



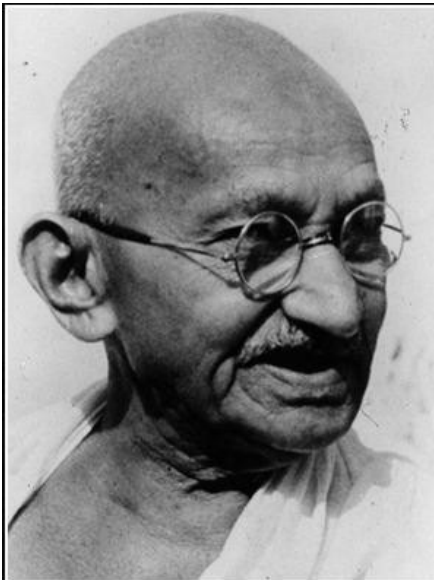
सत्यमेव जयते

Rajasthan High Court



**ANNUAL REPORT
2017**

**FOREWORD BY
HON'BLE SHRI PRADEEP NANDRAJOG
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.

Pradeep Nandrajog
Chief Justice



Rajasthan High Court
Jodhpur : 0291-2544391
Jaipur : 0141-2227130

FOREWORD

It is a matter of pleasure that the Rajasthan High Court is bringing out its third Annual Report for the year 2017.

The current report encompasses all the activities of the Rajasthan High Court and its various bodies i.e. Rajasthan State Judicial Academy, Rajasthan State Legal Services Authority. A brief introduction to the history of the Rajasthan High Court followed by various activities of public concern/awareness in legal matters are at the focus in this Report. Besides, it also concentrates on the landmark judgments delivered by the Hon'ble Judges of High Court. Statistics indicators highlighting the legal accomplishment of Rajasthan High Court and Subordinate Courts are also given space in this Report.

I am confident that this Annual Report would be of immense help and use for all, especially the legal fraternity. The endeavour made by the team members deserves appreciation.

I wish the publication a grand success.


(Pradeep Nandrajog)

Upcoming Building of Rajasthan High Court



**LIST OF SITTING HON'BLE JUDGES IN
RAJASTHAN HIGH COURT AS ON 31.12.2017**

S. No.	NAME OF HON'BLE JUDGES
01.	HON'BLE MR. JUSTICE PRADEEP NANDRAJOG, CHIEF JUSTICE
02.	HON'BLE MR. JUSTICE KALPESH SATYENDRA JHAVERI
03.	HON'BLE MR. JUSTICE AJAY RASTOGI
04.	HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS
05.	HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
06.	HON'BLE MR. JUSTICE SANGEET RAJ LODHA
07.	HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI
08.	HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA
09.	HON'BLE MRS. JUSTICE SABINA
10.	HON'BLE KUMARI JUSTICE NIRMALJIT KAUR
11.	HON'BLE MR. JUSTICE ALOK SHARMA
12.	HON'BLE MR. JUSTICE SANDEEP MEHTA
13.	HON'BLE MR. JUSTICE PRATAP KRISHNA LOHRA
14.	HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA
15.	HON'BLE MR. JUSTICE VIJAY BISHNOI
16.	HON'BLE MR. JUSTICE ARUN BHANSALI
17.	HON'BLE MR. JUSTICE MAHENDRA KUMAR MAHESHWARI
18.	HON'BLE MR. JUSTICE BANWARI LAL SHARMA
19.	HON'BLE MR. JUSTICE PRAKASH GUPTA
20.	HON'BLE MR. JUSTICE G. R. MOOLCHANDANI

S. No.	NAME OF HON'BLE JUDGES
21.	HON'BLE MR. JUSTICE DEEPAK MAHESHWARI
22.	HON'BLE MR. JUSTICE VIJAY KUMAR VYAS
23.	HON'BLE MR. JUSTICE GOVERDHAN BARDHAR
24.	HON'BLE MR. JUSTICE PANKAJ BHANDARI
25.	HON'BLE MR. JUSTICE DINESH CHANDRA SOMANI
26.	HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
27.	HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
28.	HON'BLE MR. JUSTICE DINESH MEHTA
29.	HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
30.	HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
31.	HON'BLE MR. JUSTICE MANOJ KUMAR GARG
32.	HON'BLE MR. JUSTICE INDERJEET SINGH
33.	HON'BLE DR. JUSTICE VIRENDRA KUMAR MATHUR
34.	HON'BLE MR. JUSTICE RAMCHANDRA SINGH JHALA

LIST OF JUDICIAL OFFICERS POSTED IN REGISTRY
(As on 31.12.2017)

(I) – RAJASTHAN HIGH COURT, JODHPUR		
1.	SATISH KUMAR SHARMA	REGISTRAR GENERAL
2.	BHUWAN GOYAL	REGISTRAR-CUM-PRINCIPAL SECRETARY TO HON'BLE C.J.
3.	RAJENDRA PRAKASH SONI	REGISTRAR (ADMN.)
4.	BRAJENDRA KUMAR JAIN	REGISTRAR (EXAMINATION)
5.	YUDHISTHIR SHARMA	REGISTRAR (RULES)
6.	RANDHEER SINGH MIRDHA	REGISTRAR (CLASSIFICATION)
7.	KRISHNA SWAROOP CHALANA	O.S.D., FINANCE-CUM-INFRASTRUCTURE, HQ. AT RHC, JODHPUR
8.	MUKESH BHARAGAVA	DEPUTY REGISTRAR (EXAMINATION)
9.	AMAR VERMA	DEPUTY REGISTRAR (EXAMINATION)
10.	DEVENDRA SINGH BHATI	DEPUTY REGISTRAR (JUDICIAL)
11.	SANUJ KULSHRESTHA	OFFICER ON SPECIAL DUTY

(II) – RAJASTHAN HIGH COURT BENCH, JAIPUR		
1.	BRIJESH KUMAR DANGRA	REGISTRAR (VIGILANCE)
2.	RAJINDER KUMAR	REGISTRAR (ADMINISTRATION)
3.	SMT. SANGEETA SHARMA	REGISTRAR (WRITS)
4.	DR. NAMITA DHAND NEE VASHISHTHA	REGISTRAR (CLASSIFICATION)
5.	HEMANT SINGH BAGHELA	REGISTRAR CUM C.P.C.
6.	JAGAT SINGH PANWAR	DEPUTY REGISTRAR (JUDICIAL)
7.	DEEPENDRA MATHUR	OFFICER ON SPECIAL DUTY

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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 431 Courts of District Judge Cadre, 340 Courts of Sr. Civil Judge Cadre and 454 Courts of Civil Judge Cadre. There are 415 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.

The cadre-wise strength of Judicial Officers in the Subordinate Judiciary is as follows :-

CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
District Judge Cadre	431	390 (Including 51 Ad-hoc)	41
Senior Civil Judge Cadre	340	259 (Including 17 Ad-hoc)	81
Civil Judge Cadre	454	473 (Including 78 Trainee Officers)	(-)19

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 2017

The 68th **Republic Day Celebration** was organized on **26.01.2017** in the premises of Rajasthan High Court, Jodhpur and Bench, Jaipur in the benign presence of Hon'ble Chief Justice, Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.



Flag Hoisting by Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri, Judge, Rajasthan High Court, at Jaipur on the Republic Day, 26.01.2017.



Flag Hoisting by Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court, at Jodhpur on the Republic Day, 26.01.2017.

The Chief Justice of Rajasthan High Court, **Hon'ble Mr. Justice Navin Sinha** was appointed as the Judge of Supreme Court of India on **15.02.2017**. His Lordship assumed charge of office as Judge, Supreme Court of India on **17.02.2017**.

Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri, Judge, Rajasthan High Court assumed the charge to perform the duties of the office of the Chief Justice of Rajasthan High Court on **17.02.2017**.

Hon'ble Mr. Justice Pradeep Nandrajog, Judge, Delhi High Court was appointed as the Chief Justice of Rajasthan High Court on **24.03.2017**. His Lordship was sworn in as Chief Justice of Rajasthan High Court before His Excellency the Governor on **02.04.2017** at Raj Bhawan, Jaipur. Subscribing to the oath His Lordship assumed charge as the Chief Justice of Rajasthan High Court.



*Oath Ceremony of **Hon'ble Mr. Justice Pradeep Nandrajog** as the Chief Justice of Rajasthan High Court on **02.04.2017** at Raj Bhawan, Jaipur.*

The Hon'ble High Court witnessed five new elevations of **Hon'ble Mr. Justice Ashok Kumar Gaur, Hon'ble Mr. Justice Manoj Kumar Garg, Hon'ble Mr. Justice Inderjeet Singh, Hon'ble Dr. Justice Virendra Kumar Mathur and Hon'ble Mr. Justice Ramchandra Singh Jhala**. The Swearing-in Ceremony was held on **16.05.2017**.



*Swearing-in Ceremony of **Hon'ble Mr. Justice Ashok Kumar Gaur**, as Judge, Rajasthan High Court on **16.05.2017**.*



*Swearing-in Ceremony of **Hon'ble Mr. Justice Manoj Kumar Garg**, as Judge, Rajasthan High Court on **16.05.2017**.*



Swearing-in Ceremony of Hon'ble Mr. Justice Inderjeet Singh, as Judge, Rajasthan High Court on 16.05.2017.



Swearing-in Ceremony of Hon'ble Dr. Justice Virendra Kumar Mathur, as Judge, Rajasthan High Court on 16.05.2017.



*Swearing-in Ceremony of **Hon'ble Mr. Justice Ramchandra Singh Jhala**, as Judge, Rajasthan High Court on 16.05.2017.*

Two reference ceremonies were held at Rajasthan High Court Bench, Jaipur. **Hon'ble Mr. Justice Prashant Kumar Agarwal** superannuated on 17.05.2017 and **Hon'ble Mr. Justice Mahesh Chandra Sharma** superannuated on 31.05.2017.



