajasthan Judicial Academy and Legal Service Authority along with references conducted on account of demise of Advocates by the Full Court in this quarter have also been included in this issue. The gist of important judgments rendered by the various benches in this quarter is the bird's eye view of contribution made by Rajasthan High Court in development of law.

The photographs of various events taking place during this quarter have also been published.

It is hoped that the Newsletter published by the High Court is found useful and attractive by all concerned. Further suggestions for its improvement are always welcome.

(VIJAY BISHNOI), J.

(DR. VINEET KOTHARI), J.

(N.K.JAIN), J.

Hon'ble Judges of Rajasthan High Court (As on 31/03/2013)

Sr. No.	Name of Hon'ble Judge	Date of Birth	Date of Elevation
1	Hon'ble The Chief Justice Mr. Amitava Roy	01/03/53	04/02/02 CJ w.e.f. 02/01/13
2	Hon'ble Mr. Justice Narendra Kumar Jain	08/10/52	02/09/04
3	Hon'ble Mr. Justice Dinesh Maheshwari	15/05/58	02/09/04
4	Hon'ble Mr. Justice Ajay Rastogi	18/06/58	02/09/04
5	Hon'ble Mr. Justice Govind Mathur	14/04/59	02/09/04
6	Hon'ble Mr. Justice Prem Shanker Asopa	30/09/51	13/06/05
7	Hon'ble Mr. Justice Gopal Krishan Vyas	09/07/56	13/06/05
8	Hon'ble Mr. Justice Raghvendra Singh Chauhan	24/12/59	13/06/05
9	Hon'ble Dr. Justice Vineet Kothari	02/09/59	13/06/05
10	Hon'ble Mr. Justice Mohammad Rafiq	25/05/60	15/05/06
11	Hon'ble Mr. Justice Raghuvendra Singh Rathore	01/07/53	05/07/07
12	Hon'ble Mr. Justice Mahesh Chandra Sharma	01/06/55	05/07/07
13	Hon'ble Mr. Justice Sangeet Raj Lodha	13/10/59	05/07/07
14	Hon'ble Mr. Justice Munishwar Nath Bhandari	13/09/60	05/07/07
15	Hon'ble Ms. Justice Nirmaljit Kaur	28/01/59	10/07/08
16	Hon'ble Dr. Justice Mrs.Meena V. Gomber	30/07/51	29/09/09
17	Hon'ble Ms. Justice Bela M. Trivedi	10/06/60	17/02/11
18	Hon'ble Mrs. Justice Nisha Gupta	13/09/53	28/04/11
19	Hon'ble Mr. Justice Narendra Kumar Jain-II	15/04/52	28/04/11
20	Hon'ble Mr. Justice Prashant Kumar Agarwal	18/05/55	28/04/11
21	Hon'ble Mr. Justice Alok Sharma	24/10/57	30/05/11
22	Hon'ble Mr. Justice Sandeep Mehta	11/01/63	30/05/11
23	Hon'ble Mr. Justice Jainendra Kumar Ranka	03/08/55	08/01/13
24	Hon'ble Mr. Justice Pratap Krishna Lohra	04/09/57	08/01/13
25	Hon'ble Mr. Justice Veerendra Singh Siradhana	23/07/57	08/01/13
26	Hon'ble Mr. Justice Vijay Bishnoi	26/03/64	08/01/13
27	Hon'ble Mr. Justice Arun Bhansali	15/10/67	08/01/13
28	Hon'ble Mr. Justice Atul Kumar Jain	28/08/53	21/01/13
29	Hon'ble Mr. Justice Mahendra Kumar Maheshwari	31/03/58	21/01/13
30	Hon'ble Mr. Justice Vishnu Kumar Mathur	02/04/53	21/01/13
31	Hon'ble Mr. Justice Banwari Lal Sharma	09/05/57	21/01/13

Hon'ble Judges of Supreme Court of India (As on 31/03/2013)

Sr. No.	Name of Hon'ble Judge	Date of Birth	Date of Elevation
1	Hon'ble The Chief Justice of India Mr. Altamas Kabir	19/07/48	09/09/05 CJI w.e.f. 29/09/12
2	Hon'ble Mr. Justice P. Sathasivam	27/04/49	21/08/07
3	Hon'ble Mr. Justice Ganpat Singh Singhvi	12/12/48	12/11/07
4	Hon'ble Mr. Justice Aftab Alam	19/04/48	12/11/07
5	Hon'ble Mr. Justice Rajendra Mal Lodha	28/09/49	17/12/08
6	Hon'ble Mr. Justice H.L. Dattu	03/12/50	17/12/08
7	Hon'ble Dr. Justice Balbir Singh Chauhan	02/07/49	11/05/09
8	Hon'ble Mr. Justice A. K. Patnaik	03/06/49	17/11/09
9	Hon'ble Mr. Justice T. S. Thakur	04/01/52	17/11/09
10	Hon'ble Mr. Justice K. S. Panicker Radhakrishnan	15/05/49	17/11/09
11	Hon'ble Mr. Justice S.S. Nijjar	07/06/49	17/11/09
12	Hon'ble Mr. Justice Chandramauli Kumar Prasad	15/07/49	08/02/10
13	Hon'ble Mr. Justice H. L. Gokhale	10/03/49	30/04/10
14	Hon'ble Mrs. Justice Gyan Sudha Misra	28/04/49	30/04/10
15	Hon'ble Mr. Justice Anil R. Dave	19/11/51	30/04/10
16	Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya	15/03/50	13/09/11
17	Hon'ble Mrs. Justice Ranjana P. Desai	30/10/49	13/09/11
18	Hon'ble Mr. Justice Jagdish Singh Khehar	28/08/52	13/09/11
19	Hon'ble Mr. Justice Dipak Misra	03/10/53	10/10/11
20	Hon'ble Mr. Justice Jasti Chelameswar	23/06/53	10/10/11
21	Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla	23/07/51	02/04/12
22	Hon'ble Mr. Justice Ranjan Gogoi	18/11/54	23/04/12
23	Hon'ble Mr. Justice Madan B. Lokur	31/12/53	04/06/12
24	Hon'ble Mr. Justice M. Y. Eqbal	13/02/51	24/12/12
25	Hon'ble Mr. Justice V. Gopalagowda	06/10/51	24/12/12
26	Hon'ble Mr. Justice Vikramajit Sen	31/12/50	24/12/12
27	Hon'ble Mr. Justice Pinaki Chandra Ghose	28/05/52	08/03/13
28	Hon'ble Mr. Justice Kurian Joseph	30/11/53	08/03/13

