



सत्यमेव जयते



# RAJASTHAN HIGH COURT

## NEWSLETTER

Vol.-2 Part No.II

April-June 2011



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

**Editorial Board**

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

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

**Compiled by**

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

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# Contents

S.No.	Particulars	Page No.
1.	From the Desk of Editors	1
2.	Hon'ble Judges of Rajasthan High Court	2
3.	Transfer of Hon'ble Judges From & To Rajasthan High Court	3
4.	Elevations of Hon'ble Judges in Rajasthan High Court	3
5.	Appointments in Rajasthan State Legal Services Authority	3
6.	Sanctioned Strength & Vacancies of Hon'ble Judges in Rajasthan High Court	4
7.	Sanctioned Strength & Vacancies of Judicial Officers in District & Subordinate Courts	4
8.	Institution, Disposal And Pendency of Cases in District & Subordinate Courts	5
9.	Special efforts for disposal of cases	6
10.	Major Events	6
11.	Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Rajasthan High Court	6
12.	Important Rules & Notifications of Rajasthan High Court	7
13.	Standing Orders	7
14.	Important Decisions taken by Rajasthan High Court	8
15.	Some Important Permanent Instructions (Circulars)	8
16.	Creation of Courts	8
17.	Activities and Achievements of Rajasthan State Legal Services Authority	9
18.	Important Activities of High Court Legal Services Committee	10
19.	Important Programmes of District Legal Services Authorities	10
20.	Activities of Rajasthan State Judicial Academy	11
21.	Some Recent Judgments of Rajasthan High Court	12
22.	Photographs	14



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



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

## **FROM THE DESK OF EDITORS**

The 3<sup>rd</sup> release of Rajasthan High Court Newsletter (Vol. 2 Part 2) for the period of April-June, 2011 is in your hands.

While maintaining the same elegant get-up and usual up-dated information(s), we are happy to inform all concerned that with the five new elevations in Rajasthan High Court in the quarter April – June, 2011, and one Judge upon transfer from Gujarat High Court joining Rajasthan High Court, the strength of Judges has reached 27.

Under the leadership of Chief Justice Hon'ble Sh. Arun Mishra in special drive for disposal of cases, the Rajasthan High Court achieved the high target of disposal of 25,716 cases on a rotation of 1,73,615 cases in a short period of one and half months. The listing of old and defective cases were rotated by taking-up long cause lists during this period and out of this on account of high devotion of time and attention of all concerned, the Hon'ble Judges could dispose of as many cases. In the “Mega Lok-Adalat” held in the month of July, 2011, 89,789 cases have been disposed of by all courts and compensation to the tune of Rs.20.97 crores was awarded in favour of various claimants. Similarly, in Mission mode for disposal of cases, was communicated to the Subordinate Judiciary also, and the results are happily positive.

The process for filling-up vacancies of Subordinate Judiciary is also under-way (*See Full Court Resolutions*). The Rajasthan State Legal Services Authority has also done commendable job under the able leadership of its Executive Chairman Hon'ble Mr. Justice Dalip Singh, who in his whirlwind tour of the State has been able to achieve commendable success in mission sensitization. While Mr. Justice N.K. Jain (Senior), has been nominated as Chairman of Rajasthan High Court Legal Services Committee, Jaipur, Hon'ble Mr. Justice Dinesh Maheshwari has been made Judge In-Charge of Mediation at Jodhpur. Sixteen advocates have been designated as Senior Advocates vide Notification dated 06.06.2011, both at Principal Seat at Jodhpur and Bench at Jaipur.

The gist of important judgments rendered by different Benches in this quarter along-with photographs of elevation and activities of Legal Services Authority are the highlights of this issue.

The readers may kindly send their feedback, acknowledgment and suggestions for further improvements in the newsletter in future.

**(DR.VINEET KOTHARI)**

**(NARENDRA KUMAR JAIN)**

## Hon'ble Judges of Rajasthan High Court (As on 30/06/2011)

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



## Transfer From Rajasthan High Court (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>To</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Transfer</i>
1	Jharkahand High Court	Hon'ble Mr. Justice Prakash Tatia	* 11/04/2011

\* Acting Chief Justice since 13/05/2011.