*Reference ceremony at Rajasthan High Court Bench, Jaipur on the eve of retirement of **Hon'ble Mr. Justice Prashant Kumar Agarwal** on 17.05.2017.*



Reference ceremony at Rajasthan High Court Bench, Jaipur on the eve of retirement of Hon'ble Mr. Justice Mahesh Chandra Sharma on 31.05.2017.

The 71st **Independence Day Celebration** was organized on **15.08.2017** in the premises of Rajasthan High Court, Jodhpur and Bench at Jaipur in the benign presence of Hon'ble Chief Justice, Hon'ble Sitting Judges, Hon'ble Former Judges, Learned Advocates, Members of the Bar, Officers of the Registry and High Court Staff.



Flag Hoisting by Hon'ble Mr. Justice Pradeep Nandrajog, Chief Justice, Rajasthan High Court at Jodhpur on the Independence Day, 15.08.2017.



*Flag Hoisting by **Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri**, Judge, Rajasthan High Court Bench at Jaipur on the Independence Day 15.08.2017.*

Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court, Jodhpur has been transferred as Judge, Allahabad High Court. His Lordship has assumed the charge-of-office on **21.11.2017**. Reference ceremony was organized on **17.11.2017** at Rajasthan High Court, Jodhpur.



*Reference ceremony at Rajasthan High Court, Jodhpur on the eve of transfer of **Hon'ble Mr. Justice Govind Mathur** to Allahabad High Court on 17.11.2017.*

Reference ceremonies were organized at Rajasthan High Court Bench, Jaipur, on the occasion of superannuation of **Hon'ble Mr. Justice J. K. Ranka** on **02.08.2017** and on the occasion of superannuation of **Hon'ble Mr. Justice K. C. Sharma** on **31.12.2017**.



Reference ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice J. K. Ranka on 02.08.2017.



Reference ceremony at Rajasthan High Court Bench, Jaipur on the eve of superannuation of Hon'ble Mr. Justice K. C. Sharma on 31.12.2017.

3. LANDMARK DECISIONS OF PUBLIC IMPORTANCE

DEVELOPMENT OF LAW

CIVIL LAWS

**(1) Surja Das through his L/Rs. Vs. Bhanwarlal
Hon'ble Mr. Justice Arun Bhansali
Judgement dated 22.03.2017**

Important Law Point – Civil Law

- Section 21 of Civil Procedure Code.
- Section 276 of Indian Succession Act.

While discussing the provisions of Sec. 21, of Civil Procedure Code and Section 276 of Indian Succession Act, the Court observed that it is imperative for an appellant to take objection regarding the territorial jurisdiction in the court of first instance at the earliest possible opportunity and unless there has been a consequent failure of justice, objection as to place of suing cannot be allowed.”

The Court further observed that probate proceedings are confined to a declaration regarding the last Will of the testator and that the testator was in valid disposing state of mind and the probate proceedings does not confer any title on the beneficiary. If aggrieved party had any cause, he was free to have taken the proceedings regarding title to the property by filling the suit seeking cancellation of Will.

**(2) Smt. Shanti and Ors. Vs. Jagdish and Ors.
Hon'ble Mr. Justice Sangeet Lodha
Judgement dated 24.04.2017**

Important Law Point – Civil Law

- Section 5 of Limitation Act
- Section 96 of CPC

In this case, while considering the provisions of Section 5 of Limitation Act and Section 96 of CPC, the Court held that “It is true that the law of procedure is hand maiden of justice and when the procedural technicalities and the substantial justice are pitted against each other, the later has to be preferred. But then, the matter always cannot be looked from one angle so as to condone the lapses on the part of erring litigant ignoring gross negligence on his part in dealing with the proceedings before the Court. The petitioners cannot be permitted to seek condonation of delay attributing negligence on the part of the counsel all the time. A litigant should be vigilant enough and should keep himself informed about the proceedings pending before the Court.”

(3) Rajendra Kumar and Anr. Vs. Ramesh Chandra and Ors.**Hon'ble Mr. Justice Dinesh Mehta****Judgement dated 03.07.2017****Important Law Point –**

- Provisions of Order I Rule 10, Order XXI Rule 97 of the Code of Civil Procedure 1908
- Section 17(1) (f) and 50 of the Registration Act, 1908.

While discussing the provisions of Order I Rule 10, Order XXI Rule 97 of the Code of Civil Procedure, 1908 and Section 17 (1) (f) and 50 of the Registration Act, 1908, the Court decided the issue whether in a suit for specific performance filed for the enforcement of an agreement, the persons who had purchased the property or had acquired right, interest and title therein, prior to the disputed agreement, can be impleaded as party Respondents?

The Court held that “the position of law is more or less trite that in the suit for specific performance, a person who has acquired right, title and interest in the property, after the contentious agreement to sell for specific performance whereof, the suit has been filed, has a right to become a party. A question thus naturally arises, that if a subsequent purchaser, *bonafide* or a stranger, having acquired right or interest after the notice of the litigation, has a right to be impleaded as a party, then why a person who has acquired right, title and interest in the subject property, prior to the agreement to sell, for which, the litigation is pending, should be denied such a right? That the applicants alleging to have acquired right, title, interest in the property prior to the contentious agreement to sell are entitled to be impleaded as a party. After perusal of the Kasturi’s case, this Court is *prima facie* of the view that the law laid down that “a person who claims adversely to the claim of a vendor is however, not a necessary party” also supports the case of the applicants-respondents inasmuch as they have not claimed adversely or rival to the claim of the vendor. The vendor in the present case is Roop Lal Kakhani, whose legal representatives have been impleaded as defendant No. 1 to 4. The applicants have not asserted their right against the right, title and interest of Roop Lal Kakhani, or challenged his title, but contended that he had transferred some part of the property to them, by way of separate instruments or conveyance. In the peculiar facts of the present case, if the applicants are impleaded as a party, they will not be claiming their right adversely to the claim of the vendor and hence there is a remote possibility of the present suit being transformed into a suit for title. If their impleadement is not permitted, it would lead to multiplicity of proceedings, because then in such event, the applicants will have to wait until a decree is passed against the defendants to take their legal remedies.”

The Court further held, “the phrase “right, title and interest” has been used by the Supreme Court and other Courts of law, while deciding the impleadment application under Order 1 Rule 10 of the Code of Civil Procedure, 1908, may it be an application filed by the prior purchaser or the subsequent purchaser, having acquired the right after the date of the subject agreement to sell, which is the subject

matter of the suit. The case at hand is quite different, as out of seven applicants, only one, namely Shanti Lal is having right, title and interest in true sense. It is Shanti Lal alone, who is having registered sale deed in his favour, whereas all other applicants have laid their claim on the basis of separate agreements to sell in their favour, executed by said Roop Lal Kakhani during the period ranging from 1990 to 2005 (prior to the contentious agreement). Without observing anything about their individual rights, this Court holds that Shanti Lal respondent No.5 having a registered sale deed or title in his favour, falls within the ambit of phrase “right, title and interest in the property” and has a definite right to be implead. The cases/applications of other applicants cannot be equated with that of Shanti Lal, inasmuch as they are admittedly having only agreement to sell in their favour which too is unregistered. Section 50 of the Registration Act, the registered document shall take effect against unregistered documents. In view thereof, applicant-respondent No.5 Shanti Lal, who is having registered conveyance in his favour has definitely a better title, than the plaintiffs. As such, he is a necessary party in the suit proceedings. After impleadment, it would be necessary to enquire/probe as to whether, the vendor late Shri Roop Lal Kakhani, having transferred the said land in favour of Shanti Lal, was having capacity or legal title to convey even that parcel of the land to the plaintiffs, by way of agreement to sell dated 16.08.2005.”

Finally, the Court held that “the respondent No.5 Shanti Lal, having purchased the property by way of registered sale deed is a necessary party whereas, other applicants who are having agreement to sell simplicitor, despite being a proper party cannot be impleaded as defendants, as they have staked their claim on the basis of unregistered agreement to sell and long possession. Their impleadment in the suit proceedings if permitted, would definitely change the nature of the suit and it would become a suit for title, and would stretch way beyond the confines of a suit for specific performance. The impleadment of respondents No. 6 to 11 (herein after referred to as “other applicants”) would lead to multiplicity of litigation and their arrayal in the suit would make a mess of the suit proceedings, inasmuch as, various issues may sprout, including the validity of their agreements, which are neither registered nor appropriately stamped. These Applicants’ impleadment in the suit proceedings would swell the scope of the suit, besides changing its nature. The Court observed that applicants (respondent no. 6 to 11) not being permitted to participate in the suit proceedings by way of the order instant, will have a right to obstruct the execution proceedings on the basis of their right and interest in the property within the frame work of law, including Order XXI Rule 97 of the Code of Civil Procedure, 1908.”

(4) Omkar Bishnoi Vs. Rajendra Kumar & Ors.**Hon'ble Mr. Justice P.K. Lohra****Judgement dated 28.11.2017****Important Law Point –**

- Provisions of O. 9, R. 13, O. 43 R. 1 (d)
- Section 104 of C.P.C.

While discussing the provisions of O. 9, R. 13, O. 43 R. 1 (d) read with Section 104 C.P.C., the Court held that “the crucial question before the Court was that the subject matter of suit was immovable property and the respondent-plaintiff sought a relief for specific performance of contract and perpetual injunction. The remedy of specific performance of contract is an equitable remedy founded on the principles of equity, justice and good conscience. In common parlance, a suit for partition, redemption of mortgage, or specific performance of contract, warrant bipartite adjudication for doing substantial justice between the parties. It is true that a total callousness, apathy or negligence on the part of a defendant cannot be excused.”

