



सत्यमेव जयते

Rajasthan High Court

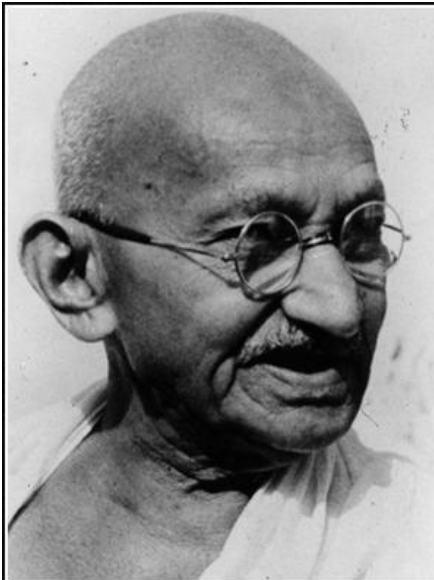


ANNUAL REPORT 2019

FOREWORD BY

HON'BLE SHRI S. RAVINDRA BHAT
JUDGE, SUPREME COURT OF INDIA
(THE THEN CHIEF JUSTICE OF RAJASTHAN HIGH COURT)

HON'BLE SHRI INDRAJIT MAHANTY
CHIEF JUSTICE



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

— *Mahatma Gandhi* —

The Constitution of India

Preamble

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



S. RAVINDRA BHAT
Judge,
Supreme Court of India



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April 9, 2021

FOREWORD

The Rajasthan High Court's Annual Report for the Year 2019 quite comprehensively covers the year's development – set out in the form of infrastructural, administrative and judicial achievements of the High Court as well as the Court's functioning in Rajasthan. The year witnessed the inauguration of a new building for the High Court in the Principal seat at Jodhpur, equipped with the latest and state of the art facilities which appear to have been timely and most useful given the outbreak of the Covid-19 epidemic which compelled virtual hearing of the courts throughout the country. As the highest Court of the largest State, the High Court faces continuous and formidable challenges of ensuring meaningful access to justice – especially to remote areas and communities which have been out of the mainstream for decades. The progress conducted by the Rajasthan Judicial Academy and the Rajasthan State Legal Services Authority as well as the pioneering projects envisioned by the High Court with regard to the reforms in the juvenile justice and prison systems etc. are worthy of emulation in other parts of the country.

I feel privileged to be asked to write the foreword for 2019 given that for a brief while I was the Chief Justice of the High Court. I earnestly wish the publication has a good audience and do well and the High Court benefit from disseminating its achievements to the wider public.


(S. RAVINDRA BHAT)

INDRAJIT MAHANTY
CHIEF JUSTICE



RAJASTHAN HIGH COURT
JODHPUR : 0291- 2888001
JAIPUR : 0141-2227130

FOREWORD

It is a matter of immense pleasure that Rajasthan High Court, Jodhpur is going to bring out its fifth Annual Report for the year 2019.

The Annual Report reflects the activities, events, developments and achievements made by the Rajasthan High Court, Rajasthan State Judicial Academy and Rajasthan State Legal Services Authority. The Report focuses on the brief history of the Rajasthan High Court followed by various activities of public concern and awareness in the legal matters. The Report also contains various landmark and historical judgments delivered by the Hon'ble Judges of the Rajasthan High Court. Statistics indicators highlighting legal accomplishments of the Rajasthan High Court and Subordinate Courts are also occupying place in this report. The report also indicates the details of inaugural ceremony of the new building of the Rajasthan High Court, Jodhpur.

I am sure that this Annual Report would be useful for all, especially the legal fraternity.

The endeavour made in preparation of this Report is commendable and praiseworthy.

I wish the publication a grand success.

(Indrajit Mahanty)

**LIST OF SITTING HON'BLE JUDGES IN
RAJASTHAN HIGH COURT AS ON 31.12.2019**

S. No.	NAME OF HON'BLE JUDGES
01.	HON'BLE MR. JUSTICE INDRAJIT MAHANTY, CHIEF JUSTICE
02.	HON'BLE MR. JUSTICE SANGEET RAJ LODHA
03.	HON'BLE MRS. JUSTICE SABINA
04.	HON'BLE MR. JUSTICE SANDEEP MEHTA
05.	HON'BLE MR. JUSTICE VIJAY BISHNOI
06.	HON'BLE MR. JUSTICE ARUN BHANSALI
07.	HON'BLE MR. JUSTICE MAHENDRA KUMAR MAHESHWARI
08.	HON'BLE MR. JUSTICE PRAKASH GUPTA
09.	HON'BLE MR. JUSTICE G. R. MOOLCHANDANI
10.	HON'BLE MR. JUSTICE GOVERDHAN BARDHAR
11.	HON'BLE MR. JUSTICE PANKAJ BHANDARI
12.	HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
13.	HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
14.	HON'BLE MR. JUSTICE DINESH MEHTA
15.	HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
16.	HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
17.	HON'BLE MR. JUSTICE MANOJ KUMAR GARG
18.	HON'BLE MR. JUSTICE INDERJEET SINGH
19.	HON'BLE MR. JUSTICE ABHAY CHATURVEDI
20.	HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA
21.	HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

**LIST OF JUDICIAL OFFICERS POSTED IN REGISTRY
(As on 31.12.2019)**

(I) – RAJASTHAN HIGH COURT, JODHPUR		
1.	SATISH KUMAR SHARMA	REGISTRAR GENERAL
2.	RAJINDER KUMAR	REGISTRAR-CUM-PRINCIPAL SECRETARY TO HON'BLE C.J.
3.	NIRMAL SINGH MERATWAL	REGISTRAR (ADMN.)
4.	BRAJENDRA KUMAR	REGISTRAR (EXAMINATION)
5.	SURENDRA SINGH	REGISTRAR (RULES)
6.	RANDHEER SINGH MIRDHA	REGISTRAR (CLASSIFICATION)
7.	MAHESH PUNETHA	O.S.D., FINANCE-CUM-INFRASTRUCTURE, HQ. AT RHC, JODHPUR
8.	PRAVENDRA PAL SINGH	DEPUTY REGISTRAR (EXAMINATION)
9.	RAJESH JAIN	DEPUTY REGISTRAR (EXAMINATION)
10.	NEERAJ BHAMU	REGISTRAR (JUDICIAL)

(II) – RAJASTHAN HIGH COURT BENCH, JAIPUR		
1.	DR. RAJENDRA SINGH CHOUDHARY	REGISTRAR (VIGILANCE)
2.	BHARAT BHUSHAN GUPTA	REGISTRAR (ADMINISTRATION)
3.	DEVENDRA DIXIT	REGISTRAR (WRITS)
4.	DR. NAMITA DHAND NEE VASHISHTHA	REGISTRAR (CLASSIFICATION)
5.	HEMANT SINGH BAGHELA	REGISTRAR CUM C.P.C.
6.	PRAVEEN KUMAR MISHRA	REGISTRAR (JUDICIAL)
7.	MOHIT SHARMA	OFFICER ON SPECIAL DUTY
8.	MANISH KUMAR AGARWAL	O. S. D. (EXAM. CELL)
AT NEW DELHI		
1.	GAURI SHANKER SHARMA	REGISTRAR H.Q. AT NEW DELHI.

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1. INTRODUCTION, BRIEF HISTORY AND BACKGROUND

Historical Perspective



A cluster of Princely States with an oasis known as Ajmer-Merwara, a British India Territory, was given geographical expression as Rajputana. These twenty one Rajputana States before 20th Century A.D. were dynastic of which the Rulers also known as Princes were the fountain head of all Executive, Legislative and Judicial Authority in the States. In every State there were Jagirdars. In some States they were known as Kotri Thikanas. People had no role in administration in these States and there were no democratic institutions. People desperately awaited liberation from feudal clutches and their emancipation. As soon as the country got freedom from British Imperialism, the rule of Princely States became a history. The dynamic Home Minister of India Sardar Vallabh Bhai Patel started the process of integration of the States to form bigger units and in the process the State of Rajputana evolved in March 1948.

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

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



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



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



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

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

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



Current Status

The State judiciary is constituted of 35 Judgeships comprising of 471 Courts of District Judge Cadre, 322 Courts of Sr. Civil Judge Cadre and 439 Courts of Civil Judge Cadre. There are 458 (including 34 posts of Principal Magistrate, JJB) outlying Courts, functioning under respective District Courts, dispensing justice to the people of the State, working under the overall superintendence of the High Court.

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

As on 31.12.2019, the cadre-wise strength of Judicial Officers in the Subordinate Judiciary is as follows :-

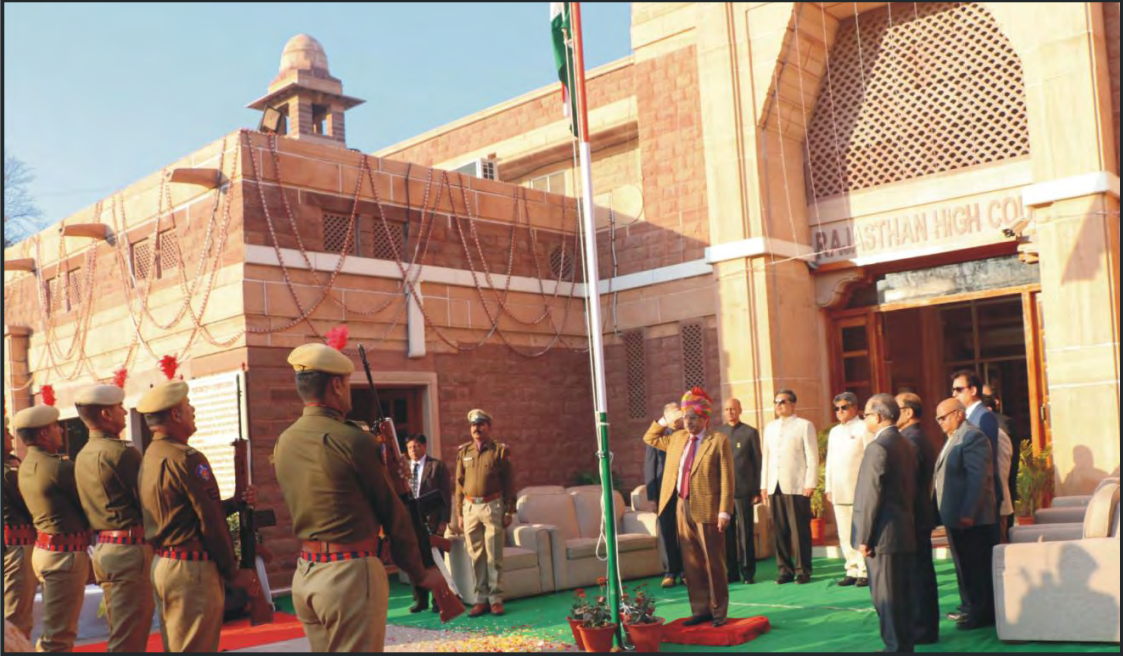
CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
District Judge Cadre	588	477 (Including 111 Ad-hoc)	111
Senior Civil Judge Cadre	362	256 (Including 1 Ad-hoc)	106
Civil Judge Cadre	478	387 (Including 34 Trainee Officers)	91

Rajasthan has 35 Judgeships, 19 of which fall under the jurisdiction of Rajasthan High Court Principal Seat, Jodhpur whereas 16 are under the jurisdiction of Rajasthan High Court Bench, Jaipur.

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

2. MAJOR EVENTS OF THE YEAR 2019

The 70th Republic Day was celebrated on 26.01.2019 in the premises of Rajasthan High Court, Jodhpur and Bench at Jaipur. The National Flag was unfurled by Hon'ble the Chief Justice Mr. Pradeep Nandrajog at Rajasthan High Court, Jodhpur and by Hon'ble Mr. Justice Mohammad Rafiq at Jaipur, in the benign presence of Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.



Flag was unfurled by Hon'ble the Chief Justice Mr. Pradeep Nandrajog at Rajasthan High Court, Jodhpur on the occasion of the Republic Day, 26.01.2019.



Flag was unfurled by Hon'ble Mr. Justice Mohammad Rafiq at Rajasthan High Court Bench, Jaipur on the occasion of the Republic Day, 26.01.2019.

The 73rd Independence Day celebration was held on 15.08.2019 in the premises of Rajasthan High Court, Jodhpur and Bench at Jaipur. The National Flag was hoisted by Hon'ble the Chief Justice Mr. S. Ravindra Bhat at Jodhpur and Hon'ble Mr. Justice Mohammad Rafiq, Bench at Jaipur. The occasion was marked by the benign presence of Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.



Flag Hoisting Ceremony at Rajasthan High Court, Jodhpur on the occasion of the Independence Day, 15.08.2019.



Flag Hoisting Ceremony at Rajasthan High Court Bench, Jaipur on the occasion of the Independence Day, 15.08.2019.



Reference Ceremony at Rajasthan High Court Bench, Jaipur on the eve of transfer of Hon'ble Mr. Justice Munishwar Nath Bhandari on 13.03.2019.

On the eve of transfer of Hon'ble Mr. Justice Munishwar Nath Bhandari to Allahabad High Court, a Reference Ceremony was organized at Rajasthan High Court Bench, Jaipur on 13.03.2019.



Farewell Reference Ceremony at Rajasthan High Court, on the eve of transfer of Hon'ble Chief Justice Mr. Pradeep Nandrajog on 03.04.2019.

Farewell Reference for Hon'ble Mr. Justice Pradeep Nandrajog, Chief Justice, Rajasthan High Court, on his Lordship's transfer to Bombay High Court was organized at Rajasthan High Court, Jodhpur on 03.04.2019.

The Hon'ble Rajasthan High Court witnessed two new elevations of Hon'ble Mr. Justice Abhay Chaturvedi and Hon'ble Mr. Justice Narendra Singh Dhadha. The Swearing-in-Ceremony was administered by Hon'ble Mr. Justice Mohammad Rafiq, Acting Chief Justice, Rajasthan High Court on 22.04.2019.



Swearing-in-Ceremony of Hon'ble Mr. Justice Abhay Chaturvedi on 22.04.2019.



Swearing-in-Ceremony of Hon'ble Mr. Justice Narendra Singh Dhadha on 22.04.2019



Oath-Ceremony of Hon'ble Mr. Justice Shripathi Ravindra Bhat as Chief Justice of Rajasthan High Court on 05.05.2019 at Raj Bhawan, Jaipur.

Hon'ble Mr. Justice Shripathi Ravindra Bhat, Judge, Delhi High Court has been appointed as Chief Justice of Rajasthan High Court. His Lordship took reins as Chief Justice of Rajasthan High Court on 05.05.2019.



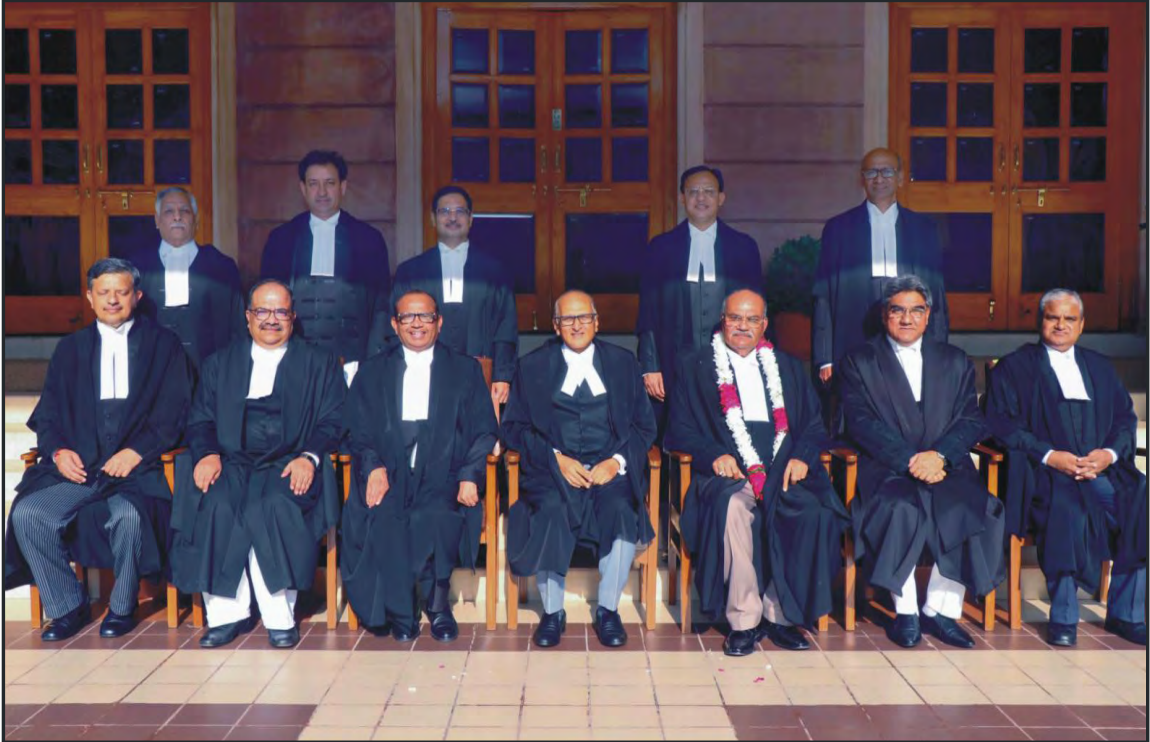
Reference Ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice Banwari Lal Sharma on 08.05.2019.



Reference Ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice Kanwaljit Singh Ahluwalia on 30.05.2019.



Reference Ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice V. S. Siradhana on 22.07.2019



Reference Ceremony at Rajasthan High Court, Jodhpur on the eve of superannuation of Hon'ble Mr. Justice Pratap Krishna Lohra on 03.09.2019.

Hon'ble the Chief Justice S. Ravindra Bhat, Rajasthan High Court has elevated as Judge, Supreme Court of India on 18.09.2019. Farewell Reference was held both at Principal Seat, Jodhpur and Bench at Jaipur through Video Conferencing on 19.09.2019.



Farewell Reference Ceremony on the eve of elevation of Hon'ble the Chief Justice S. Ravindra Bhat, as Judge, Supreme Court of India on 19.09.2019.

Hon'ble Mr. Justice Indrajit Mahanty, Judge, Bombay High Court has been appointed as the Chief Justice of Rajasthan High Court. His Excellency, Governor Kalraj Mishra administered the oath of office to Hon'ble Mr. Justice Indrajit Mahanty on 06.10.2019 at Raj Bhawan, Jaipur.