Transfer To Rajasthan High Court (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>From</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Transfer</i>
1	Gauhati High Court	Hon'ble Shri Justice Amitava Roy as Chief Justice of Rajasthan High Court	Vide Government of India's Notification dated 26/12/2012. His Lordship assumed charge on 02/01/13.

Sanctioned Strength & Vacancies in Rajasthan High Court (As on 31/03/2013)

<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
40	31	9

Sanctioned Strength & Vacancies in District & Subordinate Courts (As on 31/03/2013)

<i>Cadre</i>	<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
District Judge Cadre	As per Schedule-I = 265 + FT converted = 43 + Newly Created = 54 ----- 362	216 (including officers who were continued as ADJ after abolition of FT Courts)	146
Senior Civil Judge Cadre	As per Schedule-I = 256 + Newly Created = 39 ----- 295	238	57
Civil Judge Cadre	As per Schedule-I = 395 + Newly Created = 38 ----- 433	265	168

Note :- The Process of filling up above vacancies is under process. The interview of candidates who have been found eligible as per the written examination for DJ Cadre, 2011 shall commence w.e.f. 14th May, 2013 onwards.

Elevation & Retirement In Rajasthan High Court (From 01/01/2013 to 31/03/2013)

Elevation

(From Additional Judges to Permanent Judges)

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Birth</i>	<i>Date of Elevation as Hon'ble Judge</i>
1	Hon'ble Miss Justice Bela M. Trivedi	10/06/60	06/02/13
2	Hon'ble Smt. Justice Nisha Gupta	13/09/53	06/02/13
3	Hon'ble Mr. Justice N. K. Jain-II	15/04/52	06/02/13
4	Hon'ble Mr. Justice Prashant Kumar Agarwal	18/05/55	06/02/13
5	Hon'ble Mr. Justice Alok Sharma	24/10/57	06/02/13
6	Hon'ble Mr. Justice Sandeep Mehta	11/01/63	06/02/13

(As Additional Judges)

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Birth</i>	<i>Date of Elevation as Hon'ble Judge</i>
1	Hon'ble Mr. Justice Jainendra Kumar Ranka	03/08/55	08/01/13
2	Hon'ble Mr. Justice Pratap Krishna Lohra	04/09/57	08/01/13
3	Hon'ble Mr. Justice Veerendra Singh Siradhana	23/07/57	08/01/13
4	Hon'ble Mr. Justice Vijay Bishnoi	26/03/64	08/01/13
5	Hon'ble Mr. Justice Arun Bhansali	15/10/67	08/01/13
6	Hon'ble Mr. Justice Atul Kumar Jain	28/08/53	21/01/13
7	Hon'ble Mr. Justice Mahendra Kumar Maheshwari	31/03/58	21/01/13
8	Hon'ble Mr. Justice Vishnu Kumar Mathur	02/04/53	21/01/13
9	Hon'ble Mr. Justice Banwari Lal Sharma	09/05/57	21/01/13

Major Events (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>Date</i>	<i>Event</i>
1	02/01/13	Oath Ceremony was held on elevation of Hon'ble the Chief Justice Mr. Amitava Roy at Raj Bhawan, Jaipur.
2	08/01/13	Swearing -in-Ceremony was held on the appointment of Hon'ble Mr. Justice Jainendra Kumar Ranka, Hon'ble Mr. Justice Pratap Krishna Lohra, Hon'ble Mr. Justice Veerendra Singh Siradhana, Hon'ble Mr. Justice Vijay Bishnoi and Hon'ble Mr. Justice Arun Bhansali as Additional Judges of Rajasthan High Court from Advocates.
3	21/01/13	Swearing -in-Ceremony was held on the appointment of Hon'ble Mr. Justice Atul Kumar Jain, Hon'ble Mr. Justice Mahendra Kumar Maheshwari, Hon'ble Mr. Justice Vishnu Kumar Mathur and Hon'ble Mr. Justice Banwari Lal Sharma as Additional Judges of Rajasthan High Court from District Judge Cadre.
4	26/01/13	Republic Day was celebrated in Rajasthan High Court at Principal Seat, Jodhpur and Bench at Jaipur. The flag hoisting was done by Hon'ble The Chief Justice Amitava Roy at Principle Seat at Jodhpur and by Hon'ble Mr. Justice Narendra Kumar Jain at Jaipur Bench.
5	06/02/13	Swearing-in-Ceremony was held on the appointment of Hon'ble Miss Justice Bela Madhurya Trivedi as Judge of the Gujarat High Court, who is presently functioning as additional Judge in Rajasthan High Court, and the Swearing-in Ceremony was held on the appointment of Hon'ble Smt. Justice Nisha Gupta, Hon'ble Mr. Justice Narendra Kumar Jain-II, Hon'ble Mr. Justice Prashant Kumar Agarwal, Hon'ble Mr. Justice Alok Sharma and Hon'ble Mr. Justice Sandeep Mehta as Permanent Judges of the Rajasthan High Court who were Additional Judges.