The Court further held that “it cannot be said that the application for setting aside *ex parte* decree was filed with an inordinate delay or laches. The reasons for not participating in the suit proceedings, as spelt out in the application by the appellant, may not be full-proof but it would be rather difficult to comprehend that those reasons are purely illusory. Backhanded compliment of the learned Senior Counsel for respondent regarding reasons incorporated in the application under Order 9 Rule 13 C.P.C. are not appealing and therefore unhesitatingly I feel inclined to repudiate the same in the peculiar facts of the instant case. The legislature in its wisdom has provided remedy under Rule 13 of Order 9 C.P.C. for setting aside *ex parte* decree subject to the condition that defendant had shown sufficient cause which prevented him from appearing when the suit was called for hearing. “Sufficient cause” is not a magic phrase and while construing it, Court is not expected to take purely idealistic or pedantic view. The endeavour of the Court, while construing “sufficient cause” is to have a pragmatic approach to advance substantial justice. In totality, the Court feels that “sufficient cause” should be construed liberally to farther the interest of justice.”

CONSTITUTIONAL LAW

**(1) Rajveer Singh Vs. Union of India,
Hon'ble Mr. Justice Govind Mathur
Hon'ble Mr. Justice G.R. Moolchandani
Judgement dated 17.01.2017**

Important Law Point – Constitutional Law

- Article 73, 246, 309 of Indian Constitution
- Schedule 7 of the Constitution

While discussing the provisions of Article 73, 246, 309 of Indian Constitution and Schedule 7 of the Constitution, the Court held that determination of the standard in Technical Institution pertaining to Entry 66, List 1 of Schedule VII will include laying down the standards for teaching and teaching qualifications, the powers of Central Government, as such under Article 246 to legislate and to issue executive orders on the subject are valid and unimpeachable.

The administrative power of the Union under Article 73 extends to matters with respect to which parliament has powers to make law and in non-existence of legislation by parliament, the State may in its executive power deal with matters as enumerated in concurrent list. The exercise of power, however is subject to provision of the Constitution. Article 309 provides for regulating the recruitment in condition of service for public services on the post in connection with the affairs of the Union or any of the States until provision in that behalf are made by the legislation and the executive order issued under Article 73 in respect of which parliament has got exclusive powers to make laws being the same once as laws made by parliament, so once the guidelines enumerated by the Central Government and subsequently accepted and accorded to by the State regarding “technical education service” shall not be scaled down, overshadowed or diminished. The teaching standards in all the educational institutions are required to be utmost superior for the betterment of the individuals and State to achieve excellence in every field.

Several aspirants possessing required, similar and superior kind of teaching qualification, would gain legitimate expectation for their consideration for appointment, on the teaching posts and in case, State Government allows the persons having lower qualification to hold the posts, the rights of such aspirants having higher and better teaching qualifications, will be marred and violated, which will obviously be unconstitutional being discriminatory and violative to their constitutional rights and concept of equality.

(2) Smt. Manju Swami Vs. State of Rajasthan and Anr.

Hon'ble Kumari Justice Nirmaljit Kaur

Judgement dated 08.03.2017

While discussing the case, the Court dealing with the term “domicile” allowed the writ petition preferred by the petitioner seeking appointment on the post of Teacher Grade-III (Class VI to VIII) and directed the respondents to consider the certificate of the petitioner for appointment under the OBC (Women) Category. In the said case, the petitioner was provisionally declared eligible for the purpose of verification of documents but was not offered appointment on the ground that she got married to a resident of Haryana and was not a domicile of Rajasthan any more while placing reliance on the Larger Bench Judgment of the Apex court in the case of **Dr. Pradeep Jain and Ors. Vs. Union of India (UOI) and Ors. Reported in AIR 1984 SC 1420** wherein it was observed that “The concept of 'domicile' has no relevance to the applicability of municipal laws, whether made by the Union of India or by the States. It would not, therefore, in our opinion be right to say that a citizen of India is domiciled in one State or another forming part of the Union of India. The domicile which he has is only one domicile, namely, domicile in the territory of India. When a person who is permanently resident in one State goes to another State with intention to reside there permanently or indefinitely, his domicile does not undergo any change: he does not acquire a new domicile of choice. His domicile remains the same namely Indian domicile.”

After thorough discussion, it was observed that it is indeed shocking to think that a woman in the 21st Century will be deprived of her right to seek appointment in a State where she may have been born, studied and lived. With the amendment of the Hindu Succession Act, 2005, a woman is even entitled to equal right in the property of her father. To think that she can acquire and own property in State of Rajasthan but will lose the right to seek a job in the same State and by holding her ineligible under the category of OBC Female in spite of her being born in that family on the ground that she is not 'domicile' cannot be more derogatory and humiliating. It amounts to being called a stranger, an outsider in her home State and Country just because she has got married.

While referring Clause 8 Sub Note 1 of the advertisement dated 02.04.2012 clarified that for the purpose of reservation under OBC (Women) Category, the OBC Certificate of a married woman will be on the basis of the name and income of the father and not of the husband. The Court also found the stand of respondents contradictory to their own advertisement in the light of the Circular dated 06.08.1984, issued by the Government of India, Ministry of Home Affairs which clarifies that a person belonging to Scheduled Castes and Scheduled Tribes on migration from the State of his origin to another State will not lose his status as Scheduled Caste/Scheduled tribes from the State of his origin.

(3) J.K. Tyres and Industries Ltd. Vs. Union of India

Hon'ble Mr. Justice Govind Mathur

Hon'ble Mr. Justice Vinit Kumar Mathur

Judgement dated 09.03.2017

Important Law Point – Constitutional Law

- Section 35 of Central Excise Act.
- Article 226 of Indian Constitution

While discussing Section 35 of Central Excise Act, Article 226 of Indian Constitution, the Court held that rule of exhausting the Statutory remedy is a self imposed limitation, a rule of policy and a discretion rather than rule of law. A writ court in exceptional cases can issue a writ notwithstanding the fact that the statutory remedy has not been exhausted, however, the rule of policy relating to the availability of alternative remedy can be ignored in the exceptional case only. The exceptional circumstances differ from case to case and facts to facts. In general, it can be said that if there is a complete lack of jurisdiction in the officer or the authority to pass the impugned order, if the order impugned is passed in flagrant violation of principle of natural justice, if the order under challenge to that can be given by availing remedy of appeal, the violation of fundamental rights is apparent and availing of alternative remedy, statutory remedy shall be nothing but an empty reality. A writ court can issue a writ, order or direction by ignoring the statutory remedy. Since none of the condition as mentioned above exist in the present case and there is equally efficacious alternative statutory remedy of appeal under Section 35 of the Central Excise Act available to the petitioner, we are not persuaded to exercise the jurisdiction under Article 226 of the Constitution of India in this case.

(4) Shri Bhanwar Lal Vs. State of Rajasthan

Hon'ble Mr. Justice Govind Mathur

Hon'ble Mr. Justice G.R. Moolchandani

Judgement dated 11.05.2017

Important Law Point – Constitutional Law

Section 28 (7-A), Section 30(1), Section 30 (B) and Section 32 of Rajasthan Cooperative Societies Act, 2001.

In the case, while discussing the constitutional validity of Section 28 (7-A), Section 30(1), Section 30 (B) and Section 32 of the Rajasthan Cooperative Societies Act, 2001, the Court held that, the term “form” used in Article 19(1)(c) of the Constitution is broad. This term cannot be restricted only to the extent of registration of a

cooperative society. Such a narrow amplitude if given then that will frustrate the purpose of entire cooperative movement. It is to be defined in the manner to have optimum participation of the members of the cooperative society in having the benefit of its establishment and that can be achieved only by maximum participation of the members of the society in its administration. The term “form” used under Article 19(1)(c), therefore, must be defined by inclusion of establishment of a cooperative society, its administration and functioning in consonance with the national policy, the constitutional directive and further in accordance with the provisions of Part IX-B of the Constitution of India. The term “form” under Article 19(1)(c) in the spirit of the provisions discussed covers establishment and also the day to day functioning of a cooperative society with all its autonomy, authority and functioning with an endeavour to have promotion of cooperative movement with a view to extend maximum control on administration of the society to its members and other persons connected therewith.

The appointment of an Administrator without having any time cap shall certainly empower the Registrar to have direct control of State through the Administrator, who can only be a Government servant. This would be in disregard not only to national policy for cooperative sector and the endeavour of Article 43-B of the Constitution of India, but also to Article 19(1)(c) and Part-IXB of the Constitution. As per Article 243-ZJ of the Constitution of India the term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearer shall be coterminous with the term of the board. Article 243-ZK provides that notwithstanding anything contained in any law made by the legislature of a State, the election of a board shall be conducted before expiry of the term of the board so as to ensure that newly elected members of the board assume office immediately on expiry of the term of office of members of outgoing board.

The Constitutional provisions referred above clearly indicate that a cooperative society is always required to have an elected management except for the eventualities given in proviso to Article 243-ZL, Non-prescription of the time limit for continuance of a Government Servant as an Administrator of a cooperative society is an interference in functioning of a cooperative society that is not permissible as per the spirit of national cooperative policy and that also causes injury to the fundamental right to “form” a cooperative society. It is also in direct conflict with the provisions of Article 243-ZL which prescribes that notwithstanding anything contained in any law for the time being in force, no board shall be superseded or kept under suspension for a period of exceeding six months. In light of the above discussion the Court held that, the amendment introduced under Section 30 of the Act of 2001 by the Amendment Act 2015, is ultra vires to Article 19(1)(c) and Article 243-ZL of the Constitution of India and in conflict with Article 14 of the Constitution of India having no rational and also not in consonance with the object sought to be achieved by the cooperative societies under the Act of 2001.

(5) Laxmi Devi Vs. State of Rajasthan and Ors.
Hon'ble Mr. Justice Ajay Rastogi
Hon'ble Mr. Justice Dinesh Chandra Somani
Judgement dated 30.05.2017

While discussing the provisions of Rajasthan Police Subordinate Service Rules and Rajasthan Mines and Geological Subordinate Service Rules in the light of Indian Constitution, the Court held that it may be noticed that the married woman is not disqualified for appointment the fact that she is pregnant in itself is not a disqualification for participating in the selection process nor the pregnancy can be treated as a bar for appointment under the scheme of Rajasthan Police Subordinate Service Rules and Rajasthan Mines and Geological Subordinate Service Rules. An employer has to be considerate and sympathetic towards a woman and must realize the physical difficulties, which a woman would face at the advance stage of her pregnancy to perform her duties while carrying a baby in the womb or while rearing up a child after birth.