Oath Ceremony of Hon'ble Mr. Justice Indrajit Mahanty as Chief Justice of Rajasthan High Court on 06.10.2019 at Raj Bhawan, Jaipur.



The swearing-in-Ceremony of Hon'ble Mr. Justice Mahendar Kumar Goyal as Judge, Rajasthan High Court, on 06.11.2019.

Farewell Reference was held on the eve of elevation of Hon'ble Mr. Justice Mohammad Rafiq as Chief Justice of Meghalaya High Court on 11.11.2019 at Rajasthan High Court Bench, Jaipur.



Farewell Reference at Rajasthan High Court Bench, Jaipur on the eve of elevation of Hon'ble Mr. Justice Mohammad Rafiq as Chief Justice of Meghalaya High Court on 11.11.2019

INAUGURATION OF NEW BUILDING OF RAJASTHAN HIGH COURT

The new chapter in the history of Rajasthan scripted with the inauguration of the iconic building of Rajasthan High Court by His Excellency Mr. Ram Nath Kovind, the President of India in the benign presence of His Excellency Mr. Kalraj Mishra, Governor of Rajasthan, Hon'ble Mr. Justice Sharad Arvind Bobde, the Chief Justice of India on 07.12.2019 at Jhalamand, Jodhpur. The ceremony was graced by the august presence of Hon'ble Mr. Ravi Shankar Prasad, Union Law Minister, Hon'ble Mr. Gajendra Singh Shekhawat, Union Jal Shakti Minister, Hon'ble Mr. Ashok Gehlot, the Chief Minister of State of Rajasthan and Hon'ble Mr. Justice N.V. Ramana, Hon'ble Mr. Justice Arun Kumar Mishra, Hon'ble Mr. Justice Navin Sinha, Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Ajay Rastogi, Hon'ble Mr. Justice Dinesh Maheshwari, Hon'ble Mr. Justice S.Ravindra Bhat, Hon'ble Judges of Supreme Court of India also graced the occasion.

Hon'ble Mr. Justice R.S. Chauhan, Chief Justice of Telangana High Court, Hon'ble Mr. Justice Mohammad Rafiq, Chief justice of Meghalaya High Court, Hon'ble Judges of other High Courts who have been associated earlier with Rajasthan High Court, Hon'ble sitting Judges of Rajasthan High Court were also present in the function. Hon'ble Former Judges of Rajasthan High Court, Learned Advocates, Members of Bar, Members of Registry, Judicial Officers, Members of Staff witnessed the grandeur of the function.

The ceremony commenced with invocation as National Anthem was played by the Police band. The President of India, His Excellency Mr. Ram Nath Kovind inaugurated the ceremony by lighting the lamp along with other dignitaries on the dais. Thereafter, Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice of Rajasthan warmly welcomed the elite gathering.

In continuation of the ceremony, the President of India, His Excellency Mr. Ram Nath Kovind unveiled the plaque. The Chief Justice of India released a special cover and cancellation stamp to commemorate the inauguration of new building of Rajasthan High Court.

During this function, Hon'ble Mr. Ravi Shankar Prasad, Union Law Minister appealed to the CJI and other Senior Judges of Supreme Court of India to devise an effective mechanism to monitor quick disposal of cases which cause pain and distress to women.

While addressing the august gathering, the Chief Justice of India, Hon'ble Mr. Justice Sharad Arvind Bobde, stressed that as an institution the Judiciary must remain committed to making justice accessible to people by strengthening the existing avenues and evolving newer means to achieve an affordable, quick and satisfactory settlement of disputes. He added that there was a need in the Judiciary to invoke self correcting measures.

His Excellency Mr. Ram Nath Kovind, the President of India expressed his concern over access to justice. He gave stress on provision of free Legal Aid and the applications of technology, as a great leveller of our times which could make justice accessible to the poor and marginalized people.

The Principal Seat of the High Court of Rajasthan was functioning in an ancient building that was constructed in 1935 during the reign of Lt. Col. erstwhile His Highness Maharaja Umaid Singh Ji by the Public Works Department, Government of Jodhpur to commemorate the Silver Jubilee of King George V and the building was inaugurated on 18.02.1936.

Recently a new building for the Rajasthan High Court has been considered on account of the inadequacy of space to house the contemporary requirements in the existing complex. To comply with the expectations of the people in future to deliver timely justice there is a need to introduce and include the innovative methods of speedy trial. The 83 years old building has not been sufficient enough to keep in tune with the latest information technology for the efficient administration of justice to give adequate relief to the aggrieved society. Therefore, it has become mandatory to replace the existing premises with an alternative building for the Principal Seat of the High Court of Rajasthan at Jodhpur so that the increasing challenges of litigation and case work can be met satisfactorily for the benefit of the common masses.

The foundation stone for The Temple of Justice at the Legal Capital of Rajasthan, Jodhpur was laid on 20.04.2007 on a land area of 168.20 bighas located in Jhalamand area on four-lane Jodhpur-Jaipur National Highway. Rajasthan State Road Development Corporation (RSRDC) has been assigned the task of the construction of building who started the work on 11.04.2011. The entire building project costs Rs. 277.16 crores. The impressive circular structure of the building with magnificent pillars reminds of the 11th century Chausath Yogini Temple in Mitaoli village of Morena District in Madhya Pradesh as well as the Parliament House Building that is said to have been designed after the same temple. It is externally circular in shape with a spectacular view of the Dome at the centre that characterizes the stunning beauty of the building. The splendid Dome with a diameter of 15,000 square feet area at the centre arrests the attention from quite a distance. Within its interior parts, it has well-established twenty-two Court-rooms including the Chief Justice's Court opening in the large circular pillared corridors/passages facing the central, open courtyard that has garden enclosures. In addition to this the three-storey circular building has also made well-planned arrangements for an Auditorium with a capacity to house 232 people, a well-equipped library, Full Court Room, two court-rooms for Lok Adalats, chambers for the officers of Registry, crèche, conference cum meeting room, a Museum, rooms for the various administrative sections of the High Court, record rooms and a spacious waiting area for litigants. The building provides accommodation to separate blocks for the offices of AG, SG, AAG, ASG and Government Advocates. A total number of 373 Advocates' Chambers have been constructed including 64 single-seated chambers for senior advocates. Besides this, ample spaces has been made available within the premises of the High Court Building to accommodate public utility services such as Bank, Post-Office, ATM, E-Mitra Centre, Canteen, Dispensary, Drinking-Water Hut, Parking Area etc. so that the legal fraternity and public at large who come to seek solace from judiciary can facilitate themselves from the supportive infrastructure in the same campus. Externally also, the building is surrounded by large garden covering an area of 9.28 acres of land enhancing the beauty of the open landscape.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice & Hon'ble Judges of Rajasthan High Court welcoming His Excellency Mr. Ram Nath Kovind, President of India at the Inaugural Ceremony of New Building of Rajasthan High Court Jodhpur.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice & Hon'ble Judges of Rajasthan High Court welcoming His Excellency Mr. Kalraj Mishra, Governor, Rajasthan.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice & Hon'ble Judges of Rajasthan High Court welcoming Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice, Rajasthan High Court, receiving Hon'ble Ms. Justice Indira Banerjee, Judge, Supreme Court of India.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice, Rajasthan High Court, receiving Hon'ble Mr. Justice S. Ravindra Bhat, Judge, Supreme Court of India.



Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan received by Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice, Rajasthan High Court.



Hon'ble Mr. Gajendra Singh Shekhawat, Union Jal Shakti Minister received by Mr. Satish Kumar Sharma, Registrar General, Rajasthan High Court.



Distinguished Guests of the Ceremony Hon'ble Mr. Gajendra Singh Shekhawat, Union Jal Shakti Minister, Hon'ble Mr. Ravi Shankar Prasad, Union Law Minister and Hon'ble Mr. Ashok Gehlot, Chief Minister, Rajasthan.



His Excellency Mr. Ram Nath Kovind, the President of India, inaugurated the Ceremony by lighting lamp in the august presence of Hon'ble Judges of Supreme Court & dignitaries on the dais.



The Chief Justice of India Hon'ble Mr. Justice Sharad Arvind Bobde lighting the lamp during Inaugural Function of New High Court Building.



Hon'ble Mr. Justice Indrajit Mahanty, Chief Justice, Rajasthan High Court, delivering the welcome address.



Dignitaries on the dais during the Inaugural Ceremony of the New Building of Rajasthan High Court, Jodhpur.



His Excellency Mr. Ram Nath Kovind, President of India and Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India releasing the Cancellation Stamp to commemorate the Ceremony in the benign presence of dignitaries on dais.



His Excellency Hon'ble Mr. Kalraj Mishra, Governor of Rajasthan, addressing the gathering.



Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India, delivering the speech at the Inaugural Ceremony.



Hon'ble Mr. Ravi Shankar Prasad, Union Law Minister, delivering the Inaugural Speech.



His Excellency Mr. Ram Nath Kovind, the President of India, inaugurating the newly constructed Iconic Rajasthan High Court Building.



Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India, along with Hon'ble Judges of Supreme Court & Hon'ble Judges of Rajasthan High Court.



Gracious Presence of His Excellency Mr. Ram Nath Kovind, President of India, His Excellency Mr. Kalraj Mishra, Governor of Rajasthan, Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India. Hon'ble Judges of Supreme Court of India, Hon'ble Chief Justice and Hon'ble Judges of Rajasthan High Court on the occasion of Inaugural Ceremony.



Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India, greeted by Hon'ble Mr. Justice S.N. Jha, Former Chief Justice of Rajasthan High Court.



Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India, Hon'ble Mr. Justice S. Ravindra Bhat, Judge, Supreme Court of India, accompanied by Hon'ble Judges of Rajasthan High Court.



View of Court No. 1 - Hon'ble Chief Justice's Court.



Hon'ble Judges of Supreme Court of India and Hon'ble Judges of Rajasthan High Court in the Hon'ble Chief Justice's Court.



The Temple of Justice : Where the Law Speaks & The Law Listens.



Magnificent Central Dome adorned with floral motifs & supported by golden pillars.



View of Court Room.



Auditorium



Creche



Hon'ble Judges Foyer leading to the Building.



Full Court Conference Room



Hon'ble Judges' Common Room



Interior of Hon'ble Judges Library is brightened with immaculate flooring & wooden furniture.



Hon'ble Chief Justice's Chamber panelled with wooden furniture following the aesthetic of the building.



Hon'ble Justice's Chamber embellished with laminated flooring.



Hon'ble Chief Justice's Meeting Room is equipped with the latest V.C. Facility.

3. LANDMARK DECISIONS OF PUBLIC IMPORTANCE

DEVELOPMENT OF LAW

CIVIL LAWS

**(1) Kailash Chandra Kakhani Vs. Rajasthan Housing Board
Hon'ble Mr. Justice P.K. Lohra
Judgement dated 01.02.2019**

Impotent Law Point – Civil Law

- Section 100 of Civil Procedure Code.

While discussing the provisions of Section 100 of C.P.C. held that 'the phrase "substantial question of law", as occurring in the amended Section 100 of the C.P.C. is not defined in the Code. The word substantial, as qualifying "question of law", means of having substance, essential, real, of sound worth, important or considerable. It is to be understood as something purely technical, of no substance, or consequence, or merely academic. When a question of law is fairly arguable, where there is room for difference of opinion on it, or where the Court thinks it necessary to deal with that question at some length and discuss alternative views, then obviously the question may be construed as a substantial question of law. On the other hand, if the question is covered by the decision of the Apex Court, or if the general principles to be applied in determining the question are well settled and the only question is to apply principles to the particular facts of a case, it may not be a substantial question of law. The general rule is that High Court shall not interfere with the concurrent findings of Courts below. But it is not an absolute rule. Some of the well-recognized exceptions are where: (i) the Courts below have ignored material evidence or acted on no evidence; (ii) the Courts have drawn wrong inferences from proved facts by applying the law erroneously; or (iii) the Courts have wrongly cast the burden of proof. When Court refers to decision based on no evidence, it only refers to cases where there is a total dearth of evidence, but also refers to any case, where the evidence, taken as a whole, is not reasonably capable of supporting the finding. Thus, in totality, jurisdiction conferred on this court under Section 100, C.P.C. is to be exercised sparingly and second appeal is to be entertained only when there is a substantial question of law involved, and a finding of fact cannot be re-appreciated unless and until it is proved that it is perverse or based on misreading of evidence and material available on record.'

**(2) Kanhiya Lal Vs. Deen Dayal Kanhiya Lal Vs. Deen Dayal
Hon'ble Mr. Justice Dinesh Mehta
Judgement dated 27.02.2019**

Impotent Law Point – Civil Law

- Order 40 Rule 1 of Civil Procedure Code.

While discussing the provision of Order 40 Rule 1 of C.P.C., held that 'the scope and ambit of Order XL Rule 1 of the Code are entirely different. While dealing with an application under Order XL Rule 1 of the Code, if the Court comes to a conclusion that the Receiver has acted in defiance of the directions issued to him, or if the Court finds that the Receiver has acted contrary to the provisions of Rules (2) & (3) of Order XL of the Code of Civil Procedure, it is imperative to remove such Receiver and appoint another person in his place. The power to appoint includes power to remove also. Hence the Court vested with the power to appoint Receiver has power to substitute also. The powers of the Court under Order XL Rule 1 of the Code of Civil Procedure are of wide amplitude and the Court concerned, while appointing a Receiver, is required to ensure that the property or subject matter of the dispute is protected and maintained properly during the pendency of the suit.'

**(3) Mukesh Kumar Vs. Civil Judge (Junior Division), Gram
Nyayalaya, Bassi, Distt. Jaipur (Raj.)
Hon'ble Mr. Justice Sanjeev Prakash Sharma
Judgement dated 22.05.2019**

Impotent Law Point – Civil Law

- Order 32 of Civil Procedure Code.

While discussing the provisions of Order 32 of C.P.C., held that 'guardian ad-litem required to be appointed under Order 32 Rule 3 C.P.C. is on the discretion of the Court which is to be satisfied for appointing for a proper person to be guardian for the suit for such minor. It can be on an application moved by the minor or at his behalf or by the plaintiff. Such guardian ad-litem shall not be appointed unless a notice is given to the father or where there is no father, to the mother or other natural guardian of the minor. The Court further held that once a minor is impleaded as a party to the suit through his natural guardian (father), exercise under Order 32 Rule 3 C.P.C. is not required to be formally proceeded-with by the Court and the guardian ad-litem in terms of Order 32 Rule 1, 2 & 3 C.P.C. cannot be said to be mandatory procedure to be followed by the Courts for proceeding further with the suit once minor is represented through the natural guardian.'

(4) Sanjeev Bhardwaj Vs. Yogeshwer Swaroop Bhatnagar
Mr. Justice Mohammad Rafiq
Hon'ble Mr. Justice Narendra Singh Dhaddha
Judgement dated 04.09.2019

In the matter of Sanjeev Bhardwaj Vs. Yogeshwer Swaroop Bhatnagar, the following questions of law arose before the Court:

- I. Whether the Judgements rendered by two different Single Bench of this Court in the case of Smt. Indu Vs. Narsingh Das & Ors., 2013(5) WLC (Raj.) 615 and Prembai Vs. Khurshid Bano & Ors., 2014 (3) WLC (Raj.) 221 relying upon the case of Avinash Kumar Chauhan vs. Vijay Krishna Mishra, 2009 (2) SCC 532, lay a correct law without taking note of Judgement rendered by a Constitution Bench of Supreme Court in Javer Chand & Ors. Vs. Pukhraj Suran, AIR 1961 SC 1655.
- II. Whether Judgement rendered by another Single Bench of this Court in the case of Lrs of Deepchand Vs. Mahaveer Chand & Anr., 2015 (2) WLN 106, and the view expressed by Full Bench of Madhya Pradesh High Court in the case of Balkrishna Bihari Lal Vs. Board of Revenue M.P. and Other, AIR 1970 MP 74, has to prevail?
- III. Whether on production of unstamped document, Court is duty bound to determine the stamp fee along with penalty, as per Section 35(1) of the Act or to impound the same under Section 33 of the Act and send the same to the Collector for determination of stamp duty and penalty in order to make the document admissible?"

The Division Bench comprising of Hon'ble Mr. Justice Mohammad Rafiq and Hon'ble Mr. Justice Narendra Singh Dhaddha vide judgement dated 04.09.2019, while deciding Question Number I & II, held that:

'The learned Single Judge has correctly decided the matter in hand and shall prevail as the course of action they have required the Courts to follow is in conformity with the relevant provisions of the Stamp Act.'

While answering the (III) third question, the court held that 'collateral purpose cannot be used as a camouflage to circumvent the statutory prohibition under Section 49 of the Registration Act, 1908 of the inadmissibility of the instrument relating to immovable property unless proviso thereto was not actually attracted. The phraseology "Collateral Purpose", in the context of the proviso to Section 49 of the Registration Act has to be construed as connoting a purpose unrelated to the purpose of the execution of the instrument, which otherwise requires registration. It is the real nature of the transaction and apparent tenor of the instrument which will determine whether it is mandatorily required to be registered and if so how much is stamp duty payable. Nature of the instrument can be determined only from the language it employs and the purpose for which it is executed. If the purpose, for which an instrument is executed requires it to be registered, is central or

primary to it, it can never be held to be a “collateral purpose” to justify its admissibility by recourse to proviso to Section 49 of the Registration Act. Therefore, the bald argument of “Collateral Purpose” cannot be allowed to circumvent the very substantive ground based on a statutory prohibition regarding inadmissibility of the document at a trial.

An unregistered document cannot be confused with an unstamped or insufficiently stamped document. If a document, which is chargeable to stamp duty and is not stamped, Section 35 of the Stamp Act, which is analogous to Section 39 of the Rajasthan Stamp Act, would get attracted. The Court is duty bound under Section 33 of the Stamp Act, which is analogous to Section 37 of the Rajasthan Stamp Act, to either itself determine the deficient stamp duty and penalty, and/or impound the document and send the same to the Collector for determination of proper stamp duty and on payment of stamp duty and penalty, the document become admissible in evidence. Neither Section 37 of the Rajasthan Stamp Act (Section 33 of the Stamp Act, 1899), nor Section 39 of the Rajasthan Stamp Act (Section 35 of the Stamp Act, 1899) contain a proviso like Section 49 of the Registration Act enabling the Court to use an instrument for collateral purpose, which though is chargeable to stamp duty, but is unstamped or insufficiently stamped. Language of both these provisions is peremptory in nature and mandates that the Court cannot use such document for any purpose whatsoever. The Stamp Act casts a duty upon every court i.e. a person having by law, authority to receive evidence, to examine the instrument in order to ascertain whether it is duly stamped and if the Court comes to the conclusion that the instrument is not duly stamped, it has to mandatorily impound the same and deal with it as provided under the Act. The mandatory nature of the Act is evident from the use of the word “shall” both in Section 37 and 39 of the Rajasthan Stamp Act, which are analogous to Section 33 and 35 of the Stamp Act, 1899.'