Paper Publication

The Paper "**Constitutional Features & Indian Democracy**" contributed by **Dr. Justice Vineet Kothari, Judge**, Rajasthan High Court, Jodhpur was recently published at international level by Korean Legal Research Institute, **KLRI**, in their **Global Legal Issues, 2012**. Justice Kothari, a sitting Judge at Principal seat, has done his Ph.D. on '**Freedom of Trade & Taxation – Inter-Relationship**'.

Other Events

Hon'ble Dr. Justice Vineet Kothari & Hon'ble Mr. Justice Mohd. Rafiq were elected in a five Judges members of **Governing Council of Indian Law Institute**, New Delhi, a deemed university which is headed by The President, Hon'ble The Chief Justice of India. The governing Council of Indian Law Institute comprises of five Judges, five Deans & Ten Advocates and other academicians from all over the country.

Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Rajasthan High Court (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	16 th to 17 th February, 2013	Hon'ble Mr. Justice G. K. Vyas and Hon'ble Mr. Justice Veerendra Singh Siradhana attended a National Conference of High Court Judges on the Problems Relating to Pendency and Arrears held at National Judicial Academy, Bhopal.
2	16 th to 17 th March, 2013	Hon'ble Mr. Justice Ajay Rastogi attended a National Conference of High Court Judges on Constitutional Law and Administrative Law held at National Judicial Academy, Bhopal.

Important Rules & Notifications of Rajasthan High Court (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>S.R.O. /G.S.R. No.</i>	<i>Date</i>	<i>Name of Rule/Notification</i>
1	G.S.R. No. 87	09/01/13	Rajasthan Subordinate Courts Ministerial Establishment (Amendment) Rules, 2013 (in re : Amendment in Rule 10, 17, 28 (1), 33, 34 and Schedule I & II)

Institution, Disposal And Pendency of Cases in Rajasthan High Court (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>Kind of Cases</i>	<i>Opening Balance as on 01/01/2013</i>	<i>Institution from 01/01/2013 to 31/03/2013</i>	<i>Disposal from 01/01/2013 to 31/03/2013</i>	<i>Pendency at the end of 31/03/2013</i>
1	Writ	119314	14523	12232	121605
2	Civil	102589	6669	7768	101490
3	Criminal	59505	10957	9807	60655
4	Tax Matters	3355	165	164	3356
5	Others	7788	612	507	7893
Total		292551	32926	30478	294999

Institution, Disposal And Pendency of Cases in District & Subordinate Courts (From 01/01/2013 to 31/03/2013)

Sr. No.	Disrtict	Opening Balance as on 01/01/2013		Institution from 01/01/2013 to 31/03/2013		Disposal from 01/01/2013 to 31/03/2013		Pendency at the end of 31/03/2013	
		Civil	Crl.	Civil	Crl.	Civil	Crl.	Civil	Crl.
1	Ajmer	22169	37232	3847	12198	3259	12533	22757	36897
2	Alwar	32993	46525	2843	8148	3402	9587	32434	45086
3	Balotra	6351	15558	686	3597	618	3289	6419	15866
4	Baran	4008	15770	943	5136	314	2959	4637	17947
5	Banswara	2809	10509	314	1939	164	2189	2959	10259
6	Bharatpur	18455	32133	2443	7285	2752	6930	18146	32488
7	Bhilwara	14003	34078	2550	4614	1709	4769	14844	33923
8	Bikaner	17587	30917	1953	5794	1610	5630	17930	31081
9	Bundi	7512	14602	858	2875	585	3105	7785	14372
10	Chittorgarh	9843	28842	1683	5115	1549	5635	9977	28322
11	Churu	6970	10237	759	2216	479	2142	7250	10311
12	Dausa	7451	19836	1198	3329	1293	3957	7356	19208
13	Dholpur	4229	16262	544	2684	311	2292	4462	16654
14	Dungarpur	2226	8395	357	2196	275	2378	2308	8213
15	Ganganagar	13021	35511	1363	6967	1681	6130	12703	36348
16	Hanumangarh	9710	22074	1752	3122	1429	3433	10033	21763
17	Jaipur Metropolitan	77062	256032	14829	81078	11739	71323	80152	265787
18	Jaipur Distt.	18175	35902	1997	5420	1540	6073	18632	35249
19	Jalore	3870	11739	536	2970	254	3014	4152	11695
20	Jaisalmer	1787	2892	141	984	51	982	1877	2894
21	Jhalawar	4796	22313	381	3367	316	3493	4861	22187
22	Jhunjhunu	10290	25095	1132	3187	1628	3292	9794	24990
23	Jodhpur Metropolitan	18307	46836	1872	17931	1986	17375	18193	47392
24	Jodhpur Distt.	3830	12163	312	2358	296	2049	3846	12472
25	Karauli	4760	13859	497	1698	568	1897	4689	13660
26	Kota	19737	53687	1927	11456	1508	12893	20156	52250
27	Merta	9177	16141	1225	2854	1180	3078	9222	15917
28	Pali	9415	25560	1125	8725	1225	9417	9315	24868
29	Pratapgarh	2083	10026	258	1782	194	1846	2147	9962
30	Rajsamand	5104	9066	1066	2158	790	2081	5380	9143
31	Sawai Madhopur	6855	11925	1548	2289	651	1766	7752	12448
32	Sikar	14873	25085	1490	5719	1072	7343	15291	23461
33	Sirohi	4761	10703	577	2046	353	1966	4985	10783
34	Tonk	7006	19930	1375	4962	1307	5220	7074	19672
35	Udaipur	14519	42950	1737	8383	1647	8058	14609	43275
Total		415744	1030385	58118	246582	49735	240124	424127	1036843