The object behind Maternity Benefit Act is to provide all the facilities to a woman in a dignified manner so that she may overcome the state of motherhood honourably, peacefully, underterred by the fear of being victimised for forced absence during the pre/post natal period. Pregnancy is not a disability but one of the natural consequence of marriage and any distinction made on the ground of pregnancy be always be held to be arbitrary and violative of Article 14 of the Constitution. Freedom of personal choice in matters of marriage and family life is one of the liberties protected by the mandate of law.

Here a case of a married woman who chooses to have a child can the State or an authority like the respondents impose itself and curtail this life or personal freedom of the woman? No detailed discussion is required in the matter of appointment against such post which prescribes for Physical Standard Test/ Physical Efficiency Test and it shall no longer be necessary to declare woman candidate completely unfit if she is found to be unfit during the period when she is ordinarily required to appear in the Physical Standard Test/ Physical Efficiency Test for qualifying in the selection process. The restriction imposed by respondent fundamentally does not hold good and it is certainly pre-judicial and against Indian womanhood which pervades the Service Rules and there is a reasonable basis for the charge of bias under the rules and it makes an ominous indifference of the executive to bring about the banishment of discrimination in the Service rules.

It cannot be forced upon a woman to have a choice between bearing a child and employment as it interferes both-with her reproductive rights and her right to employment and such an action cannot have any place in the present modern era.

Maternity is a human right of a woman and so longer the married woman is not disqualified from participating in the selection process and is not an impediment and after having qualified the written test, at the stage when she has to undergo the Physical Standard Test/ Physical Efficiency Test became pregnant with advanced stage and the pregnancy being not a disability but one of the natural consequence of marriage.

In this situation the petitioner certainly deserves indulgence of relaxation which she has to qualify after a reasonable period which the authority in the given circumstances considers appropriate in affording her an opportunity to qualify the Physical Standard Test/ Physical Efficiency Test depriving or eliminating her from the selection process for the reason that she is at the advanced stage of pregnancy on the date notified by the respondents to appear in the Physical Standard Test/ Physical Efficiency Test, in our considered view, is certainly arbitrary & violative of Article 14 of the Constitution.

The impugned provisions of the Standing Orders to the extent they lay down that pregnancy would render a candidate unfit is legally not sustainable.

(6) Chirag Singhvi Vs. State of Rajasthan and Anr.

Hon'ble Mr. Justice Gopal Krishan Vyas

Hon'ble Dr. Justice Virendra Kumar Mathur

Judgement dated 15.12.2017

Important Law Point – Constitutional Law

- Rajasthan Dharma Swatantrya Act, 2006
- Article 25, 26, 27 and 226 of Constitution of India.

While discussing the provisions of Article 25, 26, 27 and 226 of the Constitution of India and Rajasthan Dharma Swatantrya Act, 2006, the Court observed that “while protecting the fundamental right of freedom under Article 25 of the Constitution of India, some guidelines are necessary to check forcible conversion of religion because religion is a matter of faith and not of logic. The Constitution allows the followers of every religion, to follow their beliefs and religious traditions. The Constitution extends this guarantee because faith constitutes the religious consciousness of the followers. There is no dispute that every citizen has a fundamental right to freedom of religion under Article 25 of the Constitution of India, but at the same time, it is the duty of every citizen to protect the feelings of the other religion and not to act contrary to the provisions of the Constitution. Therefore, the court issued certain guidelines to check the problem of forcible conversion of religion, which are as under :-

(A) An individual, who wishes to change his/her religion, will be at liberty to change the same after attaining the age of majority.

(B) One, who intends to change his/her religion, should satisfy himself/herself about niceties of conversion of religion.

(C) The authority/person, who is performing ceremony of conversion of religion, should first ascertain whether the person concerned is desirous to change the religion, is having full faith in the newly adopted religion and should also ascertain whether he/she is under any threat of other person or not and if finds that it is forceful conversion, then the authority/person shall give information to the District Collector/SDO/SDM, as the case may be.

(D) The person, who is desirous to change his/her religion, shall give information to the District Collector/SDM/SDO of the concerned city and Sub-Divisional Area before conversion of religion.

(E) The District Collector/SDM/SDO shall put such information upon the Notice Board of its office on the same day.

(F) The person, who has converted his religion from one religion to another religion, shall solemnize the marriage/Nikah. After one week of such conversion of religion. For that, the authority/person concerned before whom such marriage/Nikah is being solemnized, shall ensure whether information of conversion has been made or not and thereafter assist in solemnizing the marriage/Nikah.

(G) The District Collector upon receiving information of forceful conversion shall take appropriate action in accordance with law, so as to check the forceful conversion.

(H) It is made clear that if any person is desirous for publication of change of religion in the Gazette, he/she shall take recourse to Press and Registration of Books Act, 1867.

(I) It is also directed that if any marriage in the form of any nomenclature of any religion will be performed after conversion in contravention of the above guidelines, then such marriage of any nomenclature can be declared voidable upon complaint of aggrieved party.

(J) That aforesaid guidelines shall remain operative until the Act of 2006 or any other act governing the subject matter comes into existence in the State of Rajasthan to protect from the forcible conversion of religion.”

CRIMINAL LAWS

**(1) State of Rajasthan Vs. Mangal Singh and Ors.,
Hon'ble Mr. Justice Gopal Krishan Vyas,
Hon'ble Mr. Justice Sandeep Mehta,
Hon'ble Mr. Justice Pankaj Bhandari,
Judgement dated 01.03.2017**

Important Law Point –

- Section 27 of Evidence Act.

While discussing the provisions of Section 27 of Evidence Act, the Court held that the insistence to keep attesting witnesses present when the Investigating Officer records the information supplied by the accused under Section 27 of Evidence Act is absolutely unwarranted and rather amounts to a direct infringement in confidentiality of investigation. There are strong reasons behind this conclusion. We summarize a few illustrations in order to fortify the same :-

(a) Investigation commences the moment an F.I.R. is registered for a cognizable offence. An Investigating Officer, having custody of the accused cannot predict in advance the precise moment when the accused would decide to reveal the information, which could lead to discovery of an incriminating fact. Thus, if attestation of the information by independent witness is persisted upon, as a direct corollary thereto, the Investigating Officer would be required to keep the witnesses in attendance right from the moment, the accused is arrested till the information is elicited. This would lead to an absolutely absurd situation and is likely to frustrate the investigation. The very sanctity of investigation and the privilege available to the Investigation Officer to keep the investigation secluded from prying eyes would be compromised.

(b) Another possible situation may be that the accused might divulge the information under Section 27 of the Evidence Act to the Investigating Officer at a particular point of time when independent witnesses are not available. For adhering to the procedure to seeking attestation by independent witnesses, the Investigating Officer would then be required to summon independent witnesses and request the accused to repeat the information in their presence. At this point of time, the accused may either refuse to divulge the information given earlier or may oblige the Investigating Officer with the information which would then be taken down in writing in presence of the independent attesting witnesses. However, there is a fundamental glitch in adopting this procedure, which would certainly make the information, if any received the second time around in presence of the witnesses inadmissible in evidence.

(c) There is yet another risk involved, which could severely prejudice the accused if the information provided by the accused under Section 27 is recorded in presence of independent witnesses. The information under Section 27 of the Evidence Act often comprises of two parts; one being confessional which has to be excluded and the other which leads to the discovery of an incriminating fact and is admissible in evidence to the extent of the discovery made in pursuance thereof. In case, independent witnesses are kept present when the information is given by the accused, the prosecution may make an endeavour to prove even the confessional part of the information as being an extra judicial confession made in presence of independent witnesses. There may even arise a situation where, the independent witness present to attest the memorandum prepared under Section 27 of the Evidence Act is a Magistrate. In such a case, the confessional part of the information under Section 27 of the Evidence Act would almost assume the character of a confession under Section 26 of the Evidence Act thereby condemning the accused to face severe consequences. There is a high probability of this situation arising in cases involving recovery of narcotics where, the Investigating Officer gives an option to the accused that he can be searched in presence of a Magistrate or a Gazetted Officer. Contemplating that option to be searched in presence of Magistrate is given and search of the accused is conducted and during the process, he is also questioned in the presence of the Magistrate. At this time, the accused may provide information under Section 27 of the Evidence Act to the Investigating Officer which is partly confessional in nature and is taken down in writing and got witnessed by the Magistrate by adhering to the requirement of attestation. In such a situation, the accused would be faced with severe consequences because prosecution would then, by lifting the prohibition contained in Section 26 of the Evidence Act insist to prove whole of the information as amounting to a confession made in the presence of a Magistrate. Thus, the requirement seeking attestation of the memorandum prepared under Section 27 of the Evidence Act does not have any logic or rationale behind it.

The Court answered the reference in the following terms, “In the entire scheme of Code of Criminal Procedure and the Evidence Act, there is no requirement that the information given by an accused to the Investigating Officer under Section 27 of the Evidence Act leading to the discovery of a relevant fact should bear attestation by independent witnesses.”

**(2) Bajrang Lal and Ors. Vs. The State of Rajasthan,
Hon'ble Mr. Justice Vijay Kumar Vyas,
Judgement dated 03.07.2017**

Important Law Point –

- Provisions of 190, 193, 209 and 401 of Cr. P.C.