Finally, the court held that 'a court is duty bound to determine the stamp fee along with penalty, as per Section 35(1) of the Act or to impound the same under Section 33 of the Act and send the same to the Collector for determination of stamp duty and penalty in order to make the document admissible, is answered in the terms that if any instrument is presented before the Court, which is not duly stamped or insufficiently stamped, the court is duty bound to impound the same and; (i) if the party who produces such instrument in evidence is willing to pay the stamp duty or deficit stamp duty together with amount of penalty, to determine the same and upon deposit of the amount, so determined, with the court, it shall be open for the Court to admit the instrument in evidence, or; (ii) in the event, however, the party which produces such instrument does not agree or is unable to remit the amount of stamp duty/deficit stamp duty and the penalty, the Court shall send the impounded instrument to collector for determination of stamp duty and penalty, which shall be, only upon production/receipt of the certificate/endorsement of deposit thereof, received in evidence.'

CRIMINAL LAWS

(1) CBI Special Crime - I, New Delhi Vs. Sohan Lal Bishnoi

Hon'ble Mr. Justice P.K. Lohra

Judgement dated 22.05.2019

Impotent Law Point –

- Section 482 of Cr.P.C.

In this matter, the Prosecution/Investigating Agency submitted an application before Trial Court to permit the recording of statement of witness through video teleconferencing. This application was rejected by the Trial Court and against this order Criminal Petition under Section 482 of Cr.P.C. was filed and in this petition. The Hon'ble Court held that 'judicial review of the impugned order in exercise of inherent jurisdiction merits threadbare examination on the peculiar facts & circumstances as well as ambit and scope of extraordinary power endowed upon the court. I may hasten to add that it is not possible, desirable or expedient to laid down any inflexible rule governing of province of inherent jurisdiction. However there remains no quarrel that said jurisdiction is discretionary and exercisable with utmost care and circumspection very sparingly. The power under Section 482 Cr.P.C. is to be exercised judiciously in most appropriate cases. The inherent jurisdiction is distinct from appellate or revisional jurisdiction. The Section is not intended to bye-pass the procedure prescribed. While broadly construing Section 482 Cr.P.C. it clearly emerges out that, essentially concern of the court is one of the discretion and not of jurisdiction. Therefore, the court is required to see in the factual backdrop of the case as to whether discretion is to be exercised to interfere with an impugned order or proceeding. It is needless to emphasis here that wider power and discretion conferred on the court casts a corresponding duty to exercise it with great restraint judiciously. Jurisdiction being discretionary is normally invocable when party approaching the court comes with clean hands and not with tented hands or oblique motive. The Court further held that every Court has the right to arrange its own affairs and discretionary power conferred on a Court/Judge provides clause to law. A Judge, presiding a Court has to devise his own procedure sometimes mechanism, sometimes laying down his own guideline to act in some situations to take decision where to nail the board, of course within its four corners, to meet the demand of exigencies of situations. Normally, exercise of discretionary power vested in a Court is not open to interference by the higher Court so long as it is exercised reasonably, in good faith and on correct/plausible grounds. Any court clothed with discretionary power must be given some latitude and superior Courts while making judicial review of such discretionary order is not expected to upset the same simply because other view is possible so long as discretion exercised by the inferior court is neither perverse or nor dehors the law.'

(2) Mahendra Poonia Vs. State of Rajasthan
Hon'ble Mr. Justice Vijay Bishnoi
Judgement dated 03.10.2019

Impotent Law Point –

- Section 227, 228 & 397 of Cr.P.C., 482 of Cr.P.C.

While considering the provision of Section 227, 228 & 397 of Cr.P.C., held that 'while exercising the powers under Section 397 of Cr.P.C., the High Court should apply the test as to whether the uncontroverted allegations as made from the record of the case and the documents submitted along-with it, prima facie make out a case against the accused or not. At the same time, it is not for the High Court to meticulously examine the evidence available on record to find out whether the case against the accused would end in conviction or not. The only requirement is that a Court should take into consideration whether the allegations levelled against the accused taken as a whole will constitute an offence or not and a roving and fishing enquiry is not permissible at the time of framing of charge.'

EVIDENCE ACT**Mahendra Vs. Smt. Mamta @ Guddi****Hon'ble Mr. Justice Sanjeev Prakash Sharma****Judgement dated 23.05.2019**

While discussing the issue regarding DNA Test of a child held that it would not be appropriate to allow a DNA Test to be conducted at the stage merely on the basis of bland statement of the husband making allegations without appropriate legal evidence on record as has been noted by the Apex Court in various Judgements. The Courts cannot order blood test as a matter of course. The husband has to establish beyond reasonable doubt about his non-excess to his wife during the entire period. The court has to be very careful and sensitive to the circumstances before passing order for getting DNA Test conducted. Such a prayer ought not to be granted to have a roving enquiry as it cannot be denied that the consequence thereof have a direct repercussion on the life of an individual. No guardian or parent would be authorized to get DNA Test conducted of a minor with seeking prior permission of court and on any such application, Court will first examine :

- a. Whether there is an imminent need to conduct such DNA Test.
- b. Whether such test would result in harming the status of the minor in any form.
- c. Such report is not to be made public.'

ARBITRATION ACT**ESS Fincorp Limited Vs. Suresh Choudhary
Hon'ble Mr. Justice Mohammad Rafiq and
Hon'ble Mr. Justice Alok Sharma
Judgement dated 22.08.2019**

The question of law arose before the court was “Whether the Principal Civil Court, having the original jurisdiction in a district i.e. the Court of District and Sessions Judge, as defined under Section 2(1)(e) of the Arbitration and Conciliation Act, 1996 or the Commercial Court constituted under Section 3(1) of the Commercial Court, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and as defined in Section 2(b) of that Act, would be competent to execute an arbitral award, on a “commercial dispute” passed under the Arbitration Act?

The Hon'ble Division Bench held that 'Section 10(3) and 15(2) of the Commercial Courts Act makes it clear that an application under Section 36 of the Arbitration Act, seeking execution of award, satisfies the requirement of “being application arising out of such arbitration under the provisions of the Act of 1996”. If such application is pending before any principal Civil Court of original jurisdiction in a district, the same shall be transferred to Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted. In view of Section 10(3) of the Commercial Court Act, since the awards in the present set of cases have been rendered in arbitral proceedings, their execution applications filed under Section 36 of the Arbitration Act having regard to provisions of Section 15(3) of the Commercial Courts Act, which contemplates transfer of all such pending applications to Commercial Court, as a legal corollary thereto, would also be liable to be filed and maintained before the Commercial Court and not the ordinary Civil Court/Principal Court of District Judge.'

In the matter of South Eastern Coal Fields Ltd. Vs. M/s. Tirupati Construction, Dist. Burhar, Chhattisgarh High Court expressed that application under Sub-Section (2) of Section 15 of the Commercial Courts Act would only mean an original application and not an application for execution, which is preferred after the award has been delivered.

The court while discussing the above judgement, further held that there is no warrant for taking narrow interpretation of Section 15(2) of the Commercial Courts Act which Chhattisgarh High Court has taken in the matter of South Eastern Coal Fields Ltd. vs. M/s. Tirupati Construction, Dist. Burhar.

This analogy has been taken from proviso to Section 15(2) of the Commercial Courts Act is that since no suit or application where the final Judgement has been reserved by the court prior to the constitution of the Commercial Division or the Commercial Court, shall be transferred either under Sub-Section (1) or Sub-Section (2) of Section 15 of the Commercial Courts Act, therefore, application subsequently filed for execution of the award could also not be entertained by the Commercial Court. However, the correct interpretation of proviso to Section 15(2) of the Commercial Courts Act, which has been engrafted only with a limited purpose of ensuring that cases in which arguments have been heard and Judgements reserved, are given finality and not required to be reopened so as not to repeat those proceedings all over again.'

Finally, the court answered the above question of law in the terms that 'the Commercial Court constituted under section (3) (i) of the Commercial Court, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and as defined in Section 2(b) of that Act, would be the only competent Court to execute an arbitral award, on a "commercial dispute" passed under the Arbitration and Conciliation Act, 1996 and not the Principal Civil Court having the original jurisdiction in the District i.e. the Court of District and Sessions Judge as defined under Section 2(1)(e) of the Arbitration and Conciliation Act, 1996.'

COMMERCIAL COURT ACT**Rajasthan State Mines and Minerals Ltd.****Vs. Ankur Minmine Product Pvt. Ltd.****Hon'ble Mr. Justice Dinesh Mehta****Judgement dated 07.03.2019**

The question before court was that “Whether a writ petition under Article 227 of the Constitution of India will lie against an interlocutory order passed by a Commercial Court, particularly in view of the embargo contained in Section 8 of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015?”

The court answered the question in the manner that 'writ petition under Article 227 of the Constitution of India is maintainable, even against an interlocutory order passed by Commercial Court, irrespective of what has been contained in Section 8 of the Act of 2015; albeit with self-imposed restrictions and restraints imposed by the courts in light of various judicial pronouncements. The powers conferred to the High Court under Article 226 & 227 of Constitution of India are unfettered and cannot be curtailed by any statutory provisions. A bare reading of Section 4 & 5 of the Act of 2015 reveals that these provisions only contemplate constitution of Commercial Division of High Court and Commercial Appellate Division of the High Court. Section 5 unequivocally provides that the Commercial Appellate Division shall exercise the jurisdiction and powers conferred on it by the Act. A close and conjoint reading of Section 5 & 13 of the Act of 2015 leaves no room of ambiguity that the matter would go before Commercial Appellate Division only in those cases, where the Act of 2015 provides a remedy or an appeal to be heard by Commercial Appellate Division. Since, the Act of 2015 does not provide any appeal against interlocutory order passed by the Commercial Court (rather an impediment has been created even qua maintainability of a revision or appeal against the interlocutory order), this court is of firm view that writ petition under Article 226/227 of the Constitution of India would not go before the Commercial Appellate Division of the High Court and is required to be heard by a Court authorized to hear writ petition under Article 227 of the Constitution, albeit as per the roster.'

CONSTITUTION

Ajay Singh Vs. State of Rajasthan

Hon'ble Mr. Justice P.K. Lohra

Judgement dated 10.05.2019

While discussing the provisions of Article 226 of Constitution of India held that 'the writ jurisdiction under Article 226 of Constitution is though wide in amplitude but being equitable jurisdiction it is always discretionary. Likewise, jurisdiction of the Court under Article 227 of the Constitution confers power of superintendence over all the Courts and Tribunals subordinate to it within its territorial jurisdiction. However, supervisory jurisdiction under Article 227 of Constitution cannot be exercised as a cloak of an appeal in disguise. The dominant object of supervisory jurisdiction is to keep Subordinate Courts within the bounds of their jurisdiction. While exercising writ jurisdiction, Court is guided by certain principles including self-imposed restrictions. The concept of declined relief to an aggrieved individual in the event of availability of alternative efficacious remedy is not mandated by law but a self-imposed restriction evolved by the Courts while passing verdicts from time to time. Consistent adherence of this self-imposed rule by the Courts is with laudable objects. Its solemn object is to maintain sacrosanctity of adjudicatory process or judicial process and for dissuading an aggrieved party to bye-pass alternate remedy with impunity. By any stretch of imagination, an aggrieved party, which remained indolent for years together, cannot be allowed to camouflage delay and laches as an excuse to bye-pass alternate remedy. A conjoint reading of Section 83 & 84 of Rajasthan Land Revenue Act, 1956 reveals that power of revision under Section 83 is exercisable by State Government vis-à-vis non judicial proceedings not connected with settlement held by any officer subordinate to the State Government. Contrary to it, Section 84 confers revisional jurisdiction on the Board of Revenue to call for record of any case of a judicial nature or connected with settlement, in which no appeal lies to the Board, if the Court or the officer by whom the case was decided, appears to have exercised a jurisdiction not vested in it or him by law, or acted in exercise of its or his jurisdiction illegally or with material irregularity. Therefore, the very language of both these sections is suggestive that revisional powers of Board of Revenue are very wide and exclusive.'

INDUSTRIAL DISPUTE

(1) Pradeep Kumawat Vs. Manager, D.B. Corp. Limited

Hon'ble Mr. Justice Ashok Kumar Gaur

Judgement dated 08.04.2019

While discussing the provisions of Section 33-A of Industrial Disputes Act, 1947 held that 'the Labour Court and Industrial Tribunal are not functioning like a Civil Court and they are also not bound by the rigours of procedure which are ordained in Civil Procedure Code. The purpose of Labour Court and Industrial Tribunal is to decide the dispute of the workman in expeditious manner. It is equally true that opportunity has to be given to both the parties i.e. the employee and the employer, however, the procedure adopted by the Labour Court and Industrial Tribunal to extend the time by granting opportunity to the employer to lead evidence when the matter is ripe for hearing, the very purpose of approaching the Labour Court and Industrial Tribunal by the employee against termination of his service, is frustrated.'

(2) Branch Manager United News India (UNI)

Vs. Tej Singh Chouhan

Hon'ble Mr. Justice Ashok Kumar Gaur

Judgement dated 29.04.2019

The Court held that 'the scope of sub-section (2) of Section 33C of Industrial Dispute Act is in respect of entitlement of a workman to receive any money or any benefit capable of being computed in terms of money. The entitlement of workman is required to be decided by the Labour Court. The court finds that if a workman is engaged and his salary is required to be paid, such workman becomes entitled to get his salary as he has existing right and no further adjudication is required from any authority about his entitlement of salary. The Court further finds that when employer and employee agree on certain terms and conditions of employment and further agree to pay a particular money and entitlement is agreed and if the same is not paid, a workman can maintain an application under Section 33C(2) of the ID Act. Labour Court does not create a right under Section 33C(2) of the ID Act but if such right is already available to a workman, then such person is liable to make payment of money to a workman.'

JUVENILE JUSTICE

Mahendra Ram Vs. State Through PP
Hon'ble Mr. Justice Manoj Kumar Garg
Judgement dated 12.07.2019

While considering the provision of section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015, held that 'under the provision of Cr.P.C. in the matter of consideration of bail plea of an individual, seriousness of delinquency is a significant factor for nixing the bail and that aspect cannot be looked into when offender is a juvenile but then there are certain other relevant factors which are not to be eschewed by the Court. The law envisages that release of a juvenile is not desirable if it is belief of the court that such release may bring the person in association with any known criminal or expose the said person to moral, physical or psychological danger, or that his release would defeat the ends of justice.'

LAW OF LIMITATION

Jairam Vs. Ramdeen Das
Hon'ble Mr. Justice P. K. Lohra
Judgement dated 27.05.2019

While discussing the meaning of word "Sufficient Cause" mentioned in Section 5 of Limitation Act, held that 'the word "Sufficient Cause" means "Adequate" or "Enough" so as to necessarily answer the intent of legislature. Thus the word "Sufficient" embraces no more than that which provides a platitude, which when the Act suffices to accomplish the purpose intended in the backdrop of facts and circumstances of the case duly examined from the view point of a reasonable standard of cautious and vigilant man. Last but not the least, the Court while exercising its discretion is required to see sufficient ground, which may enable it to exercise discretion judiciously.'

Finally, court held that 'no case for exercising discretion to condone inordinate delay in the matter is made out.'

MINES AND MINERALS**Rana Marbles & Mines Vs. State of Rajasthan****Hon'ble Mr. Justice Sangeet Raj Lodha and****Hon'ble Mr. Justice Dinesh Mehta****Judgement dated 16.04.2019**

While dealing with the Rule 3, 5 & 89 of Rajasthan Mines, Minerals Concession Rules, 2017 held that 'Rule 3 of the Rules reflects that LoIs issued in favour of the applicant under the Rules of 1986 being a concluded action shall stand saved and the rights of LoI (Letter of Intent) holders for grant of mining lease are required to be dealt with appropriately under the Rules of 2017. But, Rule 89 of Rules of 2017, is non-obstante clause, which gives the enacting part of the said rule an over-riding effect over other provisions of Rules of 2017, which includes the provisions of Rule 3 as well, and therefore, by virtue of Rule 89, all pending applications including varying LoIs had already been issued, which would have been otherwise saved under Rule 3 of the rules, shall be deemed to have been rejected. In other words, Rule 3 would not operate independent of Rule 89 of the Rules of 2017, in as much as the over-riding effect of Rule 89 shall have its full operation and would cover Rule 3 as well within its ambit. The intention of the rule-making authority in incorporating the provisions of Rule 89 giving it over-riding effect while protecting the applications which are saved under Rule 4 & 5 of the Rules of 2017, is apparent and a conjoint reading of these provisions suggest unambiguously that no pending applications except the application covered by Rule 4 & 5 may be treated to be saved under Rule 3 of the Rules of 2017. The issuance of LoIs in favour of the petitioners expressing the intention of the State to grant mining lease in their favour on fulfilment of the conditions within the time frame does not create any vested right in their favour. In no manner, it could be inferred that issuance of LoI amounts to disposal of the application, rather, till the mining lease is executed on fulfilment of the conditions of LoI, all proceeding shall be treated to be the proceedings pending application and the application for mining lease shall stand disposed of only after the execution of the mining lease.'

PANCHAYATI RAJ**Sena Kumari Vs. State of Rajasthan
Hon'ble Mr. Justice Sanjeev Prakash Sharma
Judgement dated 01.03.2019**

While discussing the provisions of Section 25(1), 28 of Rajasthan Panchayati Raj Act, 1994 and Rule 59 of Rajasthan Panchayati Raj Election Rules, 1994 held that 'Section 25 of the Act of 1994 speaks about handing over of the charge and the power has been given to the competent authority to handover the charge to a person, who is eligible. If the post of Pradhan is meant for a member of Scheduled Tribe then the member from that category would be held to be eligible and if it is a woman member it would go to the woman member only. The question arose for consideration was that the charge of office of Pradhan could be handed over only to a member having majority support or to any person, who is being nominated by competent authority. The court further held that as per the Section 28 of the Act of 1994, if a Pradhan resigns for any reasons or the post of Pradhan has fallen vacant, it would be termed as "Causal Vacancy" and, therefore, the same process as required for election of Pradhan would have to be followed for filling up the causal vacancy. However, the process of conducting election is to be followed which requires a particular period of time for issuing of notice and calling of meeting all the Members, it is during this intervening period, the competent authority by exercising powers under Section 25 of the Act of 1994, would nominate any elected member to take over the charge of the office of Pradhan. The handing over the charge does not create any right in favour of any member and by merely holding the charge; he/she does not become the Pradhan of the Panchayat Samiti concerned. Thus, it is only a working arrangement for the temporary handling of the works of the Panchayat Samiti. It is co-terminous with the election of Pradhan by following the process as required under Section 28 of the Act of 1994 and under Rule 59 of the Election Rules of 1994. The power under Section 25 of the Act of 1994 is available to the competent authority to nominate a member of the Panchayat Samiti for the said purpose.'