## Transfer To Rajasthan High Court (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>From</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Birth</i>	<i>Date of Elevation</i>	<i>Date of Transfer</i>
1	Gujarat High Court	Hon'ble Ms. Justice Bela Madhurya Trivedi	10/06/1960	17/02/2011	27/06/2011

## Elevations in Rajasthan High Court (From 01/04/2011 to 30/06/2011)

### Elevation

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Birth</i>	<i>Date of Elevation</i>
1	Hon'ble Mrs. Justice Nisha Gupta	13/09/1953	28/04/2011
2	Hon'ble Mr. Justice Narendra Kumar Jain	15/04/1952	28/04/2011
3	Hon'ble Mr. Justice Prashant Kumar Agarwal	18/05/1955	28/04/2011
4	Hon'ble Mr. Justice Alok Sharma	24/10/1957	30/05/2011
5	Hon'ble Mr. Justice Sandeep Mehta	11/01/1963	30/05/2011

## Appointments in Rajasthan State Legal Services Authority

1. His Excellency the Governor has nominated **Hon'ble Mr. Justice Dalip Singh**, Judge of the Rajasthan High Court, Jaipur Bench, Jaipur as **Executive Chairman of the State Legal Services Authority** vide Notifiation No. F.8(7)Law/Gr/90/Part-II Dated 13.05.2011 of Law & Legal Affairs Department (Law Gr.-2), Government of Rajasthan.
2. Hon'ble The Chief Justice has nominated **Hon'ble Mr. Justice N. K. Jain (Senior)**, Judge, Rajasthan High Court Bench, Jaipur as **Chairman of the Rajasthan High Court Legal Services Committee, Jaipur** vide order No. 10/S.O./2011 Dated 10.06.2011 of Rajasthan High Court, Jodhpur.

## Sanctioned Strength & Vacancies in Rajasthan High Court (As on 30/06/2011)

<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
40	27	13

## Sanctioned Strength & Vacancies in District & Subordinate Courts (As on 30/06/2011)

<i>Cadre</i>	<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
District Judge Cadre	255 (w.e.f. 10.06.2011) (including 23 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	205 (including 36 continued as ADJ after abolition of 40 F.T. Courts)	50
Fast Track Cadre	43	42	1
Senior Civil Judge Cadre	229 (including 21 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	205	24
Civil Judge	395 (including 36 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	301	94

1. After coming into force of Amendments in RJS Rules, 2010 w.e.f. 10/06/2011, process to fill up the vacancies in the Cadre of District Judge has commenced. Notification for 39 posts by way of direct recruitment amongst advocates and 22 posts by limited competitive examination from Cadre of Civil Judges (Senior Division) has been issued.
2. Process for 33 posts in the Cadre of District Judge to be filled in by way of promotion is on progress.
3. For filling up the vacancies of Civil Judge (Junior Division) Cadre, High Court has sent a letter dated 14/06/2011 along with the syllabus approved by the High Court for advertising the vacant post by Rajasthan Public Service Commission, Ajmer, to the Principal Secretary, Law & Legal Affairs Department, Jaipur and Rajasthan Public Service Commission has issued advertisement for filling up the posts.