While discussing the provisions of 190, 193, 209 and 401 of Cr.P.C., the Court held that “cognizance of an offence can only be taken once. In the event, a Magistrate takes cognizance of the offence and then commits the case to the Court of Sessions, the question of taking fresh cognizance of the offence and, thereafter, proceeding to issue summons, is not in accordance with law. If cognizance is to be taken of the offence, it could be taken either by the Magistrate or by the Court of Sessions. The language of Section 193 of the Code very clearly indicates that once the case is committed to the Court of Sessions by the Magistrate, the Court of Sessions assumes original jurisdiction and all that goes with the assumption of such jurisdiction. The provisions of Section 209 of the Code will, therefore, have to be understood as the Magistrate playing a passive role in committing the case to the Court of Sessions on finding from the police report that the case was triable by the Court of Sessions. Nor can there be any question of partly cognizance being taken by the Magistrate and partly by the Sessions Judge. Since the Court of Sessions is acting as the court of original jurisdiction under Section 193 of the Code, after the committal of proceedings to it by the Magistrate, it is empowered to take cognizance [only if the Magistrate has acted passively under Section 209 Cr.P.C.] and issue summons and it cannot be treated as taking second cognizance of the same offence. In this matter, both the Magistrate and the Sessions Judge have taken cognizance in the exercise of their powers u/s 190 and 193 Cr.P.C., respectively. In these circumstances, learned Sessions Judge ought not to take cognizance again in the exercise of his powers u/s 193 Cr.P.C., as the Magistrate had already taken cognizance in the exercise of his powers u/s 190 Cr.P.C.”

**(3) Smt. Shanti Devi and Ors.
Vs.
Chimanaram Mantri Trust,
Hon'ble Mr. Justice Dinesh Mehta,
Judgement dated 08.08.2017**

The Court while addressing the question “as to whether framing of issues and recording of evidence is quintessential to the adjudication of an objection petition, in the course of execution proceedings, held that “framing of issues and recording of evidence in execution proceedings is not essential in each case. As far as framing of issues is concerned, the Courts can frame point of determination but such determination may or may not require recording of the evidence. If the executing Court, on the basis of the material available on record, coupled with the pleadings of the parties, feels that recording of evidence or summoning of witness is needed, the same can be

ordered. But, for that purpose, the applicant has to clearly indicate in his application, the reasons necessitating such order and relevance of the evidence to be recorded. Recording of evidence can neither be asked as a matter of right nor can the same be ordered as a matter of course. The applicant has to assert and give cogent reasons indicating there in the nature of dispute, the assertion of the parties and the facts, which are required to be proved by oral evidence.”

(4) District Excise Officer, Churu

Vs.

Govind Ram and other connected cases,

Hon'ble Mr. Justice Sandeep Mehta,

Judgement dated 14.10.2017

Important Law Point –

- Provisions of Section 138 of N.I. Act,
- 420 I.P.C.
- Sections 244 and 245, 245(2) Cr. P.C.

While discussing the provisions of Section 138 of the N.I. Act, 420 I.P.C. and Sections 244 and 245, 245 (2) Cr.P.C., the Court held that “the appellate court’s judgments are grossly illegal and cannot be sustained. True it is that complaints were submitted by the Excise Department in the CJM Court, Churu for the offences under Sections 138 of N.I. Act and 420 I.P.C. and cognizance was also taken for these offences but at the stage of consideration of charges, the learned Magistrate directed reading out of accusation for the offence under Section 138 of the N.I. Act only to the accused. No charge was framed against the accused for the offence under Section 420 I.P.C. and thus, apparently, compliance of Section 244 of Cr.P.C. was not required. Section 245(2) Cr.P.C. empowers the Magistrate to discharge the accused at any previous stage (even without recording evidence) in case the charge is groundless. As the complaints were filed with the simple allegation of dishonour of cheques, apparently, the charge under Section 420 I.P.C. was *ex-facie* not made out from the admitted prosecution allegations. Since Section 245(2) Cr.P.C. empowers the Magistrate to discharge the accused without recording evidence, the order dated 16.2.2002, referred to supra, has to be construed as one of simultaneous discharge of the accused from the offence under Section 420 I.P.C. and reading out of the accusation under Section 138 of the N.I. Act. The accused did not raise any objection against this order at any stage before the trial court. Manifestly, the trial court did not frame charge against the accused for the offence under Section 420 I.P.C. and hence, the trial was not conducted as a warrant case instituted otherwise than on a Police report but rather the procedure of summary trial was adopted by the trial court.”

The Court further held that “no prejudice was caused to the accused in the case at hand by the alleged non-compliance of the procedure prescribed under Section 244 Cr.P.C. and hence, the appellate court erred while interfering in the trial court’s judgments and setting

aside the same and remanding the cases to the trial court for *denovo* trial. That the failure of the trial court to adhere to the procedure prescribed under Sections 244/245 Cr.P.C. before deciding question of charges amounted to a purely curable defect.”

(5) M/s Suman Gopaliya & Sons and Ors.
Vs.
Krishi Upaj Mandi Samiti Vishistha Shreni, Alwar,
Hon'ble Mr. Justice Mohammad Rafiq
Hon'ble Mr. Justice Vijay Kumar Vyas
Judgement dated 04.07.2017

Important Law Point –

- Provisions of Section 28(2) of Rajasthan Agricultural Produce Markets Act, 1961,
- Section 368 and 372 of Cr. P.C.

While discussing the provisions of Section 28 (2) of the Rajasthan Agricultural Produce Markets Act, 1961 read with section 368 and 372 of Cr.P.C., the Court held that “the market committee has been empowered to collect market fees from the Licensees in the prescribed manner on agricultural produce bought or sold by them in the market area at such rate as may be specified by the State Government, by notification in the official gazette, subject to a maximum of Rs. 2/- per hundred rupees worth of agricultural produce. Section 28 (2) of the Act of 1961 casts duty on a person that includes a licensee or trader to pay the market fee. Bye laws of the Samiti also requires the trader to make payment of market fee which thus again casts a duty on trader to pay the market fee. It must be therefore held to be a ‘continuing offence’.” Thus, “the offence under Section 28 (2) of the Act of 1961 is a ‘continuing offence’ and that it falls outside the mandate of Section 468 of the Cr.P.C. For a ‘continuing offence’, a fresh period of limitation runs at every moment of time during which the offence continues. Thus, Section 472 of the Cr.P.C. makes this as an exception to Section 468 of the Cr.P.C. Consequently, the stringent provision of the limitation contained in Section 468 Cr.P.C. would not apply thereto.”

EVIDENCE ACT

Keshu Ram and Anr. Vs. Sonaki Bai and Anr.
Hon'ble Mr. Justice Dinesh Mehta
Judgement dated 17.07.2017

Important Law Point –

- Section 63 (2), 65 (a), (b), (c) and 67 of the Evidence Act.

While discussing the provisions of Section 63 (2), 65 (a), (b), (c) and 67 of the Evidence Act, the Court held that “Section 65 of the Evidence Act reads that “Secondary evidence may be given of the existence, condition or contents of a document in following cases”. Opening words of Section 65 of the Evidence Act therefore permits secondary evidence of a document for its existence, conditions or contents. The Act of 1872 thereafter proceeds to enumerate various contingencies in the form of sub-clause (a) to (g). A conjoint reading of the above clauses (a) and (b) of Section 65 of Evidence Act shows that while cataloging the contingencies, the Act of 1872, has required the concerned party to prove or show the existence of the original only in these two situations; whereas in other clauses from (c) to (g), such expression is conspicuously absent. The latter part of Section 65 of the Evidence Act prescribes the kind of secondary evidence and mode of proving it. As far as the contingency mentioned in clause (c) is concerned, first proviso to Section 65 of the Act stipulates that in case of (a), (c) and (d), any secondary evidence of the existence, condition or contents of the document is admissible. As such, it is clear that in cases falling under clause (c), any type of secondary evidence is admissible in evidence and since proof of existence is not a precursor in the situation covered by clause (c), the requirement of proving the existence cannot be read, particularly in view of the absence of the expression, as is used in Clause (a) and (b) of Section 65 of the Evidence Act. That takes us to another important question, “what is the secondary evidence.” Section 63 of the Act of 1872 answers that question categorising various types of documents, which would be treated to be secondary evidence. The present case falls within the sweep of sub-section (2) of Section 63 of the Act, being a photocopy of the agreement to sell. A party seeking leave to produce secondary evidence, first of all, will have to show the factual situation covered by any one of the categories encapsulated under Clause (a) to (g) of Section 65 and then to specify as to which type of secondary evidence, he seeks to adduce in evidence. Since Section 65 itself permits secondary evidence to be given for existence, condition or contents of the document, this Court is of the view that even the existence of the document can be proved and/or questioned while leading requisite evidence for proving the contents, conditions and genuineness of the document, by way of leading appropriate evidence. All the three conditions namely existence, condition or contents of the document may be proved by way of secondary evidence, if the provisions of Sections 65 and 63 are homogeneously and harmoniously construed.

The Court further held that “The only exceptions are the cases falling in the ambit of Clause (a) and (b) of Section 65 of the Evidence Act, which clauses themselves require existence of the original to be shown or proved at the time of submitting the application itself under Section 65. The existence and genuineness of the documents can be established by evidence and the same need not and cannot be proved at the threshold or at the time of deciding the application. If this argument is accepted, then the Court will have to conduct fragmented enquiry, first to prove the existence of the document for deciding the application and then at the second stage to prove the contents, conditions, proper execution, or genuineness thereof. An application cannot be thrown, merely

because it is not supported by an affidavit. The requirement of affidavit, even if presumed to be necessary, deserves to be done away with, as the plaintiffs had come out with the categorical case and assertion that original had been lost, even at the stage of filing the plaint, which plaint was supported by an affidavit. Even otherwise, the requisite affidavit can be permitted to be filed subsequently. The contention of the Respondent that the petitioners have not stated that “the copy being placed as secondary evidence is a copy generated by mechanical process, which ensures the accuracy” is equally fallacious. The term photocopy itself is a synonym of process of preparing a copy by xerox machine, which produces a photographic reproduction of the document, by a process involving the action of light. As such the assertion of the plaintiffs that it is a photo copy, is capable of conveying the meaning that the copy generated is by a mechanical process, which ensures accuracy. It is to be noted that in the year 1872 when Section 63 of the Evidence Act was introduced, the xerox machines were not even invented (the Photo Stat machine was invented in 1938), hence subsection (2) of Section 63 of the Evidence Act, provides inherent checks to ensure accuracy. As such the recital as proposed by the Respondents would be an empty formality, which even if made, cannot do away with the requirement of proving its existential veracity. After taking the document on record, the party relying upon it, will have to prove its existence and execution so also its contents and conditions. Needless to observe that the respondent/defendant shall be permitted to raise all just objections regarding admissibility of the document in the teeth of the provisions of Registration Act and Stamp Act.”