**RAJASTHAN PUBLIC PREMISES (EVICTION OF
UNAUTHORIZED OCCUPANTS)**

RICCO Vs. Additional District Judge No. 6, Jaipur City

Hon'ble Mr. Justice Sanjeev Prakash Sharma

Judgement dated 11.04.2019

While discussing the provisions of Sections 5, 9 and 10 of Rajasthan Public Premises (Eviction of Unauthorized Occupants) Act, 1964 held that 'for eviction of unauthorized occupants, an application is required to be moved before the Estate Officer and the property must be public premises and it must also be shown that any person has occupied the land unauthorizedly. It is a sine-qua-non for setting up an application under Section 5 of the Act. The onus of proving that the premises were public premises is for the applicant who moved such an application. The Estate Officer is required to be satisfied that the property is a public premise.'

The court further held that 'in writ jurisdiction under Article 226 & 227, the Court would have limited scope for interference. Unless the wrong as alleged is referable to grave dereliction of duty or flagrant abuse of power by the Subordinate Authorities or has resulted in grave injustice to any party or where there a perversity, then alone, the power of superintendence would be exercised otherwise it has to be exercised sparingly and with only purpose to keep the Subordinate Courts and Tribunals or Authorities exercising judicial power within their bounds of authority. The power cannot be exercised for correcting mere errors.'

RENT CONTROL

(1) Smt. Kiran Surana Vs. Mr. Abhishek Maheshwari
Hon'ble Mr. Justice Sangeet Raj Lodha and
Hon'ble Mr. Justice Vinit Kumar Mathur
Judgement dated 06.08.2019

The question before the Hon'ble Court was that whether the petition filed against the order passed by the Rent Tribunal and Appellate Rent Tribunal be heard by Single Bench and Division Bench?

The Division Bench held that 'the power of the State Legislature to enact the law controlling eviction from, letting of and rents for, certain premises in the State of Rajasthan is traceable under Entry No. 6 of List III of VII Schedule of the Constitution, which deals with "Transfer of property other than agriculture land; registration of deeds and documents". Since, the legislation on the subject is occupied by earlier law made by Parliament, while enacting the Act of 2001 in terms of provisions of Clause (2) of Article 254 of the Constitution, the assent of the President was obtained. Suffice it to say that the power of the State Legislature to enact the law to constitute the hierarchy of tribunals for adjudication of the disputes between landlord and tenant in respect of the premises specified exists even independent of Article 323-B of the Constitution.'

The court further held that 'if the power of the State Legislature to make provision for constitution of the Rent Tribunal and Appellate Rent Tribunal under the Act of 2001 emanates from Article 323-B of the Constitution of India as concluded by a Bench of this Court in Kamal Kishore's case (supra). The fact remains that the Rent Tribunal and Appellate Rent Tribunal constituted under the provisions of the Act of 2001 are not even State Level Tribunal, rather, they are intended to function as substitute of the Civil Court of original jurisdiction and the First Appellate Court for adjudication of the dispute between the landlord and tenant in the areas specified, which are not possessed of competence to test the constitutional validity of any statutory provision and the rules. Thus, in our considered opinion the directions of the Hon'ble Supreme Court that all decisions of the Tribunals created under Article 323 A and Article 323 B of the Constitution of India shall be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls cannot be ipso facto made applicable in respect of the decisions of the Rent Tribunals and the Appellate Rent Tribunal, ignoring the context in which the directions were issued as aforesaid.'

The court further held that 'there is yet another aspect of the matter. As per Rule 54 of Rules of High Court of Judicature for Rajasthan, 1952 (for short "the Rules"), the matter with regard to the constitution of Benches of the Judges sitting alone or in Division Courts and the work to be allotted to them shall be governed by the order of Chief Justice or in accordance with his directions. Further, as per Rule 55 of the Rules, the writ petition under Article 226 and 227 of the Constitution of India except the writ petition challenging the vires of the provisions of the Act, are ordinary placed for consideration of a Judge sitting alone. However, as per proviso (a) to Rule

55, the Chief Justice may from time to time direct that any case or class of cases, which may be heard by a Judge sitting alone shall be heard by two or more sitting Judges. Thus, the writ petitions seeking judicial review of the order passed by the Rent Tribunal and Appellate Rent Tribunal, in absence of any order passed by the Chief Justice under proviso (a) to Rule 55, are required to be placed for consideration before the Single Judge.'

(2) Radhe Shyam Gautam Vs.

Learned Rent Appellate Tribunal

Hon'ble Mr. Justice Sanjeev Prakash Sharma

Judgement dated 21.05.2019

While discussing the Section 9 of Rajasthan Rent Control Act, 2001 held that 'a look at the Section 9-A of the Act of 2001 shows that while the ground mentioned is that the tenant has neither paid nor tendered the amount of rent due from him for four months. There are two proviso, the first proviso lays down that the ground regarding the tenant having not paid rent due from him for four months is not available if the landlord has not disclosed to the tenant his bank account number and name of the bank in the same municipal area in the rent agreement or by a notice to him by registered post with acknowledgment due. Thus, as per the aforesaid proviso i.e. requirement of the landlord to inform the tenant about his bank account number either in the rent note or by sending a notice. The second proviso carves out another condition whereby the landlord has to give a notice by registered post demanding arrears of rent and the tenant has not made payment of rent within period of thirty days from the date of service of notice. The words in the proviso does not say that the notice must mention default of payment of rent of four month. The proviso has to be independently read in terms of the guidelines laid down herein above as this proviso has to be construed as an additional condition for the success of the ground. The period of arrears of rent which may be demanded by the notice is not required to be the same as four months default which is a ground for eviction under the main clause. Thus, the demand of arrears is independent of the ground and would not necessarily synchronize with the period of default as a ground for eviction. In other words, the proviso only lays down sine-quo-non of a notice to be sent to the tenant demanding arrears. The said arrears demanded may be less than four months or may be more than four months and on that ground the application for eviction cannot be ousted. Once the landlord submits an application before the concerned Tribunal raising a ground of default in payment of rent for four months or more also satisfies the pre-condition of two provisos, as noticed above i.e. information relating to bank account and a notice demand arrears, the Tribunal shall thereafter examine on facts whether the default is for four months or above independently on the evidence laid by the landlord and tenant.'

SERVICE LAW

**(1) Mahendra Kumar Jatolia Vs. State of Rajasthan
Hon'ble Mr. Justice Mohammad Rafiq and
Hon'ble Mr. Justice Goverdhan Bardhar
Judgement dated 08.02.2019**

The Division Bench held that 'there cannot be any change in selection criteria when the process of selection is over. Equivalence of academic qualification depends on the policy decision of the State Government and as such is not open to judicial review unless it is ex-facie unconstitutional. The result of marks secured by the selected candidates of REET 2015 cannot be altered behind their back. Even if the Government were to change the criteria by introducing the provision with regard to giving weightage to the marks of the Senior Secondary and BSTC examination, this could be done only prospectively in any subsequent requirement process. As far the present process of selection is concerned, the same has to be completed on the basis of criteria originally notified.'

**(2) Rajasthan Public Service Commission, Ajmer
Vs. Pankaj Raj
Hon'ble The Chief Justice Mr. S. Ravindra Bhat and
Hon'ble Mr. Justice G.R. Moolchandani
Judgement dated 29.05.2019**

The question before the court was that whether any question can be deleted from the question paper of any competitive examination by the court.

The court held that 'a court carrying on the exercise of judicial review merely scrutinizes the process in question administrative or statutory, but necessarily public in its outcome to see if it was arrived at in a procedurally fair and regular manner, free from illegality, not motivated by malice or malafides or not so manifestly unreasonable in its conclusion that no reasonable individual placed in that situation would arrive at such a conclusion or so decide the matter. The judgement under challenge in this Court's opinion is clearly erroneous in as much as the court has unwittingly donned the robe of decision maker, to wit that that an expert, in art, in concluding that one of the choices was defective and that the RPSC's explanation about a misprint was irrelevant, because the answer was wrongly given. These conclusions the court cannot arrive at, as they amount to primary decision making a task which cannot be undertaken under Article 226 of Constitution of India.'

**(3) The Managing Committee St. Anselms Senior Secondary
School, Mansarovar, Jaipur Vs. Mrs. Seema Saraswat
Hon'ble Mr. Justice Ashok Kumar Gaur
Judgement dated 03.05.2019**

While discussing the provisions of Rule 64 of Rajasthan Non-Government Educational Institutions (Recognition, Grant-in-aid & Service Conditions etc.) Rules, 1993, held that 'if any action of employer or person/authority on the ground of malafide is challenged, then it requires specific details for enabling the Court to make an inquiry into the facts and therefore, the allegations need to be supported with attendant circumstances. The allegations of malafide are often more easily made than proved and very seriousness of such allegations demands proof of a high order of creditability. The malafide cannot be presumed but has to be proved. In case of allegations of malafide, the particular officer/authority against whom malafide has been alleged, needs to affirm the same by counter affidavit.'

The Court further held that 'there is a difference between malice and malafide. In law, malice means a wrongful act intentionally performed but without just cause. The term "Malafide" includes malice and yet an ulterior motive to cause injury to someone. The difference lies in degree only and malafide means want of good faith, personal bias, grudge, oblique or improper motive or ulterior purpose. The plea of malafide has to be proved from attendant facts and record of the case and proof has to be of necessity, indirect i.e. circumstantial. It is, thus, clear that mere averments of malafides is not enough. This must be supported by facts and in somewhat overwhelming details interwoven to indicate a bad motive or intention to cause deliberate prejudice. This Court further finds that allegation of malafide is a serious thing that requires sufficient particulars and in absence of same, the court cannot embark upon any inquiry on malafide.'

**(4) Indian Nursing Council Vs. Kamaksha Institute of Nursing
Hon'ble The Chief Justice Mr. S. Ravindra Bhat and
Hon'ble Mr. Justice Ashok Kumar Gaur
Judgement dated 02.09.2019**

While discussing the provisions of Section 3, 10, 13 and 14 of Indian Nursing Council Act, 1947, held that 'the Central Council acting through the Executive Committee has ample powers to inspect recognized institutions, colleges etc. which are recognized by the State Council. This is in furtherance to the Union's powers of coordination and determination of standards under Entry No. 66 of the List-1 of the VII Schedule to the Constitution of India. Being primarily, a standard setting and coordinating body, the Council is empowered with consequential power to ensure compliance, by way of constant oversight. At the same time, this Court is of the opinion that such a power of inspection cannot be invoked arbitrarily and

must be for some reason expressly recorded in its files. The mode of taking action pursuant to any deficiency found would also entail active involvement of the State Council, which is primarily seized of matters regarding recognition, enforcement etc. Natural justice and a degree of fairness is involved and has to necessarily be followed if recognition, once granted, is sought to be withdrawn.

Further, the Central Council does not have the power to recognise institutions, which is a power vested with the State Council. The Central Council through the Executive Committee can ensure inspection, as and when needed and based upon such inspection reports, which of course has to be supplied to the concerned institution and the State Government, inputs are to be received under Section 13 from the State, after which, adverse action can be taken, if warranted.'

Finally, the court held that 'Section 3 deals with the constitution of the committee and election to the Central Council. For the purposes of election, the consideration of recognition would be in accordance with the standards that the Central Committee Council might prescribe. However, those are quite independent from the autonomy granted by the State to its State Committee to recognise or refuse to recognise institutions falling within the territory of each State.'

(5) Tirath Raj Vs. State of Rajsthan
Hon'ble Mr. Justice Mohammad Rafiq and
Hon'ble Mr. Justice Goverdhan Bardhar
Judgement dated 31.01.2019

While discussing the Rule 8(1) of Rajasthan Compensate Appointment of Dependents of Deceased Government Servants Rules, 1996 held that 'there is no reason if a husband being a spouse along-with his children was dependent on the deceased Government Servant, at the time of her death, should not be considered for compensate appointment. This has become evident from the definition of "Dependent", which begins with "Spouse" ends with the words "Deceased Government Servant at the time of his/her death". It is trite that the interpretation of a provision of an Act or the Rules proceeds on the assumption that while making interpretation of a provision of an Act or Rules, the Court must make endeavour to discover and translate the intention of the Legislature or the Rule Making Body. Even then, the fact that a particular enactment is handy worth of the bureaucratic machine may be produced at the behest of the Legislature, if, however, the law is not properly articulated in a provision, the courts can find the intention of the legislature from other provisions of the same enactment of the Act or the Rules or the Legislative Authority and on that basis articulate the intention of the Legislature or the Rule Making Authority where the provisions are plain and unambiguous and legislative intent is clearly discernible. In the instant case, when the Rule Making Authority has by including the word "Spouse" in the definition of the "Dependent" and also reiterating that intention by indicating both "His/Her" at the end of that definition intended to give benefit of compensate appointment not only to the dependent wife of the husband serving the Government who dies in harness, but also vice-a-versa. Even if, therefore, the word "Widower" has

not been specifically stated in Rule 8(i), it can be read into that provision. Finally, court without going into the validity of Rule 8(i) of the Rules held that the word “Widower” be read as to make the Rule workable or else even though a “Widower” would be included in the definition of “Dependent”!

(6) Dr. Prashant Mehta Vs. National Law University, Jodhpur
Hon'ble Mr. Justice P. K. Lohra and
Hon'ble Mr. Justice Arun Bhansali
Judgement dated 28.05.2019

In this matter the constitutional validity of regulations 5, 6 and amended regulations 37 & 38 of National Law University, Jodhpur Service Regulations 2001 were challenged before the Court. The Division Bench held that there is a presumption in favour of the constitutionality or the legality of a subordinate legislation and the burden is upon the incumbent who attacks it to show that it is invalid. The Court examined the constitutional validity of the regulations on the following grounds :

- a. Lack of legislative competence to make the subordinate legislation.
- b. Violation of Fundamental Rights guaranteed under the Constitution of India.
- c. Violation of any provision of the Constitution of India.
- d. Failure to conform to the Statute under which it is made or exceeding the limits of authority conferred by the enabling Act.
- e. Repugnancy to the laws of the land i.e. any enactment.
- f. Manifest arbitrariness/unreasonableness (to an extent where court might well say that Legislature never intended to give authority to make such Rules)

On the aforementioned ground (a) the Court observed that 'Section 17 & 18 of the National Law University Act, 1999 envisages framing of regulations to provide for administration & management of the affairs of the University by vesting such powers in Executive Council and provides for Powers of authorities to make regulations respectively. Both the Sections have not provided any guidelines in the behalf. The power of delegatee is not unbridled and uncanalised so as to make subordinate legislation which do not conform to the parent statute or violate fundamental rights enshrined under Chapter 3 of the Constitution of India. The objective examination of the entire Act of 1999 ipso-facto reveal that there is no specific provision prescribing selection procedure and nature of appointments of teaching staff members or other officials in the University. If the validity of the regulations is tested on the ground mentioned above at Point 'd' i.e. failure to conform the statute under which it is made or exceeding the limit of authority conferred by the Act, it is amply clear that impugned service regulations are not edifice on any source envisaged in the parent statute i.e. Act of 1999.'

While examining the validity of these service regulations on the touch stone of ground mentioned above at Point 'b' & 'c', the Court is of the view that 'these two grounds are of very wide amplitude and therefore, deserve judicial scrutiny with pragmatic approach. In order to analyse these two grounds, it has become imperative for us to objectively examine the functions and activities carried out by University. The respondent University is incorporated and established by the state legislature for imparting quality education. The University being an instrumentality of the State cannot be allowed to adopt policy of total ad-hocism in the guise of a jejune plea of imparting quality education. Being an instrumentality of the State, respondent University cannot be absolved from its obligation to enact a law which includes regulations also in consonance and conformity with Part 3 of the Constitution of India. The University cannot be allowed to claim special privilege vis-a-vis other instrumentalities of the State or concession in the matter of framing Rules/Regulations prescribing mode of recruitment and other service conditions of the teachers and officers. Article 14 of the Constitution of course permits classification but it prohibits class legislation. Stand of University, to treat it as separate and distinct class from other universities/ instrumentalities of the State, appears to be quite alluring but it lacks legal foothold. For adjudging validity of a classification within the meaning of Article 14 of the Constitution, twin tests, which are: (i) that the classification must be based on intelligible differentia, and (ii) it must have some nexus with the object sought to be achieved; are to be applied. This plea of the University that it is a class apart from other Universities /instrumentalities of the State on the touchstone of these twin tests is not acceptable.

The fundamental right of life & personal liberty enshrined under Article 21 of the Constitution is very wide in its scope and applicability. Right to life with human dignity with minimum sustenance and shelter including all those rights and aspects of life which would go to make a man's life complete and worth living, would form part of life. Therefore, on joining government service, a person does not mortgage or barter away his basic rights as a human being, including his fundamental right in favour of the government. The Government, only because it has the power to appoint does not become the master of the body and soul of the employee. The State may not, by affirmative action be compellable to provide adequate means of livelihood or work to the citizen. But any person, who is deprived of his right to livelihood except according to just and fair procedure established by law, can challenge the deprivation as offending Article 21 of the Constitution.

The University being a Statutory Body is not expected to employ teachers and other officials on contract/ad-hoc basis for years together, more particularly when the duties and functions discharged by them are of perennial nature. When law prohibits, employment of workmen on contract basis for years together, if duties assigned to them are of perennial nature, we are afraid how teachers can be treated below par the workmen. In Indian context, the status of a teacher vis-à-vis disciple is at the highest esteem and they are treated with reverence. Section 22 of Indian Contract Act also describes teacher and taught relationship as that of a fiduciary relationship. That apart, this sort of provision is a glaring example of the concept of hire & fire and depriving teachers from the legitimate service benefits. Nebulous and unsatisfactory conditions of service of teaching community create a sense of insecurity which may ultimately result in making educational setup ineffective and insufficient.