## Institution, Disposal And Pendency of Cases in District & Subordinate Courts (From 01/04/2011 to 30/06/2011)

Sr. No.	District	Opening Balance as on 1-4-2011		Institution from 1-4-11 to 30-06-2011		Disposal from 1-4-11 to 30-06-2011		Pendency at the end of 30-06-2011	
		Civil	Crl.	Civil	Crl.	Civil	Crl.	Civil	Crl.
1	Ajmer	23134	39393	3341	10210	3054	11055	23421	38548
2	Alwar	29743	43783	4559	8828	4752	11198	29550	41413
3	Balotra	5417	13623	810	2605	497	2092	5730	14136
4	Baran	3999	20146	320	2650	313	2498	4006	20298
5	Banswara	2121	14466	446	2685	263	2525	2304	14626
6	Bharatpur	14468	33067	1879	6014	1684	6171	14663	32910
7	Bhilwara	15743	35083	1762	4415	2157	6491	15348	33007
8	Bikaner	14899	30347	2575	5021	2026	4592	15448	30776
9	Bundi	6530	15242	1120	3365	1022	3476	6628	15131
10	Chittorgarh	9320	29414	2021	5455	1747	5183	9594	29686
11	Churu	5367	11588	507	2619	530	2467	5344	11740
12	Dausa	6587	19962	1228	3153	1036	2659	6779	20456
13	Dholpur	3827	16302	953	2986	878	2672	3902	16616
14	Dungarpur	2759	9996	230	2585	381	2523	2608	10058
15	Ganganagar	13905	39529	1325	6157	1150	5822	14080	39864
16	Hanumangarh	9555	21379	1359	3399	1294	2961	9620	21817
17	Jaipur City	76115	280552	11594	69667	7073	54651	80636	295568
18	Jaipur Distt.	20995	63016	2574	5708	5949	26699	17620	42025
19	Jalore	3920	11011	479	2268	414	1778	3985	11501
20	Jaisalmer	1490	2775	176	736	53	711	1613	2800
21	Jhalawar	4640	24221	1056	9904	994	9247	4702	24878
22	Jhunjhunu	8563	25313	673	3380	430	2858	8806	25835
23	Jodhpur Metro	19183	50146	2702	16157	2032	17666	19853	48637
24	Jodhpur Distt.	2401	12265	416	1763	638	2738	2179	11290
25	Karauli	4704	13315	1055	2260	321	1496	5438	14079
26	Kota	18993	56125	3005	10687	3027	13759	18971	53053
27	Merta	8520	14747	1454	3418	1351	2883	8623	15282
28	Pali	9358	27139	1382	6862	1055	6857	9685	27144
29	Pratapgarh	2140	12388	108	1605	188	1891	2060	12102
30	Rajsamand	4667	9791	988	2507	809	2305	4846	9993
31	Sawai Madhopur	7442	13679	895	3403	1144	3041	7193	14041
32	Sikar	13650	25293	1407	3493	1149	3575	13908	25211
33	Sirohi	3757	11667	446	2784	760	2258	3443	12193
34	Tonk	7382	19540	651	3241	573	2647	7460	20134
35	Udaipur	13475	48768	2422	8568	2149	8946	13748	48390
	<b>Total</b>	<b>398769</b>	<b>1115071</b>	<b>57918</b>	<b>230558</b>	<b>52893</b>	<b>240391</b>	<b>403794</b>	<b>1105238</b>

## Special efforts for disposal of cases

With a view to reduce pendency, in Rajasthan High Court at Principal Seat at Jodhpur & Bench at Jaipur, special efforts were made during 19.04.2011 to 31.05.2011 wherein **1,73,615** cases were rotated and **1,02,336** cases were actually taken up for hearing, out of which **25,716** cases were finally disposed off. Effective orders in most of the remaining **76,620** cases, to ripe them for disposal, were passed.

## Major Events (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>Date</i>	<i>Event</i>
1	28/04/2011	Swearing-in-Ceremony on the appointment of Hon'ble Mrs. Justice Nisha Gupta, Hon'ble Mr. Justice Narendra Kumar Jain and Hon'ble Mr. Justice Prashant Kumar Agarwal as Additional Judges of Rajasthan High Court.
2	30/05/2011	Swearing-in-Ceremony on the appointment of Hon'ble Mr. Justice Alok Sharma and Hon'ble Mr. Justice Sandeep Mehta as Additional Judges of Rajasthan High Court.
3	27/06/2011	Swearing-in-Ceremony on the transfer of Hon'ble Miss Justice Bela Madhurya Trivedi, Additional Judge of the Gujarat High Court, as an Additional Judge of the Rajasthan High Court.

## Important Visits and Conferences/ Seminars attended by the Hon'ble Judges of Rajasthan High Court (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	16 <sup>th</sup> to 17 <sup>th</sup> April, 2011	Hon'ble Mr. Justice Mahesh Chandra Sharma attended a national conference of High Court Justices on Administration of Criminal Justice : Issues and Challenges held by NJA, Bhopal.
2	6 <sup>th</sup> to 8 <sup>th</sup> May, 2011	Hon'ble Mr. Justice Prashant Kumar Agarwal attended a National Conference of Newly Appointed High Court Justices held by NJA, Bhopal.