LAND LAWS

(1) Phool Kanwar and Ors. Vs. Union of India and Ors.

Hon'ble Mr. Chief Justice Pradeep Nandrajog,

Hon'ble Dr. Justice Pushendra Singh Bhati

Judgement dated 12.04.2017

Important Law Point –

- Section 105 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

While discussing the Section 105 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, in respect of Article 14 of Indian Constitution the Court held that the Act of 2013 was a beneficial legislation, which was meant to replace the original Land Acquisition Act, 1894. The National Highways Act, 1956 which is applicable in the present case was amongst the thirteen enactments that were holding the field of land acquisition and compensation, apart from the Land Acquisition Act, 1894. The Act of 2013 was enacted with the specific intention of reducing the misery of the

sufferers of the land acquisition by providing them a better compensation. But every beneficial legislation has to have a time-frame when it is to be given effect to. The Act of 2013 would not include the thirteen independent enactments, unless Section 105 of the Act of 2013 was there, which sought to apply the Act of 2013 upon the thirteen enactments by notification in the stipulated manner for the separate enactments.

The inclusive ambit of the beneficial legislation, namely, the Act of 2013 in fact had a bridge in the shape of Section 105 of the Act of 2013, which was waiting to be crossed for more than half a century. Thus, the combination of the thirteen enactments for the purpose of expanding the scope of the beneficial legislation had to be done within the stipulated framework of Section 105 of the Act of 2013 and without such framework, the original existence of the Act of 2013 would render the benefits only to the constituency of the Land Acquisition Act, 1894. Thus, the classification was not amongst one class, but was between different schools of legislation, which was operating for different subjects, as the thirteen enactments were having a separate entity in law, until they were consciously brought into the purview of the Act of 2013. The legislative intention was that the framework ought to be fixed in the shape of Section 105 of the Act of 2013 to ensure a lawful merger of the thirteen enactments in the broad perspective and purview of the compensation law, which gained significance, in light of the Act of 2013.

The statutory mechanism of the Act of 2013 was to operate in a particular manner, as mandated by the legislature, and such integration has taken place, but on a subsequent date, than the one when the award impugned was passed. The date of integration of the laws is strictly in accordance with the statutory framework intended by the legislature, and therefore, cannot be questioned merely because there are some beneficiaries, who fall before the date when the benefit was accrued as per the law prevailed before that date and some shall enjoy better benefits as the new law has come into vogue.

LAND ACQUISITION

Jaswant Singh Jat

Vs.

Land Acquisition Officer, Urban Development Project and Ors.

Hon'ble Mr. Justice M.N. Bhandari,

Judgement dated 10.07.2017

Important Law Point –

- Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- Section 4 and Section 6 of the Land Acquisition Act, 1894.

While discussing the provisions of Section 24 (2) of Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Section 4 and Section 6 of the Land Acquisition Act, 1894, the Court held that “the proviso cannot be taken as a separate provision, rather, it has to be read with the main provision i.e. Section 24 (2) of the Act of 2013. The prayer was also made to apply the proviso to Section 24(1) of the Act of 2013. It cannot be accepted contrary to the provision and, if it is considered, then would create contradiction. Section 24 (1) (a) of the Act of 2013 applies to a case where award has not been passed prior to commencement of the Act of 2013. In the instant cases, award was passed prior to commencement of the Act of 2013 thus Section 24 (1) (a) of the Act of 2013 would not apply. It is also for the reason that if award was not passed prior to the commencement of the Act of 2013 then it would be passed after 01.01.2014 and, in that case, all the land holders would get compensation as per Clause (a) of sub-section (1) of Section 24 of the Act of 2013. If the interpretation is taken in the manner given by the petitioners, proviso needs to be rewritten, which is not in the domain of this court. Section 24 (1) (b) of the Act of 2013 would apply to those cases where award has already been made. In that case, determination of compensation cannot be made under the Act of 2013 so as to postulate a situation where majority of the land holders can be given compensation in accordance to the Act of 2013 leaving few so as to apply the proviso. In these cases, award was passed few month prior to commencement of the Act of 2013 thus would be governed by Section 24 (1) (b) of the Act of 2013. Section 24 (2) is an exception to Section 24 (1). It applies when award is passed five years or more prior to the commencement of the Act of 2013 and compensation has not been paid or physical possession has not been taken. In that case, acquisition would lapse. In case of re-initiation of proceedings for acquisition of land, it would entail the land holders to get compensation under the Act of 2013. The proviso takes care of such a situation. If lapse takes place and majority of the land holders get compensation under the Act of 2013 due to re-initiation of acquisition then remaining land holders would also be entitled for the same benefit without lapse of proceedings in their case.”

The Court further held “the legislative intent seems to be that if there is an acquisition of more than one parcel of land and, out of it, lapse of acquisition takes place for majority of the land holders on account of non-payment of compensation or physical possession then with re-initiation of the acquisition proceedings, those land holders would obviously get compensation as per the Act of 2013. It is leaving those land holders, in whose cases lapse did not take place as they were paid the compensation and physical possession of land was also taken. To avoid discrimination out of one acquisition for more than one parcel of the land, the proviso was inserted. In case of lapse under Section 24 (2) of the Act of 2013, it has been provided that if majority of the land holders get compensation under the Act of 2013, the remaining would also get it. The proviso to Section 24 (2) of the Act of 2013 would apply in the cases where out of many parcels of the land under one acquisition, lapse takes place for majority, leaving few. In case of payment of compensation to the majority of the land holders under the Act of 2013 on re-initiation of acquisition, others would also be entitled to the same benefit though

lapse may not take place in their cases. The proviso appended to Section 24 (2) of the Act of 2013 would apply in the contingencies given above and obviously it is to avoid discrimination between similarly situated persons.”

MAINTENANCE AND WELFARE OF SENIOR CITIZENS LAW

(1) Rashmi Saxena Vs. Suresh Prakash Saxena

Hon'ble Mr. Justice Mohammad Rafiq

Judgement dated 23.02.2017

Important Law Point –

- Section 23 of Maintenance and Welfare of Senior Citizens Act, 2007

While discussing Section 23 of Maintenance and Welfare of Senior Citizens Act, 2007, the Court held that the transfer by a senior citizen under Section 23(1) of the Maintenance Act could be a gift or otherwise. The property transferred by gift or otherwise would include the transfer of possession of a property or a part of it by a senior citizen. The word 'otherwise' used in Section 23(1) of the Act by the legislation would include transfer of ownership, transfer of possession by way of a lease deed, mortgage, gift or sale deed. Even a transfer of possession to a licensee by a senior citizen will also fall under the ambit of Section 23 of the Act. The word “otherwise” cannot be ignored for the objective of Sec. 3 of the Act. Transfer would mean that transfer of property by Senior Citizen need not be a gift only but it could be any transfer within the meaning of TP Act or would even include transferring of any right of the nature of title or possession. This section further provides that if the transfer is subject to a condition that transferee shall provide basic amenities and basic physical needs to the transferor and transferee refused to do so. The Transfer of Property shall be deemed to have been made by fraud, coercion or undue influence. A senior citizen who had transferred his right, title or interest to any other person by gift or otherwise which would include transfer of possession by lease, mortgage or license would become void in the event of transferee refusing to provide amenities and physical needs. The said transfer in such circumstances would be as fraud and would be void.

Consideration of section 23, shows that it contains the word “transferred”, which is followed by the words “by way of gift or otherwise” and therefore, connotation of the word “otherwise” would cover within its definition almost every mode of transfer involved not necessarily, transfer of title and ownership of property alone but also physical possession thereof. In other words, the word 'transfer' would also include the transfer of possession. It is trite that when there's doubt about the meaning of a word used in the statute, it has to be understood in their natural, ordinary and popular sense and construed according to their grammatical meaning, unless such construction leads to some absurdity or to the contrary.

In the present case, the possession of the part of the house-hold by respondent was given to the petitioner as licensee, may be, at the time when her marriage with the son of the respondent was subsisting. The fact however remains that as of now marriage between the two does not subsist and both are strangers to each other. In view of this, the daughter-in-law cannot claim right of residence as against father-in-law, although she can proceed against her husband.

MINES AND MINERALS

Marwar Cement Limited, Jodhpur Vs. The State of Rajasthan & Ors.

&

Marwar Cement Limited, Jodhpur Vs. The State of Rajasthan & Anr.

Hon'ble Kumari Justice Nirmaljit Kaur

Judgement dated 06.10.2017

Vide this judgment, the Court set aside the minutes of the meeting dated 23.01.2014 and directed the respondents to proceed for execution of the lease deed of the land in question in favour of the petitioner in accordance with law, while answering the question as to whether the Courts could exercise its power to set aside an order of the Executive recalling its decision to grant a mining lease.

While raising the first main objection, it was contended by the respondent – State that the petitioner has no right to seek execution of the lease deed as no lease deed had ever been signed between the parties. Reliance was placed on the judgments rendered in the case of State of Rajasthan Vs. Raghunath Singh reported in 1974 AIR (Raj.) 4 and Kirorilal Vs. State of Madhya Pradesh reported in 1977 AIR (Raj) 101 as well as Monnet Ispat and Energy Limited Vs. Union of India and others reported in (2012) 11 Supreme Court Cases 1 to contend that simply a decision to grant mining lease does not constitute a bar on the executive power of the State Government to recall its decision if it is in the public interest.

After taking into consideration the various legal propositions, the Court held that although there was no dispute with the proposition of law that no one has a legal or vested right for grant or renewal of a mining lease, the Courts could always invoke its jurisdiction and quash such an order refusing or rejecting the grant of mining lease in case of malafide, dishonesty or arbitrariness and also in case such an order of recall is based on irrelevant consideration and passed without application of mind and absence of any material available on record.