The institution established and incorporated by the State Legislature cannot be allowed to enact laws with impunity in utter disregard to Article 13 of the Constitution. The impugned Service Regulations 5 & 6 and amended Service Regulations 37 & 38 of employing teachers on contract basis on ad-hoc term, providing for termination of contract by giving one months' notice and non-renewal/extension of contract of employment in certain contingencies are manifestly arbitrary and unreasonable. If Regulations 37 & 38 are construed with pragmatic approach, then undoubtedly both these regulations being consequential and necessary corollary to Regulations 5 & 6 are ex-facie vulnerable. The competent authority while resorting to these two regulations is bound to be guided by inhibitions of Regulations 5 & 6 of Service Regulations consequently arriving at a decision to the detriment of an employee without objectivity. If the impugned service regulations are examined within the parameters of service jurisdiction by applying concept of a model employer vis-à-vis respondent University being a wing of welfare state, then indisputably these service regulations are in clear negation of Articles 14, 16 and 21 of the Constitution.'

On examining the validity of these service regulations on the ground of repugnancy to the law of land, Court observed that 'Statute 9 was amended on 27.08.2004 and the University Service Regulations were framed and enforced from 01.04.2002. Its repugnancy with the Rajasthan Universities Teachers & Officers (Selection for Appointments) Act, 1974 is clearly apparent. It may be observed here that in the original Statute 9 there was a clear stipulation about following procedure for appointment of Teachers & Officers of the University in accordance with the Act of 1974. Regulations 37 & 38 are inserted on 17.01.2016 and by then all the petitioners completed their services for more than a decade, therefore, such substantive provisions to their detriment cannot be given posterior effect vis-à-vis them. Otherwise also both these provisions being consequential to Regulation 5 & 6 entail the same fate as that of Regulation 5 & 6. Statute 9 being a piece of Subordinate Legislation cannot have a retrospective effect. There is a presumption of prospectivity, as articulated in the legal maxim "nova constitutio futuris formam imponere devet non praecraeteritis" i.e. "A new law ought to regulate what is to follow, not the path, and its presumption operates unless shown to the contrary by express provision in the statute or is otherwise discernible by necessary implication."

A conjoint reading of subsection (4) & (6) of Section 15 of the Act of 1999 also makes it crystal clear that amendment to a statute shall come into force on its publication in official gazette. Therefore, even by necessary implication amendment in Statute 9 shall not be from retrospective effect.'

The Court further observed that 'Section 3 of Act of 1974, starts with non-obstante clause therefore, even if it is decades old, no inference can be drawn that subsequent Act of 1999 has impliedly overturned or diluted its overriding effects on other statutes concerning Universities incorporated and established by enactment of State Legislature. Strangely under Regulation 13 of the University Service Regulation, procedure for selection is provided with quorum of the Committee in clear Juxtaposition to Section 3, 5 and 6 of the Act of 1974.

The question as to the relative nature of the provisions, general or special, requires determination with reference to the area and extent of their application, either generally or specially, in particular situations. In common parlance, a general statute is one which embraces a class of subjects of places and does not omit any subject or place naturally belonging to such class. Contrary to it, a special statute as the term is generally understood, is one relates to particular persons or things of a class or to a particular portion or section of the State only. Therefore, when a special provision is made on a certain matter, that matter is excluded from general provision. If the two Acts are construed then it would ipso facto reveal that undeniably both are the legislative enactments of the State. The Act of 1974 is an earlier legislation but the object of the Act is to provide for selection and appointment of teachers and officers of the Universities in Rajasthan. The analysis of Section 3, 5 and 6 of the Act of 1974 clears that there is no corresponding provision under the Act of 1999 showing repugnancy with the provisions of the Act of 1974.

It is rather difficult to accept euphonious plea of the respondent University that Act of 1999 is a special statute vis-a-vis Act of 1974. Moreover, the Act of 1974 is governing the province of selection for appointment of teachers and officers in the Universities of the State of Rajasthan, whereas Act of 1999 relates to establishment of respondent-University, therefore, on the touchstone of basic principles of interpretation of statutes, Act of 1999 cannot be construed as special statutes vis-a-vis Act of 1974. It may also be observed here that a wholesome perusal of the entire Act of 1999 clearly reveals that it is conspicuously silent about applicability of the Act of 1974 and containing no repeal or saving clause. Even if we accept the plea of the University that Act of 1999 is the special statute, the legal maxim *generalibus specialia derogant*, i.e. things special restricts things general then to the same cannot be invoked in abstract sense because there is no reference in the Act of 1999 to the previous legislation i.e. Act of 1974. Thus, in these circumstances, exception to the aforementioned maxim is clearly invocable. It is also quite perplexing that the Act of 1999 nowhere envisage any provision regulating procedure for appointment of teachers and officers of the University and therefore, rigour/effect of the impugned Service Regulations in the form of subordinate/delegated legislation is per se not discernible from the Act of 1999.

The section 12 of the Act of 1999 simply says that Executive Council shall be the chief executive body of the University and statute 9 which itself is a subordinate legislation, has completely abdicated its powers for regulating the terms of appointment of teachers and constitution of selection committee as well as prescribing service conditions inasmuch as it simply contains constitution of selection committee under the Regulations and so also basis of appointment on tenure or non-tenure basis. The statute being subordinate legislation is bound to adhere the Act of 1999 and not to prescribe mode of appointment, quorum of selection committee or service conditions de hors the parent Act. Thus, the Service Regulations as such are framed by the Executive Council by deriving its powers from a subordinate/delegated legislation i.e. unamended Statute 9 of the University Statutes. It is trite that a delegatee cannot further delegate the powers. In overall scenario, the source and the authority for framing Service Regulations itself is under serious cloud and not traceable from the prevailing Statute 9 as on the day when Service Regulations were made by the Executive Council. Therefore, by no stretch of imagination these Service

Regulations can override the provisions of the special statute, i.e., Act of 1974. That being the position, on the anvil of ground of repugnancy to the laws of the land and unreasonableness/manifest arbitrariness, the impugned Service Regulations cannot satisfy the test of valid subordinate/delegated legislation even by pressing into service presumption in its favour of constitutionality or legality.'

Finally, the Court declared that 'the Service Regulations 5 and 6 and amended Regulations 37 and 38 of National Law University, Jodhpur Service Regulations 2001 ultra vires without touching merit of case.'

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

HIGH COURT

RAJASTHAN HIGH COURT PRINCIPAL SEAT AT JODHPUR

The new building of Rajasthan High Court inaugurated on 07.12.2019 has been constructed on the 9.05 acres in the campus of 67.37 acres. The building is surrounded by large gardens covering 9.28 acres. The building is Circular in shape having a big dome. The entire building is made of famous Jodhpur stone called Chittar. The building consist of one Chief Justice Court, 21 Courts for Judges. Auditorium having capacity of 232 persons, huge library, Full Court Room, Litigant waiting areas with ample space for Public Utility Service like Crèche, Dispensaries, Bank, ATM, Canteens, Post-Office, E-Mitra Centre and Lifts etc. This new building has separate blocks for Advocate Chambers and for officers and chambers of Advocate Generals and Government Advocates.

RAJASTHAN HIGH COURT BENCH AT JAIPUR

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

DISTRICT AND SUBORDINATE COURT(S)

Court & Residential Building –

There are 35 Judgeships in the State of Rajasthan having 1198 874 Courts are functioning in the Buildings of Judicial Department, of which 607 Court Buildings are suitable as per norms. Other Court Buildings have been provided by the Gram Panchayat, Bar Association or other Government Department and 41 Courts are functioning in rented premises. Recently Government has issued administrative and financial sanction for construction of 104 court buildings.

Further, only 610 residential accommodations are available out of which 94 are as per norms and 216 residences needs conversion from Type-III to Type-II, 421 Judicial Officers are residing in their own house or in a rented house or residence provided by Government. Recently Government has issued administrative and financial sanction for construction of 244 residences.

(2) Demand of Budget from GOI under Centrally Sponsored Schemes (CSS) as 60% Central Share for the year 2019-20:-

(Rs. In Crore)

S. No.	Name of Scheme	Project Cost
1.	Construction of Court Buildings	293.32
2.	Construction of Residential Accommodation	112.84
TOTAL		406.17

The Central Government has not released an amount of Rs. 4.21 Crore as Central Share under Centrally Sponsored Scheme during the year 2019-20.

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

STRENGTH OF HON'BLE JUDGES OF RAJASTHAN HIGH COURT

(As on 31.12.2019)

SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
50	21	29

STRENGTH OF JUDGES IN DISTRICT/ SUBORDINATE COURTS

(As on 31.12.2019)

CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
Rajasthan State for District and Subordinate Courts (RJS)	1428	1120	305

6. HUMAN RESOURCE DEVELOPMENT

(I) TRAINING OF JUDGES / JUDICIAL OFFICERS

Training Programme for Judicial Officers from Bangladesh and Fiji from 18th - 25th Jan, 2019 :

A Training and Capacity Building Programme from 18th to 25th January 2019 was organized by Hon'ble Rajasthan High Court and RSJA in coordination with National Judicial Academy, India for the Senior Assistant Judges, Assistant Judges And Magistrates Of Bangladesh & Judicial Officers of Fiji in compliance of MOU held between the NJA, India and the Supreme Court of Bangladesh. 40 Judicial Officers from Bangladesh and 10 Judicial Officers from Fiji imparted in this training.

Hon'ble Mr. Justice Sandeep Mehta, Hon'ble Mr. Justice P.K. Lohra, Hon'ble Mr. Justice Arun Bhansali, Hon'ble Judges, Rajasthan High Court, Hon'ble Smt. Justice Roshan S. Dalvi, Former Judge, High Court of Mumbai, Ms. Poonam Durgan Additional Director (Academic), RSJA, Shri Sanuj Kulshrestha, Dy. Director, RSJA, Dr. Sachin Acharya, , Sh. Farzand Ali, Shri Vikas Balia, Eminent Advocates, RHC, Shri Sanjay Upadhya, Advocate, Supreme Court of India, Dr. Gargi Chakrabarti, Dr. Nidhi Gupta, Associate Professors, Mr. Renjith Thomas, Assistant Professor, NLU, Jodhpur, Shri Sanjay Nirala Child Protection Officer, UNICEF, Jaipur were the resource persons for the training to enlighten the participants.

The Training Programme was divided in following sessions :

1. Civil Laws and Procedure: Recent Developments
2. Alternative Dispute Resolution and Plea-Bargaining
3. Civil Disputes: Interlocutory Applications
4. Jurisprudence of Circumstantial Evidence
5. The Process of Trial of Criminal Cases
6. Criminal Laws and Procedures: Recent Developments and Precedents. (IPC, Cr.PC and Preventive Detention Laws)
7. Principles of Interpretation of Contracts
8. Injunctions : Law and Practice
9. The Process of Trial on Civil Cases: Best Practices
10. Sentencing Policy including Restitutive Justice : Trends Theories, Policies and Approaches
11. Emerging Issues in IPR Related Disputes
12. Protection of Child Rights: Procedure while dealing with child in conflict with law

13. Crime Against Women: Law and Practice
14. Environment Laws: Legal Developments and Challenges
15. Role of the District Judiciary in Protection of Forest, Wildlife and Bio diversity.

Local visits and a cultural/folk music programme were also arranged for the Judicial Officers of Bangladesh & Fiji to make them aware about the Rajasthani culture.

Training Programme on ‘Speedy and Qualitative Disposal of Civil and Criminal Cases and Improvement of Court Performance’ on 27th Jan, 2019 :

To sensitize the Judicial Officers to prevent delay and impart justice in time to the litigant as delay declines the citizenry faith in the system, various training programmes, Conferences, Judicial Colloquiums are being organized by the Rajasthan State Judicial Academy from time to time. One such training programme was organized on 27th January 2019 for all the Principal District & Session Judges, Presiding Officers of Labour Court-cum-Industrial Tribunals, Chief Judicial Magistrates and Chief Metropolitan Magistrates of the State.

Hon’ble Mr. Justice Mohammad Rafiq, Judge Rajasthan High Court, Hon’ble Mr. Justice Sangeet Raj Lodha Judge Rajasthan High Court & Chariman, RSJA and Hon’ble Mr. Justice Arun Bhansali, Judge Rajasthan High Court enlightened the participants as resource persons.

The Training programme was divided into the following four session :-

1. Reducing the life span of Civil Litigation: Tools and Techniques
2. Reducing the life span of Criminal Litigation: Tools and Techniques
3. Improvement of Court Administration and Management.
4. Interactive Session

RJS Induction Training 2019-20 (6th March to 20th April 2019) :

This Training Programme was organized for 36 Trainee Judicial Officers. The Training was inaugurated by Hon’ble Mr. Justice Pradeep Nandrajog, Former Chief Justice, Rajasthan High Court and Patron-in-Chief, RSJA, Hon’ble Mr. Justice Sangeet Raj Lodha, Judge, Rajasthan High Court and Chairman RSJA and Other Hon’ble Judges of Rajasthan High Court were present in the function.

Initial institutional training for approx 1^{1/2} month is about preliminary introduction to the justice delivery system including exhaustive training on topics of Civil as well as Criminal discipline, understanding the structure and functioning of Government & other stake holders, Good Governance and topics of general importance such as communication skills, management skills (e.g. time, stress, human resource, docket and court management etc.) to develop their acumen and personality and to inculcate values, the aspect of morality, ethics, etiquettes, behaviour etc. was imparted to the newly appointed Civil Judges in First Phase.

During this first phase induction training, Trainee Judicial Officers were enlightened by Hon'ble Judges of Rajasthan High Court and other eminent Judicial Officers as faculty. In the end of this phase, Trainees were addressed by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Supreme Court of India & Former Chairman, Rajasthan State Judicial Academy about relevance of field training.

Training Programme for Stakeholders of Labour Court Cases :

A Training Programme for Presiding Officers of Industrial Tribunals-cum-Labour Courts, Joint Labour Commissioner (Law), Labour Welfare Officers, Labour Inspectors of Rajasthan was organized on 30th Mar, 2019.

Objective of RSJA is to educate, sensitize its officers and other stake holders about the latest laws and procedures to achieve the constitutional mandate of securing the "rule of law". Keeping this mandate in mind, one day training Programme for Stakeholders of Labour Court Cases was organized by RSJA.

Hon'ble Mr. Justice P.K. Lohra, Judge Rajasthan High Court, Sh. Rajendra Singh Choudhary, District & Sessions Judge, Jhalawar, Sh. Ramindra Singh Saluja, Advocate, Rajasthan High Court, Jodhpur were the resource persons for the above programme.

10 Presiding Officers of Industrial Tribunals-cum-Labour Courts, 1 Joint Labour Commissioner (Law), 2 Labour Welfare Officers, 32 Labour Inspectors of Rajasthan participated in this training programme. Training programme was divided into four sessions:-

1. Labour and Management: Constitutional Perspective and Role of Courts.
2. Contract Labour: Issues and Challenges/Unfair Labour Practices/Dismissal and Discharge/Reinstatement and Back Wages.

3. Retrenchment and Lay off: Balancing Rights of Labour and Interest of Employer.
4. Improving the efficiency of Labour Courts: Constraints and Solutions.

Refresher Training Program for Civil Judges & Judicial Magistrates :

Two days Refresher Training Programme for Civil Judges & Judicial Magistrates was organized on 11th & 12th May, 2019 at Rajasthan State Judicial Academy, Jodhpur. Total 99 Judicial Magistrates cum Civil Judges or Additional Civil Judges participated in the Refresher Training Programme.

Training Programme contained Seven Sessions regarding various legal aspects required to be dealt with, while dealing with matters pending in courts.

Resource Persons for the above training programme were Hon'ble Mr. Justice Pratap Kishan Lohra, Judge, Rajasthan High Court, Hon'ble Mr. Justice Sandeep Mehta Judge, Rajasthan High Court, Hon'ble Mr. Justice Arun Bhansali Judge, Rajasthan High Court, Hon'ble Dr. Justice Pushpendra Singh Bhati Judge, Rajasthan High Court, shri Satya Naran Tailor, Judge, Industrial Tribunal-cum Labour Judge, Ajmer and Academy Officers.

Training Programme for Judicial Officers from Bangladesh :

Training Programme was conducted by RSJA for Judicial Officers from Bangladesh under the supervision of National Judicial Academy, Bhopal from 8th-15th Nov.2019.

The Sessions of the Programme were :

1. Process of Criminal Trial
2. Criminal Laws and Procedures: Recent Developments and Precedents. (IPC, CrPC and Preventive Detention Laws).
3. Jurisprudence of Circumstantial Evidence
4. Sentencing Policy including Restitutive Justice: Trends, Theories, Policies and Approaches
5. Civil Laws and Procedure: Recent Developments
6. The Process of Trial in Civil Cases: Best Practices
7. Injunctions: Law and Practice
8. Civil Disputes: Interlocutory Applications

9. Alternative Dispute Resolution and Plea Bargaining
10. Emerging Issues in IPR Related Disputes
11. Principles of Interpretation of Contracts
12. Crime Against Women: Law and Practice
13. Protection of Child Rights: Procedure while dealing with child in conflict with law
14. Simulation Exercises
15. Environment Laws: Legal Developments and Challenges
16. Role of the District Judiciary in Protection of Forest, Wildlife and Bio diversity

The Resource Persons in the training programme were :

1. Hon'ble Dr. Justice Pushendra Singh Bhati
2. Hon'ble Mr. Justice Pratap Krishna Lohra
3. Hon'ble Mr. Justice Dinesh Mehta
4. Director, RSJA
5. Shri Arun Beniwal
6. Mr. Renjith Thomas
7. Prof. BB Pandey
8. Neeraj Bhardwaj (Joint Secretary RLSA)
9. Prof. Nidhi Buch

Training of Prosecutors on Women's Safety :

A Training was organized from December 9, 2019 to December 13th, 2019 in which a total of 26 Prosecutors of Rajasthan were participated.

It concluded in 15 independent sessions.