Standing Orders (From 01/01/2013 to 31/03/2013)

<i>Sr. No.</i>	<i>S. O. No.</i>	<i>Date</i>	<i>Particulars</i>
1	1	06/02/13	Orders issued for re-allocation of judgeships for inspection by the Hon'ble Judges.
2	2	08/02/13	Hon'ble Mr. Justice Ajay Rastogi , Judge, Rajasthan High Court Bench, Jaipur has been nominated as Chairman of the Rajasthan High Court Legal Services Committee, Jaipur .

Important Decisions Taken by Rajasthan High Court (Resolutions of Full Court & Committees) (From 01/01/2013 to 31/03/2013)

- * 15 meetings of Hon'ble Administrative Committee were held on various dates. 28 representations of Judicial Officers regarding upgradation/expunction of remarks in ACRs were finally disposed off.
- * Two Full Court meetings were held during first quarter of the year. Selection Scale of DJ Cadre granted to one officer. Shri Jag Mohan Agarwal-I, CJM was promoted as ADJ.
- * Transfer Policy framed by the Administrative Committee and was finally approved by Hon'ble Full Court.
- * Vacancies in DJ Cadre, Senior Civil Judge Cadre and Civil Judge entry level determined and were notified on the dates prescribed vide Schedule-III of RJS Rules, 2010.
- * Various modifications have been recommended in the Scheme of Law Clerk-cum Legal Research Assistant.
- * To simplify the procedure of reimbursement of medical expenses to retired Hon'ble Judge, The Draft Scheme for Reimbursement of Medical Expenses to the Retired Hon'ble Chief Justices/Judges of Rajasthan High Court as formulated by the Committee was approved by Hon'ble the Full Court and was forwarded to the State Govt. for its promulgation.
- * 15 Departmental Enquiries against Judicial Officers have been decided finally.
- * Two meetings of Higher Judiciary Committee and one meeting of Lower Judiciary Committee-II also held besides meetings of Purchase Committee, Building Committee, Budget Committee, Committee for working out the units of credit for work done by Judicial Officers and Committee for considering promotion of the Staff of High Court.

Some Important Permanent Instructions (Circulars) Issued by Hon'ble Rajasthan High Court (From 01/01/2013 to 31/03/2013)

<i>Circular No.</i>	<i>Date</i>	<i>Particulars</i>
1	24/01/13	Instructions issued to subordinate judicial officers for strict compliance of Code of Conduct .
2	04/02/13	The order of use of Hindi Language in writing judgments/orders/ correspondence has been withdrawn and while affirming that the judicial officers in the Super Time Scale of District Judge Cadre would write at least 25 % of Judgment in English , it has been considered desirable that all Judicial Officers should write at least 25 % of the judgments in English, however, for the present, it has been kept optional for them.
3	06/03/13	General directions has been issued to all the District Judges that while reporting the matters to the Registrar General regarding the functioning of the concerned judgship , a copy of such letters should invariably be submitted to the respective Hon'ble Inspecting Judge through his/her Private Secretary.

Creation/Shifting/Designation & Abolition of Courts (From 01/01/2013 to 31/03/2013)

Creation

<i>Sr. No.</i>	<i>Ordinance No./Date</i>	<i>Name of Newly Created Court</i>	<i>Place</i>
1	No. F.2(4) Nyay/2012 dated 14/02/13	05 Additional District & Sessions Courts for Woman Atrocities Cases	Ajmer, Bikaner, Bharatpur, Jodhpur Metropolitan, Udaipur
2	No. F.1(1) Nyay/2013 dated 28/02/13	01 Camp Court of ADJ	Udaipur at Mavli
3	No. F.2(4) Nyay/96 dated 28/02/13	02 Spl. Court for Confiscation of Properties seized in ACD Cases under Rajasthan Special Court Act, 2012	Jaipur, Jodhpur

Shifting of Court

<i>Sr. No.</i>	<i>Ordinance No./Date</i>	<i>Name of Court</i>
1	No. F.1(3) Nyay/2010 dated 19/02/13	Judicial Magistrate-4 Jaipur District Shifted at Phagi, Jaipur District

Designation

<i>Sr. No.</i>	<i>Ordinance No./Date</i>	<i>Name of Court</i>
1	No. F.2(5) Nyay/2012 dated 28/01/13	All DJs has been designated as Special Court for hearing of cases under Protection of Children from Sexual Violence Act, 2012 (No.32 of Central Act, 2012).