In the case in hand, the respondent – Department did not execute the lease deed within the stipulated period of six weeks in spite of an undertaking before the Court by the counsel for the respondents on the ground that a decision had been taken in their meeting dated

23.01.2014 to recall its earlier decision for granting the lease on the ground that the allotment of the land for establishment of a cement plant is not in public interest as the said land is a mineral bearing land. The Court observed that “the decision of the Government in such matters must take into consideration (a) public interest as the paramount consideration, (b) the natural resources are not exploited indiscriminately by private parties and (c) the doctrine of promissory estoppel is not invoked in abstract.” Applying the test in the case in hand, the Court observed “the fear of exploitation of natural resources at the hands of the private parties in the present case did not arise as there is a huge difference between grant or cancellation of a mining lease on the one hand and grant or cancellation of a lease-deed for setting up of an industrial unit which is ancillary to mining on the other hand. Mining invites excavation of minerals which belong to the State and the State no doubt has to be careful of its exploitation at the hands of the private parties but the setting up of a cement manufacturing plant, in no manner, extracts the mineral present in the land on which the industrial unit is set up.”

The Court, therefore, held “the decision by the State is not based on public interest. The pros and cons of the decision do not appear to have been weighed properly. It is evident that the same has been taken without application of mind and without any material available with the Government. Such a decision on the one hand will not only result in depriving the State of the revenue as above but on the other hand, the land for mining of mineral may not even turn out to be viable as no scientific basis has been adopted by the Government to collect the exact percentage of mineral present in the area. Accordingly, this Court has no inhibition in setting aside the impugned decision which definitely smells of something not being correct.”

PANCHAYATI RAJ

Ghewar Chand and Anr.

Vs.

State of Rajasthan & Ors. and other Connected matters

Hon'ble Mr. Justice Vijay Bishnoi

Judgement dated 11.08.2017

Important Law Point –

- Provisions of Section 97 of the Rajasthan Panchayati Raj Act, 1994
- Section 227 of the Constitution of India

While discussing the provisions of Section 97 of the Rajasthan Panchayati Raj Act, 1994 and 227 of the Constitution of India, the Court decided the issue whether validity of a patta, issued by a

Gram Panchayat under the provisions of Panchayat Acts of State of Rajasthan or the Rules made there under can be questioned by way of revision petition under section 97 of the Act of 1994 even after its registration under the provisions of the Registration Act, 1908.

The Court held that “if the validity of the Patta is in question it is settled that if an order of allotment or a patta, which is the basis of the registered document found to be illegal, the registration of the said document will not come in the way. If the validity of a patta or order of allotment issued by any local authority is questioned by way of revision, the registration of the said patta or document of allotment will not be treated as a bar in adjudicating upon the validity of the same. This Court in Nagar Mal Vs. Addl. District Collector, Sikar & Ors. (supra) has rightly held that registration of a patta is only a consequential event and when the pattas are found to have been issued contrary to the obtaining rules, the mere registration thereof cannot be treated as a safe harbour. The cancellation of said patta by the competent authority will also thus entail would follow consequences in law rendering the registration thereof ineffective and inconsequential.”

PREVENTION OF CORRUPTION ACT

Pushpa Devi Vs. State of Rajasthan and other Connected matters

Hon'ble Dr. Justice Pushpendra Singh Bhati

Judgement dated 06.09.2017

Important Law Point –

- Provisions of Section 482 of Cr.P.C.
- Section 13(1) (d) and 13(2) of the Prevention of Corruption Act read with Section 120 B IPC, 1988 .

While discussing the provisions of Section 482 of Cr.P.C. and Sections 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, read with Section 120 B IPC, 1988, the Court held “it was necessary that in addition to providing that the accused satisfied the definition of the *actus reus* of the particular crime charged, the prosecution must also prove *mens rea*, i.e., that the accused had the necessary mental state or degree of fault at the relevant time. The criminal offences, as per the precedent law, vary in that some may require intention as the *mens rea*. However, some may require only recklessness or some other state of mind and some are even satisfied by negligence. But the variety in fact goes considerably further than this in that not only do different offences make use of different types of mental element, but also they utilize those elements in different ways. The definite state of mind in relation to becoming a cause of the event or the existence of the state of affairs. The event or state of affairs, is called the *actus reus* and the state of mind, the *mens rea* of the crime. It is necessary, as per the precedent law, that the Act must have been done by the accused illegally abusing his position as a public servant for obtaining benefit, pecuniary or otherwise for himself or for someone else. This is an

offence which would require an intention to accompany the act. The element of mental state would be necessary to do a conscious act to get the required result of pecuniary advantage or to obtain any valuable thing; even if it is for someone else, then too, the element of mental state must be there at the relevant time. The Court holds that the facts leading to the charges are not proved and the elements of *mens rea* and intention are totally absent in the present set of facts.”

The Court further held that, “the total sum and substance of the statements that have been recorded, on the face of it, reflect that they do not substantiate even a single part of the allegations, which would entitle the prosecution to proceed with the proceedings under Sections 13 (1) (d) and 13 (2) of the Prevention of Corruption Act read with Section 120 B IPC against the petitioners. It is very strange that the prosecution did not get a single witness to depose that the present act was committed by the petitioners by adopting corrupt or illegal means with an intention to gain some valuable thing or pecuniary advantage for themselves or for some other person. The mere ignorance or inability of the petitioners about one circular and many ancillary circulars governing the field could entitle the respondents to have civil action against the petitioners by recovering the loss caused to the Municipal Board, and also to take appropriate action against the patta-holder for cancellation of his patta, or directing in the alternative to the patta-holder to deposit the development charges in accordance with the relevant circular. But none of the above has been adhered to, and thus, it is a clear case where no intention or any crime is reflected, and where the *mens rea* is clearly missing. The rules and norms applicable may have been followed, but to say that the same actuated by dishonest intention to obtain any undue pecuniary advantage is not correct. The gist of Section 13 (1) (d) of the Prevention of Corruption Act, as quoted above, is implicit in the words used “corrupt or illegal means” and “abuse of position” as a public servant. The Court holds that the condition mentioned in the patta itself to the effect that the patta-holder shall himself be responsible for any development work, sufficiently saddled the patta-holder with the responsibility of the development works, and therefore, no loss could be caused to the Municipal Board, which admittedly, has not done a single rupee job in relation to the development over the said property. Further, the development charges to be collected were to be spent on the same property for the purpose of development and the Municipal Board would have been a custodian of the same charges only for the purpose of spending them again on the same property. In this case, neither the charges were paid, nor the development work was done. However, it is pertinent to note that the patta-holder himself was having the complete liability, as per the condition mentioned in the patta, to bear the development charges.”

RELEASE ON PAROLE**Dasharath Singh Vs. State of Rajasthan****Hon'ble the Chief Justice Mr. Justice Pradeep Nandrajog,****Hon'ble Mr. Justice Govind Mathur****Hon'ble Mr. Justice Sandeep Mehta****Judgement dated 07.09.2017****Important Law Point –**

- Provisions of Rule 2(d), 9, 10A and 12 of the Rajasthan Prisoners' Release on Parole Rules, 1958

While discussing provisions of Rule 2 (d), 9, 10 A and 12 of the Rajasthan Prisoners' Release on Parole Rules, 1958, the Court held that “we have examined the entire scheme of the Rules. Needless to say that in criminal jurisprudence, the object of awarding parole is to rehabilitate a criminal by placing him in the main stream of society. The parole under Rule 9 of the Rules is a serious and valuable effort to achieve the object aforesaid. While awarding parole as per Rule 9, the competent authority is required to keep in mind the conduct, character and behaviour of the prisoner as well as the chances of his not relapsing in criminal activities. Under this provision, a prisoner is entitled to have parole after specified intervals and also for permanent parole by the competent authority on being satisfied about his conduct, character and behaviour. Pertinent to notice that for considering case of a prisoner for grant of regular parole as per Rule 9, a complete procedure is given under Rules 3, 4, 5, 6, 7 and 8 of the Rules. The competent authority for grant of regular parole is District Parole Advisory Committee and for regular permanent parole, the State Parole Advisory Committee. The committee before awarding such parole is under statutory obligation to consult with the Probation Officer, if appointed, and also to the Superintendent of Police of the District or the District Magistrate, if that is found necessary. The committee is also supposed to look into all the papers forwarded to it by the District Magistrate after having opinion from the Probation Officer and the other relevant officers. The committee may also consult the Presiding Judge of the Court before or by which the conviction was held or confirmed.

This detailed procedure is given only to ensure that the parole awarded shall serve the object i.e. of bringing the prisoner in the main stream of society and further there being no chances of his involvement in criminal activities, his rehabilitation is necessary. As a matter of fact release on parole as per Rule 9 is part of the period of serving sentence, not in prison but by remaining in society with constant surveillance of the State authorities about his character, conduct and behaviour, and as such under Rule 12 this period has been treated as a part of the sentence being served.”

The court further held that “the parole under Rule 10-A is having absolutely a different complexion. This kind of parole is essentially based on humanitarian consideration, that may occur at any point of time. The emergent parole may be granted by the Superintendent of Jail for a period of seven days and the Inspector General of Prisons for a period of 15 days just looking at the emergent need of release of the prisoner in the eventualities referred in Rule 10-A itself and that is not dependent to the procedure prescribed under Rules 3 to 8 of the Rules. The purpose of parole under Rule 10-A of the Rules is to enable a prisoner to discharge his important social responsibilities. As a matter of fact, emergent parole is a concession for an individual prisoner in certain eventualities where his immediate release without adhering to the procedural formalities is highly desirable to satisfy indispensable social needs. The nature of emergent parole, thus, is absolutely different from the nature of a parole awarded under Rule 9 of the Rules, which is applicable for each and every prisoner subject to his conduct, character and behaviour. True it is, Rule 2 (d) of the Rules provides for only one kind of parole i.e. conditional enlargement of a prisoner from jail, but merely on that count, it cannot be said that no further distinction can be made in nature of the paroles availed by the prisoners to get further concessions. Though the parole granted under Rule 9 as well as under Rule 10-A are nothing but conditional enlargement of a prisoner from the jail, but their nature is quite different for the reasons already mentioned in preceding para. The object to grant the parole, the mode of consideration, the competent authority to grant a parole under Rule 10-A of the Rules are different and rightly so looking at the difference in the nature of the cause of awarding parole. While considering a case to grant the emergent parole, the primary issue is the personal need of an individual prisoner. Looking at this fact, such a case is not required to be examined by a committee but by the officers of the prison only. In entirety, looking at whatever is stated above, the Court is having no doubt that the classification made under the Rule 12 of parole is based on a reasonable criterion having connection with the object sought to be achieved and as such is justified. Rule 12 does not suffer from any demerit to declare the same or any part of it in conflict with the definition of “Parole” prescribed under Rule 2(d).”