1. Goal, Role and Mission of Court : Constitutional Vision of Justice
2. Criminal Jurisprudence with special reference to crime against Women
3. Elements of Judicial Behavior: Values, Ethics, Neutrality and Professionalism
4. Victims (Women of Assault); Compensation and their Rehabilitation: Role of Prosecutors
 1. Parameters for Determining the Quantum of Compensation
 2. Interim Compensation
 3. Legal and Medical Aid to Victims
 4. Counseling/ Trauma Counseling
 5. Services to Victims

5. Investigation in Crimes against Women
 1. Sensitivity in dealing with Women victims
 2. Non-stigmatization & Non-disclosure of Identity
 3. Mandatory Reporting & its Feasibility

6. Framing of Charges: Role of Prosecutors

7. Human Rights : Fair and Impartial Investigation, Inquiry and Trial vis-à-vis Role of Prosecutor

8. Collection, Preservation and Transportation of Evidence related to Sexual Assault offences against women

9. Recording & Appreciation of Evidence of Victims in cases related to sexual assault offences against women.

Scope of Discussion

 1. Statutory Provisions
 2. Effective Recording of Evidence
 3. Protection of Witnesses vis-à-vis Vulnerable Victims in Court
 4. Video Evidence

10. Forensic and Medco –Legal Evidence in Criminal Trial:-
 1. DNA Profiling
 2. Brain Mapping
 3. Voice Analysis
 4. Medical Examination of Accused and Victim in Crime against Women

- 11
&
12. Law related to Cyber Crimes: Advantages and Bottlenecks.
13. Stress Management
14. Law related to Hostile Witnesses
15. Psychology: Victims vis-à-vis Criminals

The Resource Persons for the Training were Mr. Dinesh Kumar Gupta (Judge, Special Court, POCSO Cases, Sawai Madhopur), Mr. Arun Kumar Beriwal (Special Judge, CBI Cases No.2, Jaipur Metro), Dr. K. Parameswaran (Dean of Alumni Relations & Associate Professor of Law, GNLU), Mr. Mahendra Kumar Dave (ADJ No. 2 Udaipur), Mr. Manoj Kumar Goyal (ADJ Sawai Madhopur), Mr. Ashwani Vij (Legal

Advisor, RPSC), Mr. Dinesh Kumar Tyagi (Special Judge 2, POCSO Cases Court, Udaipur), Dr V.N. Mathur (Former Director, FSL, Jaipur),

Mr. Nishit Dixit (Cyber Law Expert, Jaipur), Dr. Arpita, Dr Abhishek, Ms. Amrita S. Dudia(Motivational Trainer Tedx Speaker) and Ms. Poonam Durgan (Additional Director (Academic), RSJA).

This training programme was conducted in view of the proposal issued vide letter dated 28.06.2019 by Government of India, Ministry of Home Affairs, Bureau of Police Research & Development, New Delhi.

RJS Induction Training 2019-2020 for Trainee RJS :

Induction Training was imparted by the Rajasthan State Judicial Academy to newly appointed Civil Judges. There are 11 phases of training in total out of which this year 8 phases of training were concluded by the Academy. The duration and nature of the concluded training phases are:

1. Institutional Training-About 6 weeks (6th March 2019-20th April 2019).
 2. Field Training-About 6 weeks (22nd April 2019-1st June 2019).
 3. Institutional Training-About 5 weeks (10th June 2019-12th July 2019).
 4. Field Training- About 6 weeks (15th July 2019-24th August).
 5. Institutional Training-About 2 weeks (26th August 2019-9th September 2019).
 6. Field Training- About 6 weeks (11th September 2019-19th October 2019).
 7. Institutional Training-About 3 weeks (21st October 2019-11th November 2019).
- Trainee RJS were also taken on Excursion cum Educational Tour from 7th Nov. 2019 to 16th Nov. 2019. The places covered during the tour were Ranakpur, Chittorgarh, Udaipur, Gandhinagar, Ahmedabad, Aanand, Vadodara, Narmada and Abu Road.
8. Field Training- About 6 weeks (13th November 2019-4th January 2020).

Workshop on Sensitization of Stakeholders dealing with POCSO Act Cases :-

On 23rd - 24th Feb, 2019 a Workshop was organized for Judicial Officers, Police Officers, Public Prosecutors.

This two days workshop was inaugurated by Hon'ble Mr. Justice P.K. Lohra, Judge Rajasthan High Court with lighting of lamp. Hon'ble Mr. Justice P.K. Lohra, Judge Rajasthan High Court, Sh. Vineet Jain, Advocate, Rajasthan High Court, Sh. Uma Shanker Vyas, District &

Sessions Judge, Bundi, Sh. Farzand Ali, Additional Advocate General, Rajasthan High Court, Jodhpur, Dr. V.N. Mathur, Former Director, FSL, Dr. P.C. Vyas, Sr. Professor, Forensic Medicine, MG Hospital, Jodhpur and his team member Dr. Binaca and Dr. Imran Shekh, Senior Demonstrator, Department of Forensic Medicine and Toxicology, Dr. S.N. Medical College, Jodhpur, Sh. Govind Beniwal, Officer on Special Duty, Department of Child Rights, Rajasthan Government, enlighten the participants with their words of wisdoms.

The stakeholders included 56 Judicial Officers, 35 Police Officers, 56 Public Prosecutors.

This workshop was divided into following sessions :-

1. Child Sexual Abuse: Understanding Behavioural and Psychological Impairments in Victims.
2. Challenges faced by Courts, Prosecution and Investigation Agencies in dealing with POCSO Cases
3. Medical Examination of Victims and Accused.
4. Recording and Appreciation of Medical, Forensic and Cyber Evidences in POCSO Cases.
5. Rehabilitation and Compensation for Child Victims of Sexual Offences.
6. Presumption and Burden of Proof under POCSO Act.
7. Interactive Session.

Workshop on "Effective Implementation of Negotiable Instruments Act." :

This one day workshop was organized on 7th July 2019 at Rajasthan State Judicial Academy wherein officers having NI Act cases and 36 RJS Trainee Officers who were undergoing Induction Training participated in it.

Hon'ble Mr. Justice Pankaj Bhandari, Judge, Rajasthan High Court Bench, Jaipur, Sh. Madhusudan Mishra, Additional District & Sessions Judge No.1, Jaipur Metropolitan, Smt. Meena Awasthi, Additional District & Sessions Judge No.3, Bharatpur, Sh. Mahendra Kumar Dave, Additional District & Sessions Judge No.2, Udaipur were the resource persons for the workshop.

Workshop was divided into four sessions :-

1. Dishonor of Cheques, Notice of Dishonor, Cause of Action, Jurisdiction, Cognizance and Procedure for Trial under Negotiable Instruments Act.
2. Offences, Prosecution, Penalties, Compensation and Compromise under Negotiable Instruments Act
3. Provisions relating to Rights and Liabilities under Negotiable Instruments Act with special reference to Directors and Partners under section 141 of Negotiable Instruments Act.
4. Special Rules of Evidence: Presumptions and Estoppel and relevant provisions of Banker's Book Evidence Act.

Workshop on “Motor Accident Claim Cases” :

A one day workshop was organized on 21st July 2019 for 119 Presiding Officers of Motor Accident Claim Tribunals and Judicial Officers dealing with MAC Cases.

Sessions were addressed by Hon’ble Mr. Justice Pratap Krishna Lohra, Hon’ble Dr. Justice Pushpendra Singh Bhati, Director, RSJA Sh. Hari Om Attri, Sh. Anant Bhandari, Judge, MACT, Dausa and Ms. Shivani Singh, Judge, MACT, Rajsamand.

The workshop was divided into the following four sessions :-

1. Jurisdiction of Motor Accident Claim Tribunals & Interplay between Section 140, 163A and 166 of the Motor Vehicles Act, 1988.
2. Liability of Insurance companies in Motor Accident Claims with respect to:
 - a) Gratuitous Passengers, Cancelled Policies and Commencement of Policies.
 - b) Assessment of Disability.
 - c) Determination of Compensation in cases of Injury/Death.
3. Tools and Techniques to Expedite MAC Cases:
 - a) Role of Presiding Officers of MACTs.
 - b) Evidentiary issues in MAC Cases.
 - c) Issues and Challenges in Enforcement of Award.
4. Interactive Session with special emphasis on Agreed Procedures for Motor Accident Claims.

Workshop on Speedy and Qualitative Disposal of NDPS Cases :

Rajasthan State Judicial Academy organized the Workshop on 'Speedy and Qualitative Disposal of NDPS Cases' for the Judges presiding over the special courts for NDPS Cases and Officers dealing with NDPS Matters on 18th August 2019 in which 51 Judicial Officers, 27 Police Officers and 19 Prosecution Officers participated.

Resource Persons for the Workshop were Dr. J.N. Barowalia, Former Principal Secretary (Law) to Government of Himachal Pradesh, Mr. Vineet Jain, Advocate, Rajasthan High Court, Dr. J.N. Barowalia, Sh. Devendra Kachhawaha, District and Sessions Judge, Balotra, Sh. Rajendra Kumar Pareek, District and Sessions Judge, Bikaner and Sh. Devendra Joshi, District and Sessions Judge, Rajsamand.

Workshop was divided into following four sessions-

1. Judicial Scrutiny of Investigation: Provisions relating to Search and Seizure vis-a-vis NDPS Act. & Issues and Challenges in Forfeiture, Confiscation, Disposal of Contraband and Illegally acquired Property: Role of Police and Courts.
2. Matters relating to Remands, Bail, Presumptions, Framing of Charges and Role of Courts in Ensuring Procedural Safeguards during Trial.
3. Appreciation and Evaluation of Evidence and Critical Analysis of Proportionate Sentencing Policy for Drug Offenders.
4. Interactive Session

Workshop on 'Speedy and Qualitative Disposal of Criminal Matters with special reference to Minor Acts' :

A one day Workshop was organized on September 22, 2019 in which a total of **100** Judicial Officers of Rajasthan participated.

The workshop concluded in four independent sessions :

Session-I

Bird's eye view of Arms Act and Excise Act: with special reference to cognizance, Disposal of property, Appreciation of Evidence and Probation of Offenders Act.

Session-II

Practical Analysis of procedure and practice in

1. Domestic Violence Act
2. Senior Citizens Act; and
3. Indecent Representation of Women (Prohibition) Act

Session-III

Day to day working of Motor Vehicle Act (latest amendment), Prohibition of Smoking Rules, Public Gambling Act, 1867 with special reference to cognizance, disposal of property and the appreciation of evidence.

Session-IV

1. Mines and Minerals (Development and Regulation) Act, 1957; and
2. The Rajasthan Forest Act, 1953

With special reference to provisions and latest law as to seizure and confiscation.

The Resource Persons for the workshop were Hon'ble Mr. Justice Vijay Bishnoi (Judge, Rajasthan High Court), Dr. Nidhi Gupta (Associate Professor, National Law University, Jodhpur), Mr R.P. Soni (District and Sessions Judge, Jalore) and Mr. Madhu Sudan Mishra (ADJ-1, Jaipur Metropolitan).

Seminar on 'Excellence in Qualitative and Quantitative Justice in Civil Matters' :

To sensitize the Judicial Officers to prevent delay and impart justice in time to the litigant, one training programme was organized on 21st April 2019 for Additional District Judges, Additional Senior Civil Judges, Civil Judges and Additional Civil Judges. 37 Additional District Judges, 34 Additional Senior Civil Judges, 36 Civil Judges and Additional Civil Judges participated in this training programme.

Seminar was inaugurated by lighting the lamp by Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Supreme Court of India & Former Chairman, Rajasthan State Judicial Academy, Hon'ble Mr. Justice Mohammad Rafiq, Acting Chief Justice, Rajasthan High Court & Patron-in-Chief,

Rajasthan State Judicial Academy, Hon'ble Mr. Justice Sangeet Lodha, Judge, Rajasthan High Court & Chairman, Rajasthan State Judicial Academy, Sh. Chandra Shekhar Sharma, Former Director, Rajasthan State Judicial Academy in the gracious presence of Hon'ble Judges of Rajasthan High Court, Jodhpur, Officers of the Registry, District Judge, Jodhpur District, District Judge, Jodhpur Metropolitan, Chief Metropolitan Magistrate, Jodhpur.

The Seminar was divided into the following two sessions:-

1. Life Span of Civil Litigation: Adjudicator's Perspective.
2. Excellence in Qualitative & Quantitative Justice in Civil Matters.

Conference on Cyber Laws and Electronic Evidence :

A one day conference on 'Cyber Crimes and Electronic Evidence was organized on 1 st September 2019 for Judicial Officers of all cadre and Police Officers. In this Conference total 91 officers from ADJ Cadre (29), ACJM Cadre (30), JM Cadre (32), 5 Police Officers in the rank of Addl. Police Commissioner and Addl. Superintendent of Police participated. Conference has been organized to enhance the understanding of Cyber Crimes and Electronic Evidence as well as various aspects of Cyber Laws dealing with Cyber Crimes, intended to bring clarity and understanding regarding appreciation and admissibility of electronic evidence to facilitate speedy and qualitative disposal of cases.

Dr. Gargi Chakarbarti, Associate Professor, NLU, Jodhpur, Dr. C.B. Sharma, Retd. IPS, Mr. Nisheeth Dixit, Advocate & Cyber Law Expert and Mr. Mukesh Chaudhary, Founder and CEO of Cyberops Infosec, were the resource persons for the above conference.

Conference was divided into four sessions:

1. Cyber Crimes and Laws dealing with Cyber Crimes
 - Fundamentals of Cyber crimes
 - Offences against Computer data, Mobile data and Systems: Search and Seizure
 - Computer related Fraud and Forgery
 - Detection Investigation of Cyber Crimes: Practice & Procedure (Cyber Forensics)
 - Jurisdiction and Territorial Competencies
 - Expedited preservation of computer data
 - Offences under IT Act.

2. Basics of Computer & Internet

- Technology
- Functioning of the Internet (basic notions); safe use of email
- Types of Network
- Glossary of Terms (Phishing, Hacking, Defacement etc.)
- Protocols

3. Electronic Evidence: Definition and Characteristics

- Requirements of Electronic Evidence
- Types of Electronic Evidence
- Admissibility of Electronic Evidence: Judicial Approach
- Computer Forensics & Role of Judges in Combating Cyber Crimes
- Trial of Cyber Crimes :Practice & Procedure
- Challenges in Trial thereof

4. Interactive Session

State Level Conference-cum-Induction Training :

This conference was organized in two phases I & II from 07-09 Sept.2019 and 23-25 Nov.2019 in which a total of 111 Judicial Officers of Family courts and Officers dealing with Family Matters in the State of Rajasthan participated.

The Resource Persons for the Phase-I and Phase-II of the conference were :-

Phase-I

1. Hon'ble Mr. Justice P.K. Lohra (Judge, Rajasthan High Court)
2. Hon'ble Dr. Justice Pushendra Singh Bhati (Judge, Rajasthan High Court)
3. Hon'ble Ms. Justice Sabina(Judge, Rajasthan High Court)
4. Hon'ble Ms. Justice Manju Goel (Former Judge, Delhi High Court)
5. Professor Ved Kumari (Former Dean, Faculty of Law, Delhi University)
6. Dr. Nidhi Gupta (Associate Professor, National Law University, Jodhpur)
7. Ms. Prachi Gaur (Founder and CEO of Remarkable Education)
8. Ms. Amrita S. Dudia (TedX and Motiveactional Speaker)
9. Dr. Pramila Acharya (Advocate, Rajasthan High Court)

Phase –II

The Resource Persons for the conference (Phase-II) were :

1. Hon'ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)
2. Hon'ble Dr. Justice Pushpendra Singh Bhati (Judge, Rajasthan High Court)
3. Hon'ble Mr. Justice Vinit Kumar Mathur (Judge, Rajasthan High Court)
4. Shri Murlidhar Vaishnav, Former District and Sessions Judge
5. Dr. Nidhi Gupta (Associate Professor, NLU-Jodhpur)
6. Dr. Anjali Thanvi (Assistant Professor, NLU-Jodhpur) _
7. Mrs. Sabyasachi K. Prabhavati (Assistant Professor, GNLU-Gandhmagar)
8. Mr. Chandra Kant (Remarkable Education)

The first phase conference concluded in 14 independent sessions and second phase in 11 independent sessions.

The conference was organized taking into account the objectives and agenda of **Ranchi Declaration of 2018 (1st National Meet for Sensitization of Family Matter, Ranchi, November 2018)**.

Rajasthan was the first state to complete the 40 hours of training programme for its Family Court Judges and Officers presiding over Courts having family matters.

West Zone Regional Conference

National Judicial Academy in association with the Rajasthan High Court and Rajasthan State Judicial Academy organized the conference at Rajasthan State Judicial Academy, Jodhpur for Judicial Officers from 19th Oct-20th Oct. 2019.

The Sessions of the Conference were :

1. Constitutional vision of justice.
2. Being a Judge: Role of a Judge in Constitutional democracy.
3. Access to justice:
Information and Communication Technology in Courts
Courts and Case Management
4. Cadre Management in District Judiciary:
Recruitment Process: Aptitude test
Identifying and filling of vacancies
5. Fiscal and Budgetary planning

Judicial Colloquium on Prevention of Human Trafficking :-

To combat and to prevent Human Trafficking, a one day Judicial Colloquium on Prevention of Human Trafficking was organized on 19.05.2019, for Judicial Officers and other Stakeholders (Prosecution Officers, Police Officers and NGOs) who are dealing with Human Trafficking cases.

Faculties for the colloquium were Dr. Nidhi Gupta Assistant Professor, NLU, Jodhpur, Shri Govind Beniwal Projector Director, 'Antakshari Foundation' & Member, High Level Committee on JJ Act, Shri Mahendra Kumar Dave Addl. District & Sessions Judge No.2, Udaipur and last session was interactive one.

Judicial Colloquium consisted of Four Sessions :

1. Concepts, Dimensions, Responses, Challenges and Innovations in the field of Human Trafficking with special focus on Forced Labour, Sexual Exploitation of Women and Children.
2. Role of Civil Society and convergence with Judiciary, Prosecutors and Police in Rescue and Rehabilitation as well as Prevention of Human Trafficking.
3. Effective Prosecution of offenders: Role of Police, Prosecutors and Judiciary.
4. Interactive Session

Judicial Colloquium for Effective Implementation of Pre Conception and Pre Natal Diagnostic Techniques Act, 1994

To achieve the object the act and to sensitize the Judicial Officer as well as other Stakeholders presently dealing with the cases under the 1994 act, a one day judicial colloquium was organized by RSJA on 25th May, 2019 in compliance of the directions given by Hon'ble Supreme Court in writ petition no. 349/2006, Voluntary Health Association of Punjab Vs Union of India and direction issued by Hon'ble Rajasthan High Court in D.B. Civil Writ Petition No. 3270/2012, S.K. Gupta Vs Union of India.

Shri Mukesh, Spl. Judge, CBI No. 3, Jaipur Metropolitan, Dr. Devendra Chaudhary District Nodal Officer (PC& PNDT) and CMHO, Bikaner, Dr. Indra Bhati, Gynaecologist HOD, Ummed Hospital, Jodhpur, Dr. Prateek Shihag, Assistant Professor Dept. Of Radio Diagnostic, Dr. S.N. Collage, Jodhpur, Smt. Meena Awasthi, ADJ No. 3 Bharatpur, Shir Vikram Singh Champawat, Health Manager, State PC & PNDT Cell, Jaipur were the resource persons who enlightened the participants and shared their experiences with them.