Activities And Achievements of Rajasthan State Legal Services Authority (From 01/01/2013 to 31/03/2013)

Nomination of Executive Chairman Notification

In exercise of the powers conferred by Clause (b) of Sub-Section (2) of Section 6 of the Legal Services Authority Act, 1987 (Central Act No.39 of 1987), Her Excellency the Governor is pleased to nominate **Hon'ble Mr. Justice Narendra Kumar Jain**, Senior most and Administrative Judge, Rajasthan High Court as **Executive Chairman of the State Legal Services Authority** vide Notification no. F8 (7) Law/Gr.2/90/Part-II/09 dated 17/01/13.

Disposal of Cases through ADR during Jan- 2012 to Feb- 2013

1. **Lok Adalats:-**In 27,348 Lok Adalats, 8,40,180 Cases were taken up, 3,55,896 Cases disposed off, Rs. 51,57,73,410 Award was passed.
2. **Mega Lok Adalat: -** 5,57,362 Cases taken up and 1,30,740 Cases disposed off, Rs 33,57,55,113 Award was passed.
3. **Permanent Lok Adalat: -** In 945 Permanent Lok Adalats, 1,305 Cases disposed off and Rs 50,83,091 Award was passed.
4. **Mediation: -** Cases referred; 5738 Cases disposed off; 1,191

Total Cases Disposed of through ADR System:- 4,89,132

Meetings with District Administration and Legal Functionaries in Rajasthan

Hon'ble Mr. Justice Narendra Kumar Jain, Administrative Judge, Rajasthan High Court and Executive Chairman, RLSA presided over various meetings on effective implementation of Legal Service Programmes, ADR Mechanism and Schemes as per Action Plan at various places at **Bundi, Kota, Baran, Barmer, Bhinmal, Jalore, Nagaur, Pali, Sikar, Sawai Madhopur, Jhalawar, Churu, Jaisalmer and Sambhar (District Jaipur)**, during **January to March, 2013**.

Activities and Achievements

Sr. No.	Programme	Particulars
01	Mediation & Conciliation Programme	<u>Cases disposed off through Mediation & Conciliation Centre at High Court and District level</u> – During the month of January 2013 to February, 2013 total 930 cases referred by Hon'ble High Court and subordinate courts in which 226 cases disposed off successfully by the mutual consent of the litigants.
02	Regular Legal Services Programme	<p><u>Lok Adalat (Section 22-B)</u> <i>From jan-2013 to feb-2013</i></p> <p><u>97 Permanent Lok Adalats</u> were organized for Public Utility Services pre litigation cases at District level, 2420 cases were pending as on 1.1.2013 and 190 cases instituted during the said period out of them 158 cases were disposed off and 2452 cases remaining as on 28.02.2013</p> <p><u>Section 19 (including convencial Lok Adalats)</u> 2518 Lok Adalats were organized at High Court, District and Taluka level, 84626 cases taken up in these Lok Adalats and 47547 cases were disposed off and amount Rs. 7,78,53,876/- awarded in 530 MACT cases.</p> <p><u>Legal Literacy Camps</u> 1409 Legal Literacy Camps were organized and total 114730 persons were benefited through these Legal Literacy Camps.</p> <p><u>Legal Aid</u> 1292 persons were benefited through Legal Aid during the said period.</p> <p><u>Legal Aid Clinic</u> 727 applications received during the said period in which 640 applications were disposed off.</p>

Mediators and Referral Judges Training Programme

Date of Training	DLSA's Name	Participating Judicial Officers	Participating Advocates	Participating NGO	Participating Trained Mediators
17.2.2013	Bikaner	21	24	03	12
10.3.2013	Sri Ganganagar	20	29	02	07
17.3.2013	Churu	12	30	05	08
	Total	53	83	10	27

Newly Constructed ADR Building Inaugurated

Sr. No.	Date	Place	Inaugurated by
01	02.02.2013	Sawai Madhopur	Hon'ble Mr. Justice Amitava Roy, the Chief Justice & Patron in Chief, RSLSA and Hon'ble Mr. Justice Narendra Kumar Jain, Administrative Judge, Rajasthan High Court & Executive Chairman, RSLSA.
02	02.03.2013	Jhalawar	Hon'ble Mr. Justice Narendra Kumar Jain & Hon'ble Mrs. Justice Nisha Gupta.
03	23.03.2013	Churu	Hon'ble Mr. Justice Narendra Kumar Jain & Hon'ble Mr. Justice Ajay Rastogi.

Stone Laying Ceremony of ADR Building

Sr. No.	Date	Place	In presence of
01	16.03.2013	Jaisalmer	Hon'ble the Chief Justice Shri Amitava Roy & Hon'ble Mr. Justice Narendra Kumar Jain.