## Important Rules & Notifications of Rajasthan High Court (From 01/04/2011 to 30/06/2011)

1. Vide Notification No. Gen./LP/12/01/99/2081 dated 06/06/2011 following 16 Advocates were designated as “Senior Advocate”:

- |                                |                          |
|--------------------------------|--------------------------|
| 1. Shri Kashi Nath Joshi       | 2. Shri Ram Ratan Nagori |
| 3. Shri Sajjan Raj Surana      | 4. Shri N. K. Joshi      |
| 5. Shri S. Zahoor Ahmad Naqvi  | 6. Shri J. K. Singhi     |
| 7. Shri J. P. Joshi            | 8. Shri R. K. Thanvi     |
| 9. Shri Jagmal Singh Choudhary | 10. Shri Virendra Dangi  |
| 11. Shri Paras Kuhad           | 12. Shri Ashok Mehta     |
| 13. Shri J. L. Purohit         | 14. Shri Nasir Ali Naqvi |
| 15. Shri Virendra Lodha        | 16. Shri R. P. Singh     |

## Standing Orders (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>S. O. No.</i>	<i>Date</i>	<i>Particulars</i>
1	7	24/05/2011	All the staff working in Administrative Sections, Administrative Officers Judicial/Assist. Registrar/Deputy Registrars of Rajasthan High Court, Jodhpur/Bench Jaipur are directed to take all precautions for timely compliance of orders of Hon'ble High Court and Hon'ble Supreme Court.
2	8	31/05/2011	In pursuance of Rule 21 (2) of Rajasthan High Court Rules, 1952 and supersession of Order No. 14/S.O./2003 dated 20/11/2003, it is directed that henceforth the quarterly judicial returns received from the subordinate courts shall be placed before Hon'ble Mr. Justice G.K. Vyas.
3	9	31/05/2011	In partial modification of the Standing Order No. S.O./05/2011 dated 04/02/2011 regarding allocation of judgeships for inspection to Hon'ble Judges, the Hon'ble Chief Justice has been pleased to allocate the Jodhpur District and Jaipur Metropolitan judgeships for inspection to Hon'ble Mr. Justice A.M. Sapre and Hon'ble Mr. Justice Dalip Singh respectively in addition to earlier allocated judgeships.
4	10	10/06/2011	Hon'ble the Chief Justice has been pleased to nominate Hon'ble Mr. Justice N.K. Jain (Senior), Judge, Rajasthan High Court Bench, Jaipur as Chairman of the Rajasthan High Court Legal Services Committee, Jaipur, as required under section 8A of the Legal Services Authority Act, 1987 read with Regulations 3(4) and 4 of the Rajasthan State Legal Services Authority Regulations, 1999.

## Important Decisions taken by Rajasthan High Court (Full Court Resolutions) (From 01/04/2011 to 30/06/2011)

- (1) In pursuance of Rule 53 (1) of The Rajasthan Civil Services Pension Rules, 1996 the Governor of Rajasthan on the recommendation of Rajasthan High Court, compulsorily retired 11 Judicial Officers in the public interest vide Government orders dt. 24/05/2011.
- (2) Pursuant to Rule 7 read with Schedule-III of the Rajasthan Judicial Service Rules, 2010, 114 vacancies have been determined in the Civil Judge Cadre for the year 2011 as follows :

Sr. No.	Total No. of Posts	Year	General	Reserved Posts			Physically Handicapped
				SC	ST	OBC	
1	101	<b>Current vacancies</b>	52 out of which 16 posts for women	16 out of which 5 posts for women	12 out of which 4 posts for women	21 out of which 6 posts for women	3
2	13	Backlog of year 2005 & 2008	---	---	13	---	---

### NOTE :

1. The determination of vacancies is inclusive of 10% posts being part of the cadre strength which are provided in Schedule-I for leave reserve/training/deputation in the Cadre of District Judge, Senior Civil Judge and Civil Judge.
2. The 43 posts determined against the Fast Track Courts are purely temporary in nature. In case the Fast Track Courts are abolished the officers appointed against these posts may preferably be adjusted against the vacancies which may arise due to retirements otherwise they will be discharged from service. In that case they will not claim any right on this account.
- (3) 3 new appointments given as Civil Judge (Junior Division) & Judicial Magistrates in Civil Judge Cadre according to their merit list.