The colloquium was divided into four sessions:-

1. Role and Functions of Authorities and Bail, Search, Seizure and Release of Property under the PC&PNDT Act, 1994.
2. Medical Termination of Pregnancy and Sex Selection.
3. Principles of Evidence: Exhibition, Admissibility and Appreciation of Evidence in PC&PNDT Matters.
4. Major Challenges in the Implementation of PC&PNDT Act, 1994.

(II) ACTIVITIES OF STATE JUDICIAL ACADEMY

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

Presently, the Academy is functioning in its newly constructed splendid building spread in about 80 Bighas of land and situated near Jhalamand Circle, Old Pali Road, Jodhpur. The Academic Block of RSJA has state-of-the-art Auditorium (with a capacity of 240 persons), a Conference Hall (with a capacity of 135 persons), a Library Hall, Class Rooms and a Computer Lab. The Hostel Block of RSJA has 52 rooms alongwith a Dining Room, a Gymnasium and a Recreation Room for the Trainee Officers.

The Rajasthan State Judicial Academy has a Faculty Guest House comprising of suites and rooms for Hon'ble Guest Faculties and other invited dignitaries invited for various purposes. In the near future, RSJA is planning to construct a few additional Hostel Rooms, a Swimming Pool, a Tennis Court, a Utility Centre, a Canteen and a Drivers' Dormitory etc.

7. STATUS REPORT OF COMPUTERIZATION OF RAJASTHAN HIGH COURT

HIGH COURT

MIGRATION TO CIS 1.0

- Rajasthan High Court, at both places Jodhpur & Jaipur, has migrated to CIS 1.0 developed by Hon'ble E-Committee, Supreme Court of India.
- Rajasthan High Court is the first High Court which started replicating its data simultaneously to its Website, Mobile App and NJDG. The technical team of High Court has developed its own script which has been shared with other High Courts also.
- After this migration, Hon'ble Supreme Court, Hon'ble High Court and Subordinate Courts are on the same platform for the purposes of data integration.

PERIPHERAL UTILITIES WITH CIS 1.0

- Rajasthan High Court has various peripheral utilities which work with CIS 1.0. Some major utilities are-
 1. Certified copies without movement of files using the orders and Judgement uploaded.
 2. Judgement/Order template generation for Court Staff.
 3. Cause List generation
 4. Consignment of Record
 5. Physical verification of files
 6. Pagination to maintain proper paper book.
 7. In house REP MENU which gives 42 reports of different kinds.

CENTRALIZED FILING SECTION

- Jodhpur and Jaipur both have centralized filing sections where any kind of petition, application, paper etc. may be filed.
- Filing, data entry, scrutiny, institution and first listing is done in centralized filing section and the file is straightway sent to court.

E-FILING

- In compliance of resolution of Hon'ble Full Court to set up E-Courts in Rajasthan High Court, modalities have been finalized to start e-filing.
- Exhaustive guidelines covering all practical eventualities for smooth process of e-filing have been issued.
- After all required preparations, e-filing will be started in Rajasthan High Court for all case types both at Jodhpur and Jaipur.

VIDEO CONFERENCING BETWEEN PRINCIPAL SEAT, JODHPUR AND JAIPUR BENCH

- Rajasthan High Court has made a novel initiative to use information and technology for conducting Court Proceedings between Principal Seat Jodhpur and Bench at Jaipur through Video Conferencing.
- At times, for non-availability of Hon'ble Judge concerned due to sitting at other place or non availability of Advocate General or Addl. Solicitor General, hearing of cases is delayed.
- To bridge this gap, facility to conduct court proceedings through video conferencing has been established at Jodhpur and Jaipur wherein counsels from any location can argue before bench at other location.
- Even cases can be argued before a Division Bench comprising Hon'ble Judges sitting at two different locations.
- For this Video Conferencing equipments have been setup in court room in such a way to replicate open court environment.
- Hearing of many cases have been successfully conducted over Video Conferencing between Jodhpur and Jaipur.

COMPUTER PROGRAMME FOR PAGINATION OF PAPER BOOK

- A computer programme has been developed for chronological paging of the paper book.
- Every petition, appeal or pleading is required to have pagination. If and when any further pleadings, such as reply, counter affidavit, rejoinder etc. is filed, the same is required to be paginated in continuation of already filed pleadings, so that the relevant papers can be located in the file with the help of index.
- This computer programme displays last page number of the petition/appeal on the web site of Rajasthan High Court and also page from which the fresh pleadings should begin. Advocates and litigants get information about next page number from the website.

- This is the first computer programme of its kind in any of the High Court. This computer programme has been shared with all the High Courts as a part of sharing best practices.

RAJASTHAN HIGH COURT WEBSITE (www.hcraj.nic.in)

- New website of Rajasthan High Court developed using latest technology with new features was launched in April, 2018. The website is screen responsive and can be seen on mobile, iPad or laptop or on any size of screen.
- The accessibility of the web site reflects from the fact that it received around 2.41 crore hits since 25 June 2018 i.e. more than 45,000 hits per day.
- The new website is disabled friendly also. The website fulfils W3C standards meant for easier access by visually impaired.

FREE TEXT SEARCH OF JUDGEMENT ARCHIVES

- 'Free Text Search' facility to search database of more than 12 lakh Judgement /Orders archived with Rajasthan High Court. This facility available both on the website and mobile app.
- Free Text Search feature includes 'Exact', 'Any', 'All' and 'Boolean' search.
- Search within search feature is provided to further refine the search. Any further search may be made on the searched output upto 4 levels.
- Searched word or string is highlighted in the PDF file of Judgement/order.
- Any Judgement/order can be either viewed without downloading it. If required, it may be downloaded and saved in PDF format.

MOBILE APPLICATIONS FOR ANDROID AND iOS

- Rajasthan High Court has Mobile App (Android & iOS) for various case related information with a unique feature MY DIARY through which any Advocate can make e-diary of his cases which updates automatically every day. Search of cases within my diary may be made. My diary also shows the details of listing of the cases. If any new Judgement or order is uploaded in any of the case saved in my diary, it gives alert of the same.
- Free Text Search facility on the contents of about 12 lac Judgements of High Court is also available in app. The search has advanced features including 'Boolean Search' and 'search within search'.

- The App also gives updated information of following in a user friendly manner –

1. Cause List
2. Filing/Defect Status
3. Case Status
4. Copying Status

Search in the App may be made on various parameters including filing number, case number, Advocate Name, Party Name etc.

E-STAMP CENTRE

- E-Stamp Centers through Stockholding Corporation have been set up both at Jodhpur and Jaipur.
- Lawyers and litigants can also purchase these e-stamps online.

DIGITIZATION

- Scanning & Digitization of disposed case records of Rajasthan High Court is in progress since October 2018 both at Jodhpur and Jaipur.
- Approximately 7 Crore pages are to be scanned. Status of scanning work as on 31.12.2019–

Number of Pages scanned by Vendor	2,27,38,990 (32.48%)
Number of Pages of which quality check has been done by vendor	1,20,07,892 (17.15%)
Number of Pages of which quality check has been done by High Court staff	79,36,566 (11.34%)

DISPLAY BOARDS

- Real time status of cases listed in courts is displayed through various LED screens installed in High Court. The cases listed in Courts are also simultaneously displayed on High Court website and Mobile App.

WI-FI ENABLED CAMPUS

- Free Wi-Fi Internet Facility is available in the entire campus of Rajasthan High Court at Jodhpur and Jaipur which is provided by Department of Information Technology & Communication (DoIT&C).

E-MITRA KIOSKS

- eMitra Kiosks through Department of Information Technology & Communication have been installed in High Court. These kiosks provide 19 different types of digital services to public at large including Video Conferencing facility.

E-GATE PASS

- Computerized Gate pass facility is available at Rajasthan High Court, Jaipur Bench. The e-gate pass software is linked with CIS 1.0 so as to track the litigants entering into court premises for hearing of cases.

COMPUTER PROGRAMMES FOR MAINTENANCE OF DIGITS & TRACKING OF RECORDS

- A computer programme has been developed and implemented for maintenance of Digits in all the Judicial Sections for proper handling of the files.
- Another computer programme has been developed and implemented for keeping complete track of receipt, movement and return of the trial court records.

STATUS OF COMPUTERISATION

SUBORDINATE COURTS

MIGRATION AND REPLICATION TO CIS 3.1

- Rajasthan is the biggest state and has the highest number of court establishments i.e. 935.
- All the District Courts have migrated and replicated to CIS 3.1
- New MPLS connectivity has been commissioned by BSNL almost in all Court Complexes of Rajasthan. Remaining court complexes will also be covered very soon. MPLS has frequent breakdowns which are affecting the data uploading on NJDG. The issue needs to be effectively addressed.
- Under eCourts project, 62 new servers have been procured and installed, these servers are fast and efficient. LAN installation at 90% court complexes has been accomplished. After completion of this work and MPLS connectivity, all subordinate Courts will be available on NJDG.

UNIFORMITY EXERCISE

- Rajasthan is first state in the country to undertake complete uniformity exercise in CIS.
- In all the subordinate courts of Rajasthan, Case Types, Listing Purpose Types, Adjournment Types and Disposal Types are similar.

TIMELY UPDATION OF CASE PROCEEDINGS IN CIS

- Rajasthan is one of the best performer in the country in timely data updation, quality of data and undated cases in CIS.
- Rajasthan has also maintained lowest undated cases amongst all larger States which have similar pendency as in subordinate courts of Rajasthan. However, now due to frequent issues with MPLS connectivity, undated cases are shown between 8,000-10,000 on NJDG which is on quite higher side whereas as a matter of fact, at court level, undated cases remains on much lower side between 2000-3000. Thus, a wrong picture is reflected on national portal.

NSTEP (NATIONAL SERVICE AND TRACKING OF ELECTRONIC PROCESSES)

- NSTEP (National Service and Tracking of Electronic Processes) for electronic service of processes of civil courts was launched on 27.09.2019.

- For NSTEP Mobile App, 1850 mobile handsets have been procured and connectivity to these Mobile Handsets has provided through BSNL.
- Since, the Process Servers and litigants are less educated and do not know English, the NSTEP Mobile App has been got prepared in Hindi. Similarly, templates of all the civil processes have been prepared in Hindi. By using these templates, auto filled processes will be generated and published through CIS itself.
- NSTEP will not only accelerate the process of service but would also make it more transparent eliminating frequently raised allegations on the process servers.
- In first phase, NSTEP has been started for the processes to be served within the local jurisdiction of concerned court.
- Recently, in Second Phase, serving of processes across establishments throughout State of Rajasthan has also been started.

CALENDAR - COMPUTER PROGRAMME TO FACILITATE EFFECTIVE COURT MANAGEMENT IN DISTRICT COURTS

- A computer programme has been developed to facilitate effective court and docket management.
- The program displays number of case stage wise listed on a particular day and between any two dates including number of 5 and 10 years old cases.
- Required attention may be paid to all the cases as per stages and priority.
- This programme also provides for drill down information of every category of cases.
- This periphery fetches data from local CIS database and displays data in classified format so as to club cases stage-wise and age-wise on any particular date.
- Any case proceeding entered in CIS is reflected real time upon the Calendar programme.
- The updated version of this programme has been customized according to format as required in General Rules Civil & Criminal 2018 and in near future, use of physical memorandum of dates Register may be done away with use of this programme.

DISPLAY BOARD

- In all the subordinate courts, LED display boards have been installed for showing the progress of cases taken up for hearing.

EXTRA MONITOR ON DAIS FOR STATEMENTS

- In all the subordinate courts, extra monitor has been installed on the dais so that the witness and lawyer can see the statements.

INFORMATION KIOSKS

- Information Kiosks have been installed in all the court complexes for case related information.
- eMitra Kiosks through Department of Information Technology & Communication have also been installed which provide 19 different types of digital services to public at large including Video Conferencing facility.

EMAIL ADDRESSES OF ALL SUBORDINATE COURTS

- All the subordinate courts of Rajasthan have been provided with official E-mail address on NIC domain.
- These email addresses have been shared with Police Department to exchange information related to processes.

E-DIRECTORY OF JUDICIAL OFFICERS

- e-Directory of all the Judicial Officers is available on the website of Rajasthan High Court.
- This directory is designed in such a way to give it a look and feel of a physical book. The directory is mobile responsive also.

JUDICIAL OFFICERS ASSESSMENT PORTAL

- A portal has been developed for comparative assessment of work done by the Judicial Officers with officers posted in same court in previous years in similar conditions.
- This portal has been designed to assist reporting officers while evaluating Annual Performance Appraisal Reports.

VIDEO CONFERENCE FACILITY

- Video Conferencing Units have been installed at 35 District Court Complexes, 203 Subordinate Court Complexes, 35 District/Central/Women Jails and 60 Sub Jails under eCourts Project.
- Video conferencing facility at all the District & subordinate courts has been made functional. Video conferencing between District Courts and Central/District Jails is functional in 22 Districts for remand purpose and recording of evidence. At remaining Districts, there are connectivity issues at Jail end. For video conferencing in between those District Jails, steps are being taken.
- Broadband connectivity was offered to sub jails from the funds under eCourts project but the jail administration refused to take the connectivity on the ground that their larger project for connectivity is under process with State Government. Thus, at present video conferencing with sub jails is not functional.
- The concerned Jail Authorities & Additional Chief Secretary, Home Department, Government of Rajasthan have been repeatedly requested to ensure proper connectivity so that V.C. Facility may be used at the optimum level.
- VC IDs for every court complex has also been created and communicated to all the Judgeships. This can be used for conducting administrative meetings etc and officers need not travel to district headquarter for meetings.

CCTV CAMERAS

- In compliance of directions of Hon'ble Supreme Court in Praduman Bisht's case, CCTV Cameras were installed in two Districts Pali and Sikar as pilot project.
- Action plan has been prepared for installation of CCTV cameras in other courts.
- A Dedicated Cell comprising of Registrar (Admn.), Registrar cum CPC, System Officer and System Assistant has been constituted to observe and publish CCTV footage of District Courts.

JustIS MOBILE APP

- JustIS Mobile App developed by Hon'ble E-Committee has been provided to all Judicial Officers along with training module for the App.

AUTOMATED EMAIL SERVICE

- Automated Email Services for Lawyers, Litigants and other Stakeholders have been started in all District & Subordinate Courts of Rajasthan.
- Through this automated email facility case status and other details are being sent to those litigants and advocates whose email addresses are registered in CIS.

SOLAR SYSTEMS

- 22 Solar Systems have been installed in 20 Court complexes. These court complexes are running on Solar Power.

DISTRICT COURTS MEDICO LEGAL POSTMORTEM REPORTS (MEDLEAPR)

- A computer programme called MEDLEAPR has been developed for online preparation of Medico Legal Reports, Injury Reports, Post Mortem Reports and FSL Reports.
- This will do away with illegible handwritten reports and also prevent reports from being manipulated.
- Pilot Project has been initiated and after successful testing, the same will be rolled-out amongst other Hospitals. Under second phase, reports will be transmitted online to Police Stations and Courts.

8. FINANCIAL STATEMENT OF BUDGET AND EXPENDITURE

The Financial Statement of Budget and Expenditure (Revenue Expenditure for the year 2019) as under :-

(Amount in Thousands)

S.No.	Budget Head	2019-2020	
		Final Grant	Expenses
1.	2014-00-102-01-00- Rajasthan High Court	1364635	1364536
2.	2014-00-105-01- DJ/ ADJ COURTS	3650429	3648281
	2014-00-105-01- DJ/ ADJ COURTS (62-Computers)	28366	28312
3.	2014-00-105-02- CJM/ ACJM COURTS	1582768	1582400
4.	2014-00-105-03- MJM/ AMJM COURTS	1536888	1536566
5.	2014-00-105-04- MOBILE COURTS	27438	27440
6.	2014-00-105-06- DESIGNATE COURT	6907	6907
7.	2014-00-105-07- DACOITY COURTS	10684	10677
8.	2014-00-105-08- SATI NIVARAN COURTS	6183	6182
9.	2014-00-105-09- SC/ ST COURTS	159547	159477
10.	2014-00-105-11- NDPS COURTS	62354	62354
11.	2014-00-105-14-00- JUDICIAL ACADEMY	46216	46215
12.	2014-00-105-15- N.I. ACT COURTS	280088	280084
13.	2014-00-105-16- BOMB BLAST COURT	7403	7402
14.	2014-00-105-17-00- GRAM NYAYALAYA	115777	115777
15.	2014-00-789-02-00- GRAM NYAYALAYA	20254	20236
16.	2014-00-796-02-00- GRAM NYAYALAYA	30345	30344
17.	2014-00-117-01- FAMILY COURTS	308186	307967
18.	2014-00-116-02(1) RENT TRIBUNALS	25348	25348
19.	2014-00-116-02(2) APPELLATE RENT TRIBUNALS	8555	8555
20.	2014-00-105-20(01) COMMERCIAL COURTS	54418	54408
21.	2014-00-800-02(01) JUVENILE JUSTICE BOARDS	3681	3681
	TOTAL	9336470	9333149

Financial statement of Budget and Expenditure

The Financial statement of Budget and Expenditure (Capital Expenditure) for the year 2019-20 are as under :-

(Rs. In Lacs)

S. No.	Budget Head	Provision 2019-20 by Finance Department			Expenditure upto 31.03. 2020
		State Fund	Central Assistance	Total	
SCHEME					
1	4059 capital Outlay on Public Works, 80- General, 051-Construction, (03)-General Building (Judicial Administration), [01]- Construction of New Rajasthan High Court Building, Jodhpur, 17 Major Construction Works (State Fund)	1574.83	0.00	1574.83	1574.83
2	4059 capital Outlay on Public Works, 80- General, 051-Construction, (03)-General Building (Judicial Administration), [02]- Construction of Building for Rajasthan State Judicial Academy, Jodhpur, 17 Major Construction Works (State Fund)	100.00	0.00	100.00	100.00
3	4059 capital Outlay on Public Works, 80- General, 051-Construction, (03)-General Building (Judicial Administration), [03]- Other Judicial buildings, 17 Major Construction Works (State Fund & C.A.)	5695.13	3359.90	9055.03	7754.54
4	4059 capital Outlay on Public Works, 80- General,051-Construction, (03)-General Building (Judicial Administration), [04]- Construction of Gram Nyayalaya Buildings, - 17 Major Construction Works (State Fund & C.A.)	12.93	0.01	12.93	0.00
5	4059 Capital Outlay on Public Works, 80- General, 796- Tribal Area Sub Plan, (05)- General Building (Rajasthan High Court), [00], 17- Major Construction Work (State Fund & C.A.)	1058.95	700.00	1758.95	1674.31
6	4216-Capital Outlay on Housing 01-Government Residential Building, 700-Other Housing – (01)-General Residential Building (Judicial Houses), [90] – Construction work (Through the agency of Chief Engineer, PWD), 17-Major Construction work (State Fund & C.A.)	798.65	576.05	1374.70	1061.90
7	4216-Capital Outlay on Housing 01-Government Residential Building, 796-Tribal Area sub Plan – (01)-General Residential Building (Judicial Houses), [90] – Construction work (Through the agency of Chief Engineer, PWD), 17-Major Construction work (State Fund & C.A.)	91.35	60.00	151.35	139.08