Seminars

Sr. No.	Date	Place	Topic	Participated by
01	08.03.2013	Jodhpur	Rights of Women	Hon'ble Mr. Justice Narendra Kumar Jain, Hon'ble Mr. Justice G.K.Vyas, Hon'ble Mr. Justice Govind Mathur, Hon'ble Ms. Justice Nirmaljit Kaur.
02	08.03.2013	Jaipur Metropolitan	Rights of Women	Hon'ble Mr. Justice Ajay Rastogi, Hon'ble Miss Justice Bela M. Trivedi, Hon'ble Mr. Justice R.S. Chauhan, Hon'ble Mr. Justice V.S. Siradhana.

Note :- Hon'ble Mr. Justice Narendra Kumar Jain, Administrative Judge, Rajasthan High Court & Executive Chairman, RSLSA also participated in seminar “**Access to Justice for Marginalized People**” organized by **NALSA and UNDP Govt. Of India** at New Delhi on dated 24.02.2013

Legal Awareness Programme

Sr. No.	Date	Description of Events
01	02.02.2013	An interview of Hon'ble Mr. Justice Narendra Kumar Jain , Executive Chairman, RSLSA by ETV Director regarding implementation of Legal Services Programmes & Schemes was recorded and was telecast on T.V. Channel.
02	09.03.2013	A Legal Awareness Programme organized by Taluka Legal Services Committee, Sambhar lake, District Jaipur.
03	09.03.2013	A Legal Awareness Diary 2013 was released by Hon'ble the Chief Justice Shri Amitava Roy .
04	20.03.2013	A handbook on Duties of Police and Rights of Public was released by Hon'ble Mr. Justice Narendra Kumar Jain .
05	27.03.2013	A Talk –Show of Hon'ble Mr. Justice Narendra Kumar Jain on E.T.V. "AMENEY SAMNEY" was recorded by E.T.V. Editor Madam Anita and was telecast on T.V. channel.

Activities of Rajasthan State Judicial Academy (From 01/01/2013 to 31/03/2013)

Date	Place	Target Group	Activities/Programmes	Total No. of Beneficiaries
January-March, 2013	17 District Headquarters of Cluster Judgeships	Most of the Judicial Officers posted in Rajasthan	RSJA organized first workshop/seminar of the year 2012-13 at 17 District Headquarters on cluster basis during the period from 01.01.2013 to 03.03.2013 on the main theme "Law of Presumptions" . At clubbed Judgeship of Jodhpur Metro., Jodhpur District & Jaisalmer, the workshop/seminar was presided over by Hon'ble the Chief Justice Shri Amitava Roy, Patron-in-Chief, RSJA and co-chaired by Hon'ble Mr. Justice Dinesh Maheshwari, Chairman, RSJA. At other District Headquarters of Clubbed Judgeships, Hon'ble Judges of Rajasthan High Court presided over the workshop/ seminar.	Most of the Judicial Officers posted in Rajasthan
06 th January, 2013	Jaipur	Principal District Judges of Rajasthan	RSJA organized one day continuing judicial education programme for all the Principal District Judges of Rajasthan State, on 06 th January, 2013 at Jaipur on the subject "Improvement of Court Performance" . The Programme was inaugurated by Hon'ble The Chief Justice of Rajasthan High Court Shri Amitava Roy, the Patron-in-Chief of RSJA. The various sessions were presided over by Hon'ble the Administrative Judge Shri Narendra Kumar Jain, Hon'ble Mr. Justice Ajay Rastogi, Hon'ble Mr. Justice R.S. Chauhan, Hon'ble Mr. Justice Mohd. Rafiq, Hon'ble Mr. Justice M.N. Bhandari.	32

e-Courts-Mission Mode Project-Rajasthan

Implementation status in State of Rajasthan

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

- * Site preparation work completed in all the Court Complexes covered under e-Courts project except Family Court Complex at Jodhpur.
- * Hardware delivered and installed at all the Court complexes covered in first phase of e-Courts project.
- * **LAN completed at all the Court Complexes** except switch installation is under progress where Optical fibre work is completed.
- * **Case Information System (CIS) Software** has been rolled out in almost all the court complexes covered under e-Courts project.
- * **Judicial Service Centres** started at Udaipur, Rajsamand, Jaisalmer, Ganganagar, Jaipur District, Churu, Bundi, Pali Headquarters etc.
- * **WAN connectivity-26 Leaseline Connections** at District Headquarters & 97 VPN over Broadband connections at District & Taluka Court Complexes. Case information status is being provided to the advocates, litigants etc. at these Judicial Service Centres.
- * e-Committee devised a **new Operating System** i.e. **Ubuntu Linux 12.04 LTS** for the Laptops of Judicial Officers and the Laptops of all the Judicial Officers are equipped with the latest Ubuntu OS.
- * Ubuntu Linux **awareness cum training programme** conducted in the month of February & March 2013 and Ubuntu Training imparted to 70 Judicial Officers.