## Some Important Permanent Instructions (Circulars) Issued by Hon'ble Rajasthan High Court (From 01/04/2011 to 30/06/2011)

Circular No.	Date	Particulars
5	02/06/2011	Instructions issued for compliance of Order XXI Rule 6 of Supreme Court Rules, 1966.
6	13/06/2011	Instructions issued for implementation of directions given by Hon'ble Supreme Court of India in Jaiprakash Vs. National Insurance Company Ltd. & Ors. (2010) 2 SC Cases Page 607 Judgment dated 17 <sup>th</sup> December, 2009 with regard to Sec.158 (6) MV Act.

## Creation of Courts (From 01/04/2011 to 30/06/2011)

### Creation

Sr. No.	Ordinance No./ Date	Name of Newly Created Court	Place
1	Pa.2 (4) Nyaya/2009 dated 17/06/2011	1. Special Judge (C.B.I.) No. 2, Jaipur 2. Special Judge (C.B.I.) No. 3, Jaipur	Jaipur Jaipur

## Activities and Achievements of Rajasthan State Legal Services Authority (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>Programme</i>	<i>Particulars</i>
1	Prohibition of Child Marriage	A meeting of duty holders was held on 19/04/2011 under the Chairmanship of Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Chairman, Rajasthan High Court Legal Services Committee, Jaipur on the occasion of Akshya Tritiya. The Chairman issued appropriate directions in this regard to make strategical action plan for preventing the child marriage.
2	Child Marriages restrain	Under the active supervision & guidance of Hon'ble Executive Chairman <b>318 child marriages were restrained. Meetings</b> at various District & Taluka level during April & May, 2011 were also taken by Hon'ble Chairman.
3	Mission Sensitization	After assuming the charge of Executive Chairman of Rajasthan State Legal Services Authority on <b>14/05/2011</b> , Hon'ble Mr. Justice Dalip Singh called and organized meetings & seminars for effective implementation of various legal services programmes. His Lordship also called a meeting of State Level Officers. Mission Sensitization was also under taken to sensitize every District Level Officer, representatives of various departments etc. for effective implementation of various National Schemes such as to provide legal aid, to spread legal awareness, to protect rights of children, mentally sick persons, workers of unorganized sector and speedy disposal of cases at pre-litigation stage or through Lok Adalats etc.
4	Legal awareness programmes at remotest tribal areas	Hon'ble Chairman presided over the various legal Literacy programmes in remotest tribal areas for effective implementation of <b>legal services programmes and schemes to beneficial of Tribal persons.</b>
5	Mediation and conciliation programme	Cases disposed off through mediation and conciliation center at RHCB, Jaipur during the month of April to June, 2011 : Total <b>54</b> cases referred by the Hon'ble Court and <b>05</b> cases disposed successfully & <b>31</b> cases returned to Hon'ble Court.
6	Mega Lok Adalat	Cases disposed off through Mega Lok Adalat at RHCB, Jaipur and Jodhpur during the month of April to June, 2011 : Total <b>231</b> cases taken up and <b>39</b> cases disposed off.
7	Regular Legal Services programmes during the month of April to June, 2011	<p><b><u>Lok Adalat</u></b> : 3327 Lok Adalats were organized in which total <b>46679</b> cases were disposed off out of which <b>310</b> were MACT claims wherein Rs. <b>2,80,95,973/-</b> were awarded.</p> <p><b><u>Legal Literacy Camps</u></b> : Total <b>1653</b> legal literacy camps were organized.</p> <p><b><u>Legal Aid</u></b> : <b>132</b> persons benefited through Legal Aid.</p> <p><b><u>Legal Aid Clinic</u></b> : Total <b>428</b> application of public grievance were disposed off.</p>

## Important Activities of High Court Legal Services Committee (From 01/04/2011 to 30/06/2011)

<i>Sr. No.</i>	<i>Programme</i>	<i>Particulars</i>
1	Legal Aid	Rajasthan High Court Legal Services Committee, Jodhpur organized meetings regarding disposal of pending applications for providing Legal Aid. Total <b>47</b> persons benefited in the month of May, 2011.
2	Mega Lok Adalat	<b>39</b> Cases were settled through Mega Lok Adalat constituted under Section <b>19</b> of Legal Services Authority Act, 1987 at High Court level at Jodhpur and Jaipur