OTHER THAN SCHEME		Provision 2019-20 by Finance Department		Expenditure upto 31.03.2020
		State Share	CSS	Total
8	4059-Public Works, 80-General-051-Construction, (02)-Judicial Buildings, [05]- Judicial Administration Dept. Committed, 16- Minor construction Works, Through the agency of the Chief Engineer, PWD, Raj. Jaipur. (State Fund)	1000.00	0.00	691.07
9	2059-Public Works, 80-General, 053-Maintenance & Repairs, (18)- Through Registrar General (RHC), Jodhpur-Committed, 21-Repair & Maintenance (State Fund)	60.00	0.00	26.78
10.	2059-Public Works, 80-General, 053-Maintenance & Repairs, (18)- Through Registrar General (RHC), Jodhpur-PWD Committed, 21-Repair & Maintenance (State Fund)	137.73	0.00	87.66
10	2216-Housing-05-General Pool Housing, 053-Maintenance & Repairs, (02)- Through Law Department, [02]-Other Maintenance Expenses Committed, 21-Repair & Maintenance, (State Fund)	730.00	0.00	467.98

9. FUNCTIONING OF GRIEVANCE REDRESSAL MECHANISM

REDRESSAL OF GRIEVANCES OF ADVOCATES

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

REDRESSAL OF GRIEVANCES OF SEXUAL HARASSMENT AGAINST WOMEN AT WORKPLACE

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

REDRESSAL OF GRIEVANCES AGAINST JUDICIAL OFFICERS

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

REDRESSAL OF GRIEVANCES OF LITIGANTS ABOUT COURT FUNCTIONING AND STAFF

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

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

ABOUT THE STATE LEGAL SERVICES AUTHORITY

Rajasthan State Legal Services Authority has been constituted on 7th April, 1998 under section 6 of the Legal Services Authority Act, 1987. There are 35 District Legal Services Authorities (DLSA), 2 Rajasthan High Court Legal Services Committees (RHCLSC) and 181 Taluka Legal Services Committees (TLSC) working across the state of Rajasthan to ensure access to justice for all through Panel advocates, Retainer advocates and Para legal volunteers.

RSLSA has a mandate to provide legal aid/services to poor, under privileged and deprived section of the society. Simultaneously promotes alternative dispute resolution by organizing LokAdalats, Mediation and Arbitration and most importantly spreading legal awareness through variety of legal awareness programs.

Besides it, Rajasthan Victim Compensation Scheme, 2011 is operational throughout the state to ensure rehabilitation and restoration of the victim in society. The constitutional mandate “Access to Justice for all” is being ensured by way of various other programs i.e. scheme of Legal aid clinics, legal literacy clubs, legal services camps, various campaigns on social issues, consultation programs for stakeholders under juvenile justice act etc.

RSLSA has taken up various activities throughout the year some of the activities are novel

INITIATIVE OF RSLSA TO STRENGTHEN LEGAL AID SERVICES IN RAJASTHAN

For achieving its mission of access to justice for all RSLSA has developed sound management, strong governance, and a persistent dedication to assessing and achieving access to justice for all. In order to ensure professional services in court based legal services RSLSA has developed and strengthened the skills, instincts, abilities, processes and resources that organizations and legal aid beneficiaries need in the following ways:

A. FREE LEGAL AID

-Free legal aid provided - 4666 persons

Rajasthan state Legal Services Authority along with his DLSAs after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense, pay the required Court fee in the matter and bear all incidental expenses in connection with the case.

A total number of 4666 persons out of which 228 persons belongs to SC, 105 persons belongs to ST, 610 women, 54 Children, 3137 persons in custody, 24 persons with disability, 198 other eligible persons and 310 persons whose annual income is less than 1.50 Lakh rupees were provided free legal aid during the year september, 2018 to september, 2019.

B. INCREASE THE INCOME CELLING

1.5 Lakh to 3 Lakh

Due to utmost efforts made by RLSA the maximum income ceiling limit under section 12(h) of Legal Services Authority Act, 1987 from 1.5 Lakh to 3 Lakh has been increased by the government of Rajasthan which soon going to be notified.

RLSA is the only one Authority who has given new horizon to free legal services adding new notion in it which are very distinctive and unique mentioned below:

C. ENGAGEMENT OF SENIOR ADVOCATES IN PANEL

1688 Panel Advocates of DLSAs / RHCLSCs having more than 10 years of standing at the respective Bar

The key obligation of the legal services institutions is to provide quality legal services whoever is coming for legal aid. Therefore, the Panel of Advocates in each District of Rajasthan as well as at High Court level is revamped and resized taking account of the pending legal aided cases and needs of each area of Rajasthan. Most importantly senior advocates have also been empanelled in each District to provide qualitative and efficient legal services in each legal aided case.

Senior advocates have been empanelled in the Panel of Advocates constituted as per amended Regulation 8 of Free & Competent Legal Services Regulation, 2018.

It is to be noted that, this endeavor of RLSA is a step in the direction of strengthening legal aid and increasing access to justice to those who cannot afford it.

This fact can be considered as there are 1688 Advocates in the Panels of DLSAs having more than 10 years of standing at the respective Bar.

D. CATEGORY WISE EMPANELMENT

- i. RSLSA has prepared separate panels for dealing with different types of cases i.e Civil, Criminal, Matrimonial etc.
- ii. The cases are being allotted to them as per their expertise on rotation basis.
- iii. In serious matter senior experienced counsels are appointed to contest the case.
- iv. Directions has been issued by order no. 20280-20314 dated 01-08-2018 to the District Legal Services Authorities to conduct meeting of the Panel Lawyer in the first week or till 05th of every month in order to evaluate their work.

E. ENGAGEMENT OF SENIOR COUNSEL IN THE PANEL OF “PRO-BONO SERVICES”

611 Advocates serving the cause free of cost even not charging any expenses

Another endeavor to engage senior counsels in legal aided cases is made through constitution of Panel of Advocates to provide Pro Bono Services. RSLSA has involved / constituted a panel of organisations/ institutions/ Senior Advocates/ Counsels who are dedicated to increase access to justice and willing to provide their services Pro Bono. 611 Senior Advocate has shown their willingness to provide their services. The quality can be judged on the fact that out 611 Advocate 475 Advocates are having more than 10 years of standing at the bar.

Information regarding Legal to Poor and Number of beneficiaries of different categories during the period January 2019 to December 2019

Free Legal Aid Beneficiaries of the year 2019							
SC	ST	OBC/LIG	In Custody	Women	Children	Handicapped	Total
163	86	467	2927	628	8461	22	12754

VICTIM COMPENSATION SCHEME, 2011

Victim compensation is one of the major aspects in reparation of the harm or injury caused to the victim due to the commission of the crime. Monetary assistance in one way or the other always benefits the victims in the mitigation of their sufferings. The compensation part of the rehabilitation enable support to victims of rape, acid attacks, human trafficking etc. the government of Rajasthan has launched the victim compensation scheme, 2011.

At present RSLSA is operating this victim compensation fund with parallel link accounts of DLSAs of Rajasthan.

UNDER RAJASTHAN VICTIM COMPENSATIONS SCHEME, 2011

Year	Beneficiaries				Total
	Men	Women	Children	SC/ST	
2019	325	505	1322	93	2245

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

Alternative Dispute Resolution (ADR) include several procedures that allow parties to resolve their disputes out of court with the assistance of a qualified neutral intermediary. National LokAdalat, Permanent LokAdalat, Monthly LokAdalat and Mediation are the most effective mechanism of ADR successfully organized by RLSA across Rajasthan.

A. LOK ADALATS

RLSA has been organising 3 kind of LokAdalats through the State:

- i. National LokAdalat
- ii. Monthly Lok Adalat
- iii. Permanent LokAdalat

- i. **National LokAdalat** - Under directions of NALSA, National Lok Adalat have been organized across state on specific subject matter and aspecific strategies are being adopted for incredible result. Huge number of cases are settled through compromise in one day.

Cases disposed of through National LokAdalat during the year 2019

No. of National LokAdalat held during the year	No of Benches	No of cases taken up	No of cases of disposed of	Amount Awarded in Settled Cases
05	4043	14,91,707	2,43,889	18,93,43,64,004

- **Best Practices**
- Pre Counselling
- boost up through sharing- video conference
- identification of suitable cases
- pre counselling
- constitution of benches
- meetings with various stakeholders
- publicity
- sharing of data on google sheet
- updating on NJDG
- Some other steps are as under:

- ii. **Monthly Lok Adalat** - Monthly Lok Adalat is being organized on last Monday of every month.

Cases disposed of through LokAdalat under Section 19 during the year 2019

No. of Sitting of LokAdalats during the year	No of cases taken up	No of cases of disposed of	No of MACT cases disposed of	Amount Awarded in Settled Cases
3,816	1,18,834	7,443	221	11,51,09,108

iii. **PERMANENT LOK ADALAT (FOR PUBLIC UTILITY SERVICES)**

- 35 Permanent Lok Adalats
- 23 chaired by Full time Chairman

Permanent LokAdalat is also one kind of Lokadalat. Permanent Lok Adalat has been constituted to resolve the matters related to public Utility Services i.e. transport, postal, telegraph, telephone, supply of power, light or water to the public, public conservancy, sanitation, education, finance, banking etc. There are 35 Permanent LokAdalats established under section 22b of LSA, Act. Out of 35 PLAs, 14 PLAs (Ajmer, Bikaner, Bharatpur, Jaipur Metro, Jodhpur Metro, Kota, Udaipur, Alwar, Bhilwara, Ganganagar, Chittorgarh, Jaipur District, Pali and Sikar) have Full time Chairman. 9 posts full time Chairman for 9 PLAs are also sanctioned and appointment process is going on.

Cases disposed of through Permanent LokAdalat under Section 22b during the year 2019

No. of Sitting of Permanent LokAdalats during the year	No of cases of disposed of	Amount Awarded in Settled Cases
4,515	5,249	31,28,86,412

MEDIATION- Mediation is a mode of ADR Mechanism. It is essentially a negotiation facilitate by a neutral third person and can be initiated by the parties or by the courts and it does not involve decision making the neutral third person. The role of mediator is to interpret concerns relay information between the parties, frame issues and define the problems.

SOME SIGNIFICANT ACHIEVEMENTS OF RLSA: STATISTICS

➤ **MEDIATION CENTERS**

At present, there are 175 Mediation Centers and 25 ADR Centres in 25 District and construction of 5 ADR centres is at final stage.

➤ **MEDIATORS**

There are 1027 trained mediators in Rajasthan including judicial officers and Advocates. 48 trained Mediators in Rajasthan High court, Jaipur Bench, Jaipur and 37 trained Mediators in Rajasthan High Court, Jodhpur.

➤ **RETIRED HIGH COURT JUDGES AS MEDIATORS**

Rajasthan is only state where retired High court Judges are providing their services in mediation. Their participation in mediation has boost up the process of mediation and more people are adopting this ADR mode due to this new approach of mediation. There are 09 Retired High court Judges at Rajasthan High court, Jaipur. They are regularly conducting the mediation in an active way.

➤ **MEDIATION MONITORING COMMITTEE**

Monitor the mediation activities, Mediation Monitoring Committee has been constituted at Rajasthan High Court, Jodhpur as well as Rajasthan High Court, Jaipur Bench, Jaipur.

To mobilize mediation activities, Rajasthan State Legal Services Authority has issued directions for increase referral of suitable cases for mediation. Simultaneously it was enjoined upon on the presiding officers to ensure physical presence of the parties and to motivate them for mediation. For close monitoring of mediation activities, progress of referral judges and judges and judge mediators was regularly called for. Thus, we could be able to achieve significant increase in referral and settled cases which is reflected from which is reflected from the following statements-

Year	cases referred	cases settled	cases unsettled	cases non starter	percentage success	pending
2019	28076	2469	8054	18066	23.46	4219

Mediation and referral judges training programmes (Since Inception)

No of 40 HRS. mediation training programme	No. of referral judges training programme	No of Awareness & Sensitization Programme	No. of ARCM Programme
45	40	13	06

REACHING OUT NEW HORIZON UNDER OUTREACH – INNOVATIVE ACTIVITIES OF RSLSA

To build legal awareness amongst the masses as well as stakeholders, RSLSA along with its DLSAs and TLSCs has been organising various innovative activities i.e.

- Bring Drop Outs Back to School Campaign(BDBS)
- Run4Van
- RSLSA#Sports4Awareness
- Campaign Help2Enable
- Plastic#na-baba-na campaign
- Legal Awareness Camps
- special day's celebration
- Essay, Debate, Poster /Painting & Games Competitions
- Awareness through print/ electronic media i.e. televisions, Radio/
- News papersetc
- Divisional and State level Workshops on various burning issues
- Campaigns – Child Marriage Restraint Campaign
- Door to Door campaign
- Campaign for Jail Inmates
- Run4one
- Plastic- na-baba-na
- Open wells and Borewell campaign

It is to be noted that need based programmes are being prepared and effectively implemented throughout the State i.e. Child Marriage Restraint Campaign, Anti Child Labour Campaign etc for effective implementation of NALSA Schemes.

**12. BROAD PERFORMANCE INDICATORS BASED ON
ANALYSIS OF JUDICIAL STATISTICS**

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

HIGH COURT

<i>Type of case</i>	<i>Pendency as on 01.01.2019</i>	<i>Institution during the year 2019</i>	<i>Disposal of cases during the year 2019</i>	<i>Total pendency as on 31.12.2019</i>
Civil	212943	110087	106711	341577
Criminal	72069	90714	65618	118251
Total	285012	200801	172329	459828

Note : Discrepancy has been occurred due to the reason that in compliance of this office Standing Order NO. S.O./05/2019 dt. 15.05.2019, the institution, disposal and pendency of all misc. cases is reflected/shown in this statement from the month of April, 2019 whereas earlier vide this office Standing Order NO. S.O./12/2014 dt. 07.10.2014, the record of misc. cases was not being shown in the statement. But, in the newly introduced Case Information System (CIS), the pendency of main cases as well as misc. cases is reflected on National Judicial Data Grid (NJDG). Therefore, in order to maintain parity with NJDG, all misc. cases are shown in this Statement from the month of April, 2019.

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</i>	<i>Pendency as on 01.01.2019</i>	<i>Institution during the year 2019</i>	<i>Disposal of cases during the year 2019</i>	<i>Total pendency as on 31.12.2019</i>
Civil	469742	218486	248494	439357
Criminal	1262566	1327606	1259738	1330466
Total	1732308	1546092	1508232	1769823

Note : Discrepancy occurred due to physical verification conducted during the months of March & July, 2019 in Sikar and Jaipur Metropolitan Judgeships respectively.

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

RAJASTHAN HIGH COURT

<i>Type of cases</i>	<i>0 to 1 year old cases</i>	<i>1 to 5years old cases</i>	<i>5 to 10 years old cases</i>	<i>More than 10 years old cases</i>	<i>Total pendency as on 31.12.2019</i>
Civil	82798	153481	54499	50799	341577
Criminal	33745	40704	15196	28606	118251
Total	116543	194185	69695	79405	459828

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</i>	<i>0 to 1 year old cases</i>	<i>1 to 5 years old cases</i>	<i>5 to 10 years old cases</i>	<i>More than 10 years old cases</i>	<i>Total pendency as on 31.12.2019</i>
Civil	120028	225577	72334	21418	439357
Criminal	395526	705905	185328	43707	1330466
Total	515554	931482	257662	65125	1769823

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

<i>Civil cases</i>	<i>No. of adjournments being granted on an average</i>	<i>Criminal cases</i>	<i>No. of adjournments being granted on an average</i>
Civil suits	37	Sessions cases	33
Civil appeal	22	Criminal original	31
Civil revision	9	Criminal appeal	15
Civil execution	23	Criminal revision	21
Civil misc.	17	Criminal Misc.	11

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

<i>Civil cases</i>	<i>No. of cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>No. of cases</i>	<i>Average time (in days)</i>
Civil suits	2270	847	Sessions cases	320	441
Civil appeal	132	320	Criminal original	894	336
Civil revision	3	16	Criminal appeal	46	105
Civil execution	1700	820	Criminal revision	26	439
Civil misc.	458	241	Criminal Misc.	133	233

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

RAJASTHAN HIGH COURT

<i>Civil cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>Average time (in days)</i>
CFA	4639	CRLA	1706
CSA	1346	CRLR	1609
CMA	2246		
CW	906		
SAW	372		

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Civil cases</i>	<i>Average time (in days)</i>	<i>Criminal cases</i>	<i>Average time (in days)</i>
Civil suits	1083	Sessions cases	1018
Civil appeal	737	Criminal original	693
Civil revision	298	Criminal appeal	451
Civil execution	721	Criminal revision	427
Civil misc.	469	Criminal Misc.	150

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

RAJASTHAN HIGH COURT

	<i>Civil cases</i>	<i>Criminal cases</i>	<i>Total</i>
Disposal during the year (a)	106711	65618	172329
Total working strength (b)	21		
Disposal per judge per year=a/b	5081.48	3124.67	8206.14

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

	<i>Civil cases</i>	<i>Criminal cases</i>	<i>Total</i>
Disposal during the year(a)	248494	1259738	1508232
Total working strength(b)	1086		
Disposal per judge per year=a/b	228.82	1159.98	1388.80

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

<i>S. No.</i>	<i>Kind of cases</i>	<i>Pending as on 31.12.2019</i>
1	Civil First Appeal	20678
2	Civil Second Appeal	8144
3	Civil Misc. Appeal.	58833
4	Criminal Appeal	43672

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

<i>PILs being filed</i>	<i>PILs being disposed of</i>
448	221