Full Court References given in Honour of Late Advocates in Rajasthan High Court (From 01/01/2013 to 31/03/2013)

S. No.	Date of Reference & Time	Name of Advocates	Place
1	07/01/13 at 03.30 pm	Late Shri Kanak Mal Singhvi, Advocate	Jodhpur
2	07/01/13 at 03.30 pm	Late Shri Bishvambhar Nath Modi, Advocate	Jodhpur
3	24/01/13 at 03.30 pm	Late Shri Babu Lal Lohar, Advocate	Jodhpur
4	24/01/13 at 03.30 pm	Late Shri Madan Lal Sharma, Advocate and Ex-Chairman of Bar Council of Rajasthan	Jodhpur & Jaipur
5	08/02/13 at 03.30 pm	Late Shri Man Mohan Khaitan, Young Advocate, RHCB, Jaipur	Jaipur
6	19/03/13 at 03.30 pm	Late Shri Suresh Chand Srivastava, Advocate	Jaipur

Some Recent Judgments of Rajasthan High Court

1. **On 10.01.2013**, Hon'ble Division Bench in DB Income Tax Appeal No. 1/2008, **Commissioner of Income Tax Vs. M/s. Godha Chemicals Pvt. Ltd.** held that the expression along with return of income occurring in **Sub-section (4) of Section 80 HHC of the Income Tax Act, 1961 is directory in nature** insofar it relates to the time for furnishing of the report of an accountant by the assessee in the prescribed form; and even if such a report in the prescribed form is not furnished along with the return of income, but is furnished during the course of assessment proceedings, it cannot be removed out of consideration only for the reason of the same having not been filed at the initial stage of filing of the return.
2. **On 29.01.2013**, Hon'ble Division Bench in DB Income Tax Appeal No. 147/2007, **Madhav Marbles & Granites Ltd. Vs. ACIT, Circle-2, Udaipur** while deciding whether on the facts and in the circumstances of the case the turnover and **profits/losses of the two Units being No. 1 and No. 3 could be clubbed together to determine the average profit/proportionate profits** for the purpose of computing the deductions u/s. **80 HHC of Income Tax Act, 1961** held that the words "assessee being an Indian company or a person (other than a company) resident of India" is used in Section 80 HHC of the Act. The different units of the same assessee company engaged in manufacturing of different goods viz. Granite slabs and tiles in Unit-I and Marble slabs and tiles in Unit-III, does not make separate Units of the same assessee company as separate and different assessable units for the purposes of Section 80-HHC of the Act. **The purpose of giving benefit of deduction**

under Section 80-HHC is to encourage the exports and profits derived by the assessee as such during the relevant year would form the basis for determining the extent of such deduction.

3. **On 06.02.2013**, Hon'ble Division Bench in DB Civil Writ Petition No. 4572/1998, **Gopal Singh Vs. State of Rajasthan & Anr.** held that under **Section 19(6) of Rajasthan Imposition of Ceiling on Agriculture Holding Act, 1973** prescribing simple interest at the rate of two and half per cent per annum on the amount of compensation for acquiring surplus land under the Act of 1973 vis-a-vis higher rate of interest for compensation under other laws or under other transactions is a reasonable classification and a valid one. **The difference of rate of interest is founded on intelligible differentia** and has a rational relation with the object sought to be achieved by the Act of 1973. Hence, **question does not arise of violation of the right of equality**. The rate of interest as provided in Sub-section 19 of the Act of 1973 does not in any manner affects, offends or interferes with the basic structure of the Constitution of India nor is violative of the fundamental right of equality under Article 14 of the Constitution of India.
4. **On 07.03.2013**, Hon'ble Single Bench in S.B.Civil Writ Petition No.20133/2012, **Phool Chand Vs. Rent Tribunal Baran & Others** while discussing **Section 9(j) of the Rajasthan Rent Control Act, 2001** held that if the word 'tenant' were to be literally and mechanically construed it is not difficult to visualise a situation where a tenant could through his family members such as his wife, unmarried sons and daughter own multiple properties and yet continue to invoke the protection of tenancy laws-Act of 2001- defeating its very purpose and object in seeking to strike a balance between the rights of a tenant and of the landlord. **Lopsided mechanical protection of tenant was not the purpose of incorporating Section 9(j) into the 2001 Act**. The provision in fact is for the protection of the landlord as the 2001 Act sought to balance the rights of the landlord and that of the tenant. **Excessive protection to a tenant under the provisions of the Rajasthan Premises (Control of Rent and Eviction) Act, 1950 has been done away with the repeal of the said Act**. Further the word "tenant" as defined in Section 2(i) of the 2001 Act is by itself subject to the caveat that definitions set out in Section 2 would be subject to the context. The definition of the "tenant" under Section 2(i) of the 2001 Act is thus not absolute and no drag on a purposive and contextual construction for including the spouse of the tenant unless disharmony and judicial separation of the two is established from the evidence on record.
5. **On 13/3/2013**, Hon'ble Single Bench in S.B.Civil Writ Petition No. 12284/2011 – **Ram Prakash Sharma vs. State of Raj. & ors. With 19 other connected matters**, while directing the State Government to delineate,

demarcate and specify all the mining areas available for the **Sandstone and Masonry Stone** within a period of six months and renotify such delineated areas for grant of mining leases for sandstone and masonry stone held that **for allotment of mining leases under the MMCR, 1986 the principle of 'first come first served' is not permissible** and the pending applications for such allotment be considered by the State Government **as per the amended Rule 7(3) of the MMCR, 1986 on the basis of lottery or by way of auction**, as may be considered appropriate by the State Government. The Hon'ble Court further held that upon quashing of **Sandstone Policy dated 24/7/2007** by the coordinate bench of this Court in **Deepak Khanna & 12 ors. vs. State of Rajasthan & ors. decided on 21/5/2009**, all the pending applications, including of those persons, who have not approached the Court, shall stand revived for fresh consideration for allotment of mining leases for sandstone and masnory stone by the State Government.