### Training to Mediators and referral Judges

Under the supervision & guidance of Hon'ble Mr. Justice Dinesh Maheshwari, Judge-in-charge, Mediation, Jodhpur and Judge, Rajasthan High Court, training programmes to impart training to 18 Mediators, with the help of two Trainers provided by M.C.P.C., Supreme Court, New Delhi, were organized during 31.03.2011 to 01.04.2011 and 09.04.2011 to 12.04.2011, besides a training programme for Judicial Officers as referral Judges. 25 Judicial Officers attended it.

## Important Programmes of District Legal Services Authorities (From 01/04/2011 to 30/06/2011)

### 1. Progress in compliance of National Action Plan 2011-12 for implementation of Legal Services Programmes and Schemes during the period of April to June, 2011

<i>Month &amp; Year</i>	<i>Programmes</i>
April to June, 2011	As per direction in the National Action Plan, Legal Awareness Campaigning and special literacy programmes related to SC/ST, women, children, disabled persons, senior citizens, consumers, NREGA and environment were organized.

### 2. Legal Aid : As per Legal Services Authority Act, 1987, Rajasthan State Legal Services Authority Rules, 1995 and Rajasthan State Legal Services Authority Regulation, 1999, legal aid was provided at the High Court, District and Taluka Level as under :-

<i>Month</i>	<i>S.C.</i>	<i>S.T.</i>	<i>OBC</i>	<i>In custody</i>	<i>Women</i>	<i>Children</i>	<i>Other</i>	<i>Total</i>
April, 2011	01	08	04	--	--	01	01	15
May, 2011	05	04	05	33	12	04	02	65
June, 2011	04	--	06	30	--	--	12	52
Total	10	12	15	63	12	05	15	132

### 3. Legal Awareness Programmes : As per Legal Services Authority Act, 1987, Rajasthan State Legal Services Authority Rules, 1995 and Rajasthan State Legal Services Authority Regulation, 1999, legal awareness programmes were held during the period of April, 2011 to June, 2011 at the District and Taluka Level as under:-



<b>Month</b>	<b>Legal Literacy Camps held</b>	<b>No. of Beneficiaries</b>
April, 2011	541	41462
May, 2011	580	49408
June, 2011	532	40141
<b>Total</b>	<b>1653</b>	<b>131111</b>

#### 4. Lok Adalat

(A) Statement showing cases disposed of through Permanent Lok Adalat under Section 22 B of the Legal Services Authority Act, 1987.

<b>Month</b>	<b>Pending on 1<sup>st</sup> day of month</b>	<b>Total Number of Lok Adalat</b>	<b>Total No. of Cases Instituted</b>	<b>Total No. of Cases Disposed of</b>	<b>Amount awarded in disposed cases</b>	<b>Pending cases at the end of the month</b>
April, 2011	2422	101	116	125	240354.17/-	2413
May, 2011	2413	102	94	133	925541.00/-	2374
June, 2011	2374	87	115	92	748983.00/-	2397

(B) Statement showing cases disposed of through Lok Adalat under Section 19 of the Legal Services Authority Act, 1987 and conventional Lok Adalat.

<b>Month</b>	<b>Total Number of Lok Adalat</b>	<b>Total No. of Cases taken up</b>	<b>Total No. of Cases Disposed of</b>	<b>No. of disposed of MACT Cases</b>	<b>Amount awarded in MACT cases (Rs.)</b>
April, 2011	1061	26775	14500	114	11952602/-
May, 2011	919	19130	11229	86	9899000/-
June, 2011	1057	30213	20600	110	16244371/-
<b>Total</b>	<b>3037</b>	<b>76118</b>	<b>46329</b>	<b>319</b>	<b>38095973/-</b>

#### 5. Statement showing applications disposed of through Legal Services Clinics.

<b>Month</b>	<b>Pending cases on 1<sup>st</sup> day of Month</b>	<b>Total Number of Applications received</b>	<b>Total Number of cases settled</b>	<b>Pending cases at the end of Month</b>
April, 2011	1847	108	192	1763
May, 2011	1763	151	154	1760
June, 2011	1760	79	82	1757