The Court quashed the fresh Policy decision Annex.11 dated 16/11/2011 and Annex.13 dated 28/11/2011 taken by the Mining Department after the said decision in **Deepak Khanna's case** and directed fresh decision on all pending applications applying the amended Rule 7(3) of the MMCR, 1986. The Court relied upon the famous **2G case in Centre of Public Litigation & Ors. vs. Union of India & ors. - (2012) 3 SCC 1** and its **Presidential Reference under Article 143** of the Constitution of India in **Natural Resources Allocation, In Re. Special Reference No. 1/2012 – (2012) 10 SCC 1**, apart from other important decisions of Supreme Court and of this Court on the issue.

6. **On 15.03.2013**, Hon'ble Single Bench in S.B.Civil Writ Petition No. 11119/2012- **Laxmi Kanwar & Anr. Vs. State & Ors. with 119 other connected matters**, while discussing **conflict between Article 16(2) and Article 15(3) of the Constitution of India if reservation to vulnerable class is provided** held that Article 15(3) of the Constitution of India provides for affirmative action even in public employment. It may be even reservation in favour of women. The fact however cannot be ignored that Article 16(2) prohibits discrimination amongst citizens in public employment on the ground of sex and Article 16 (4) does not provide reservation in favour of women. The Constitutional Bench judgment in the case of **Indra Sawhney** has not approved reservation for women under Article 15(3) rather it is barred under Article 16(2). **When specific provision exists in the Constitution to provide fundamental right to citizen in public employment, it cannot be subjected to other provision of the Constitution** governing different field otherwise there would be conflict in two fundamental rights.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court administering the oath of office to Hon'ble Mr. Justice Jainendra Kumar Ranka, Hon'ble Mr. Justice Pratap Krishna Lohra, Hon'ble Mr. Justice Veerendra Singh Siradhana, Hon'ble Mr. Justice Vijay Bishnoi, Hon'ble Mr. Justice Arun Bhansali as Additional Judge, Rajasthan High Court on 08/01/2013 at Principal Seat at Jodhpur.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court administering the oath of office to Hon'ble Mr. Justice Atul Kumar Jain, Hon'ble Mr. Justice Mahendra Kumar Maheshwari, Hon'ble Mr. Justice Vishnu Kumar Mathur, Hon'ble Mr. Justice Banwari Lal Sharma as Additional Judge, Rajasthan High Court on 21/01/2013 at Principal Seat at Jodhpur.



Hon'ble Mr. Justice Amitava Roy, Hon'ble Chief Justice, Rajasthan High Court hoisting the National Flag at Principal Seat at Jodhpur on 26.01.2013.



Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court saluting the National Flag at Bench at Jaipur on 26/01/2013.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court and Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court inaugurating newly constructed A.D.R. Centre at Sawai Madhopur on 02/02/2013.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court delivering a speech on stone laying ceremony at Jaisalmer in the presence of Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court on 16/03/2013.



Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court delivering a speech on inauguration of A.D.R. Centre in the presence of Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court on 23/03/2013 at Churu.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court and Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court releasing "Legal Awareness Diary-2013" on 09/03/2013 at Jaipur.



Hon'ble Mr. Justice Amitava Roy, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court and Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court adorning the dias in a seminar on Legal Awareness Programme at Sambhar Lake on 09/03/2013.



Hon'ble Judges of Rajasthan High Court adorning the dias in a seminar on Women Empowerment organized by District Legal Service Authority, Jodhpur Metropolitan on 08/03/2013 at Jodhpur. Sitting from (L-R)- Hon'ble Mr. Justice G.K. Vyas, Judge, Rajasthan High Court, Hon'ble Mr. Justice Vijay Bishnoi, Judge, Rajasthan High Court, Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court, Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court and Hon'ble Ms. Justice Nirmaljit Kaur, Judge, Rajasthan High Court.



Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court & Chairman, Rajasthan High Court Legal Service Committee, Jaipur, Hon'ble Mr. Justice R.S. Chauhan, Judge, Rajasthan High court, Hon'ble Miss Justice Bela M. Trivedi, Judge, Rajasthan High Court and Hon'ble Mr. Justice V.S. Siradhana, Judge, Rajasthan High Court releasing "Folder-Garima" on the occasion of International Woman Day on 08/03/2012 at Jaipur.



Hon'ble Mr. Justice N.K. Jain, Judge, Rajasthan High Court, Hon'ble Mr. Justice Amitava Roy, Hon'ble Chief Justice, Rajasthan High Court and Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court attending Continuing Judicial Education Programme for Principal District Judges of Rajasthan on "Improvement of Court Performance" organised by Rajasthan State Judicial Academy on 06.01.2013 at Jaipur.



Hon'ble Mr. Justice Amitava Roy, Hon'ble Chief Justice, Rajasthan High Court along with other Hon'ble Judges of Rajasthan High Court and District Judges Etc. of Rajasthan attending Continuing Judicial Education Programme for Principal District Judges of Rajasthan on "Improvement of Court Performance" organised by Rajasthan State Judicial Academy on 06.01.2013 at Jaipur.



Rajasthan High Court Bench, Jaipur

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