### Activities of Rajasthan State Judicial Academy (From 01/04/2011 to 30/06/2011)

- Hon'ble Governing Council of Rajasthan State Judicial Academy is reconstituted on 28/04/2011. Apart from Hon'ble Chief Justice (Hon'ble Patron-in-Chief) and Hon'ble Administrative Judge (Hon'ble Chairman), Hon'ble Mr. Justice Dinesh Maheshwari is it's Co-Chairman and Hon'ble Mr. Justice Mohd. Rafiq, Hon'ble Mr. Justice M.N. Bhandari, Hon'ble Mr. Justice Mahesh Bhagwati and Hon'ble Mr. Justice K.C. Joshi are Hon'ble Members, Registrar General, Registrar NLU and Director, RSJA are also inducted as members.
- After completion of 75 days long institutional training, 83 trainee officers were sent in different Judgeships on 01.05.2011 for their field training.
- Three new candidates joined RSJA as trainee Civil Judges (entry level) on 01.06.2011. Institutional Induction Training for 10 days was imparted to them at C-7, Residency Road, Jodhpur.

## **Some Recent Judgments of Rajasthan High Court**

1. On 13<sup>th</sup> April 2011, **Hon'ble Single Bench while deciding SB Civil Writ Petition No.8296/2009, The National Textile Corporation (DP&R) & Ors Vs. The Rent Control Appellate Tribunal Jaipur & Ors**, held that in the cases governed by Rajasthan Rent Control Act, 2001 even if there is a clause of arbitration in lease agreement, the case is within the jurisdiction of Rent Tribunal because as per Section 29 of the Act of 2001, provisions of the Act have overriding effect. Moreover, the Hon'ble Bench while discussing the relevant provisions of the Act of 2001, held that Rent Tribunals established under the provisions of the Act 2001 have jurisdiction to hear and decide the petitions relating to disputes between Landlord and Tenant and matters connected therein and ancillary thereto, notwithstanding anything contained, in any other law for the time being in force. Hence, the plea of the Tenant that, because there is an arbitration clause in the lease agreement, so the dispute between Landlord and Tenant is referable to arbitrator, is not tenable.
2. On 22<sup>nd</sup> April 2011, **Hon'ble Division Bench while deciding DB Criminal Appeal No.908/2004, Ram Singh & Ors Vs. State of Raj & 3 other appeals**, held that in cases of offences under Section 395 & 396 IPC i.e. offence of dacoity and dacoity with murder, respectively, physical presence of all the accused persons committing such offences is not necessary at the time of commission of murder. The accused who was the driver of the jeep and waited for the completion of the act of dacoity so as to remain available to facilitate the escape with the booty, and the other accused who went to the place where the dacoity was to be committed for taking stock of the whole situation, cannot take plea that they were not physically present at the time of actual commission of dacoity; cannot escape from their liability, although, they were not present at the time of commission of murder. It was further held by the Hon'ble DB that if a dacoit, while committing the dacoity commits a murder, all other companions participating in the commission of dacoity may be convicted under Section 396 IPC, although, they may have no contemplation of such murder.
3. On 5<sup>th</sup> May 2011, **Hon'ble Division Bench while deciding DB Civil Special Appeal (Writ) No.528/2011, Sajjan Kumar Agarwal Vs. Rent Control Appellate Tribunal & Ors**, held that in case of joint tenancy, notice to one of the tenants is sufficient and it is not necessary that all the joint tenants should be impleaded in the petition for eviction. Hon'ble the Division Bench further held that detailed enquiry is not required to be conducted into objections filed under Order 21 Rule 97 & 101 of CPC.
4. On 12<sup>th</sup> May 2011, **Hon'ble Single Bench while deciding SB Civil Second Appeal No.337/2011, Shanti & Ors Vs. Brijmohan & Ors**, held that in suits for eviction filed on bonafide necessity, the need of the person for whose necessity the suit is filed, is to be seen on the date of institution of the suit. Hence, in a case where the plaintiff whose personal bonafide necessity was pleaded, died during pendency of suit, his wife also died

during pendency of first appeal, and their son joined service, even in such subsequent developments, eviction decree is not liable to be set aside.

5. Hon'ble the Chief Justice of Rajasthan High Court constituted Division Bench looking to two conflicted judgments on same points to answer the following question referred by the Hon'ble Single Bench:-

"Whether under the provisions of protection of women from Domestic Violence Act, 2005 complaint can be maintained against female ignoring the definition of respondent as given under Section 2(q) of the Act 2005."

On 13<sup>th</sup> May 2011, **Hon'ble Division Bench while deciding such reference in DB Criminal Misc. Petition No.476/2010, Kaneej Fatima Vs. State of Raj. & Ors**, after discussing the matter at length and relying on the judgment of Hon'ble Apex Court in **Sandhya Manoj Vankhede Vs. Manoj Bhimrav Vankhede & Ors reported in (2011) 3 SCC 650**, held that although Section 2(q) defines a respondent to mean any adult male person, but the proviso to Section 2(q) widens the scope of the definition of the respondent by including a relative of the husband or male partner within the scope of a complaint. It was further held that though the expression 'female' has not been used in the provision to Section 2(q), but no restricted meaning can be given to expression 'relative' nor has said expression been defined to make it specific to males only.

Therefore, the reference was answered by Hon'ble Division Bench in the following words:-

"that a complaint can be maintained under the provisions of the Act of 2005 against female relatives of the husband or male partner".

6. On 24<sup>th</sup> May 2011, **Hon'ble Division Bench while deciding D. B. Civil Special Appeal (Writ) No. 157/2003, State of Rajasthan V/s Avnish Kumar Gaur & Anr.**, pertaining to acquisition of land for widening of Bhawani Singh Road at Jaipur thereby invoking urgency clause and dispensing with enquiry by the State Govt., held that there was ample material before the State Govt. to form opinion with respect to acquisition and invocation of urgency clause and decision was taken to dispense with enquiry after due application of mind to the material on record including report of statutory board and material for forming opinion to invoke urgency clause is not required to be mentioned in the notification.
7. On 31<sup>st</sup> May 2011, **Hon'ble Division Bench while deciding DB Criminal Parole Writ Petition No.1680/2011, Suresh & Ors Vs. State of Rajasthan**, after thoroughly discussing Rajasthan Prisoners Release on Parole Rules, 1958, held that right to grant permanent parole is a human right attached with the prisoner and not a concession and it is a mode to make efforts to rehabilitate convicts. Hon'ble Division Bench further held that competent authority while considering the cases of parole must keep it in their mind that they are dealing with human affairs and not with the machines. Otherwise, by adopting mechanical mode of consideration, the legal sanction given to the parole under the Rules of 1958 will be frustrated.



**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Mrs. Justice Nisha Gupta on her elevation as Additional Judge Rajasthan High Court on 28/04/2011 at Jodhpur.**



**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Mr. Justice N. K. Jain on his elevation as Additional Judge Rajasthan High Court on 28/04/2011 at Jodhpur.**





**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Mr. Justice Prashant Kumar Agarwal on his elevation as Additional Judge Rajasthan High Court on 28/04/2011 at Jodhpur.**



**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Mr. Justice Alok Sharma on his elevation as Additional Judge Rajasthan High Court on 30/05/2011 at Jodhpur.**



**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Mr. Justice Sandeep Mehta on his elevation as Additional Judge Rajasthan High Court on 30/05/2011 at Jodhpur.**



**Hon'ble the Chief Justice Mr. Arun Kumar Mishra administering the oath to Hon'ble Miss Justice Bela Madhurya Trivedi on her transfer as Additional Judge Rajasthan High Court on 27/06/2011 at Jodhpur.**





**Hon'ble Mr. Justice Dalip Singh, Executive Chairman, Rajasthan State Legal Services Authority inaugurating Mega Lok Adalat Week at Jaipur Metropolitan Judgeship on 25/07/2011.**



**Dispute between father and son resolved in the presence of Hon'ble Mr. Justice N. K. Jain, Chairman, Rajasthan High Court Legal Services Committee, Jaipur, on 29/07/2011 at closing ceremony of Mega Lok Adalat in District Court at Alwar.**



Rajasthan High Court Bench, Jaipur

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