Finally, the question referred to was answered in the following terms:-

- The law laid down in the case of Ram Avtar Khatik & Ors. v. State of Rajasthan & Anr., reported in 2008(3)RLW 2752 (Raj.), is not correct;
- The parole awarded as per Rule 9 of the Rules stands on different pedestal than all the other kinds of parole under the same Rules; and
- The parole availed by a prisoner other than a parole under Rule 9 of the Rules, as per Rule 12 of the Rules aforesaid, is required to be treated as a sentence suspended and not as sentence served.

RENT CONTROL ACT**K. Ramnarayan Vs. Shri Pukhraj****Hon'ble the Chief Justice Mr. Justice Pradeep Nandrajog,****Hon'ble Mr. Justice Dinesh Chandra Somani****Judgement dated 26.10.2017****Important Law Point –**

- Sections 2(1) and 18 of the Rajasthan Rent Control Act, 2001

While discussing Sections 2(1) and 18 of Rajasthan Rent Control Act, 2001, the Court decided the issue whether the civil courts which have been *in seisin* of *lis* between landlords and tenants would now be divested of their jurisdiction to adjudicate such cases in view of the subsequent notification(s) extending the Rajasthan Rent Control Act, 2001 to the areas in which the suit property is situated.

The Court held that “the issue whether the jurisdiction of the civil courts, in so far as pending proceedings are concerned would stand ousted by operation of a rent control legislation or not is to be answered by taking into consideration the peculiar provisions comprised in such legislation. A bare perusal of the relevant Section 2 (1), 18 of Rajasthan Rent Control Act 2001 evinces that the definition of the tenant as comprised under Section 2 (1) of the Act en-wombs within its fold a person who is continuing in possession after the termination of the tenancy otherwise than by an order or decree for eviction passed under the provision of this act. The provisions enacted by the legislature are required to be given full effect and cannot be curtailed by imposing artifices to defeat legislative mandate owing to perceived hardship. It is a right proposition of law that ordinarily no part of statute whether it is a sentence, a clause, a phrase or a word should be considered as mere surplusages or devoid of meaning. It assumes significance that section 18 of the Act of 2001 confers exclusive jurisdiction upon the rent tribunal to adjudicate disputes under the act and imposes a corresponding embargo upon the civil courts to hear and decide disputes between the landlord and the tenant. The statutory intendment to injunct a civil court from hearing and deciding the disputes between a landlord and a tenant does not seem to be a bar merely against the institution of suits in future but subsumes in its ambit the proceedings pending before the civil courts if the legislature intended to bar the jurisdiction of the civil courts prospectively, preserving its jurisdiction to adjudicate pending proceedings. The expression employed in the provision would have manifested such an intention illustratively speaking the provisions would have been phrased in the manner described: “...no suits or proceedings shall be instituted in a civil court with regard to disputes between landlord and tenant”.”

The Court further held “that the overarching and inclusive definition of tenant under Section 2 of the Act, 2001 clearly en-wombs within its fold an ex-tenant. In conjunction thereof, we have noticed that under Section 18 of the Act 2001 expressly imposed a clear embargo on civil court to hear and decide dispute between landlord and tenants. It would be imperative to delve upon the ambit of “pending cases” as much as the logical question that would now arise is whether the benefit of the Act would be required to be extended to cases wherein a decree has already been passed by a civil court and the same has been assailed by preferring an appeal. Upon perusal of the definition of “tenant” it is palpable that persons who have suffered a decree passed by a Court of competent jurisdiction does not fall within the coverage of the expression ‘tenant’ for the purpose of the said Act. However, notwithstanding the manner in which the term “tenant” was defined by the Legislature, in *Lakshmi Narayan Guin’s* case (*supra*) the Supreme Court accorded protection of the said Act to a litigant who had suffered a decree passed by a court of competent jurisdiction in view of the fact that the Act was extended to the area where suit property was situated during the pendency of the appeal. Conspicuously, the definition of the “tenant” under the Rajasthan Rent Control Act, 2001 only excludes it from coverage, the class of persons; though continuing in possession after the determination of the tenancy but have suffered an order or decree of eviction passed under the provisions of the said Act. However, pertinently, as distinguished, if an order or decree of eviction is passed under ‘*any other law*’ the said circumstance would not bring them outside the purview of “tenant” for the purpose of the applicability of the Rajasthan Rent Control Act, 2001. It is evident that the decision of the Supreme Court in *Lakshmi Narayan Guin’s* case (*supra*) applies ‘*a fortiori*’ with greater force in the context of the Rajasthan Rent Control Act, 2001 as the definition of ‘tenant’ under the said Act includes “ex tenants” in possession of the demised premises despite the termination of a tenancy as long as they have not suffered an order or decree of eviction passed under the provisions of the Act. The fact that the decree may have passed against them under any other law would not bring them outside the purview of the term “tenant” for the purpose of the Act and its applicability would not be ousted. The inescapable conclusion emerging from the conclusion delineated above is that the benefit of the mandate of the Rajasthan Rent Control Act, 2001 would have to be extended even in those classes of cases where a decree has already been passed by the civil court and the same has been contested by preferring an appeal.”

Finally, the Court held that, “once the Rajasthan Rent Control Act, 2001 was extended to the municipal areas, the Civil Courts would lose jurisdiction to adjudicate a dispute between a landlord and a tenant. No tenant could be evicted by a Civil Court. The eviction had to be on the grounds specified in the Section 9 Rajasthan Rent Control Act, 2001 thereof. Even where decrees of ejection had been passed by the Civil Courts and matters were pending consideration in appeal, the civil proceedings would lapse.”

SERVICE LAWS

**(1) State of Rajasthan Vs. Ganpat Ram,
Hon'ble the Chief Justice Navin Sinha
Hon'ble Mr. Justice Goverdhan Bardhar
Judgement dated 03.01.2017**

Important Law Point –

- Section 16 of Rajasthan Civil Service (Classification, control & Appeal) Rules, 1958

While considering the Rule 16 of the Rajasthan Civil Service (Classification, Control & Appeal) Rules, 1958, the Court held that a departmental proceeding commences upon issuance of charge sheet. The delinquent then files his reply. If the charges are admitted nothing further is required and there may be no need to hold departmental proceedings. Admitting the signature does not amount to an admission that the reports were wrong. Even if the delinquent does not appear after notice and does not file reply yet the onus to prove charges in accordance with law rests on the department. The charges have to be proved by the Presenting Officer along with documentary and oral evidence. After the charges are established in this manner the delinquent is required to furnish his defence and lead evidence.

If the Enquiry Officer is a neutral person akin to that of a Judge he cannot step into the shoes of the Presenting Officer assuming the role of Judge and executioner both. In the present case, a bare reading of the enquiry report reveals that the Presenting Officer only asked for certain documents to be called for on which the Respondent admitted his signature. Admission of the signature does not amount to admission of the contents and it cannot be held that the charges stood proved on that ground. The documents have not been proved by the Presenting Officer. There is not a whisper in the enquiry report what may or may not have been argued by the Presenting Officer with regard to the allegations. In other words, the Enquiry Officer stepped into the shoes of the Presenting Officer to examine the defence of the Respondent vis-a-vis the charges. No list of witnesses or oral evidence was led by the department before the Enquiry Officer. Ultimately Court came to the conclusion that there had never been a departmental proceeding against the respondent in accordance with law.

(2) Brijesh Chandra Mishra Vs. State of Rajasthan & Ors.

Hon'ble Mr. Justice Sanjeev Prakash Sharma

Judgement dated 04.01.2017

Important Law Point –

- Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958, Rule 13, 19 and Penal Code Sec. 420, 406, 120-B.
- Probation of Offenders Act, 1958, Sec. 4(1) and 12

While considering the above provisions it is clear that the power is available and vested with the concerned judicial authority who records conviction not to give effect the conviction so far as services of an employee is concerned. It is in exclusive domain of the Judicial authority to see what will be the effect of conviction relating to services of an employee who is also an accused in a case. The Disciplinary Authority cannot ignore or over-ride the order which has already been passed by a judicial forum.

(3) Union of India and Ors.

Vs.

Ramesh Chandra Sharma and Ors.

Hon'ble The Chief Justice Mr. Navin Sinha

Hon'ble Mr. Justice Vijay Kumar Vyas

Judgement dated 27.01.2017

In this case, the Court held that, normally an order of punishment passed in pursuance of departmental proceedings can only be examined for procedural irregularity which may have caused prejudice. The quantum of punishment is indisputably the jurisdiction of the employer. If the Court considers the quantum to be excessive or disproportionate, the normal order to be passed is for remanding it to the authorities to reconsider the quantum of punishment. But there are exceptions to this rule. If the quantum of punishment appears to the Court to be excessive and disproportionate, the conscience of the Court is shocked, instead of remanding it, the Court can in an appropriate case order appropriate punishment. But for this purpose, the application of mind and reasons for interference must be apparent from the order. It cannot be the ipse dixit of the Court to interfere with the quantum by merely reciting the words that it was shocking to the conscience.

Negligence will have to be different from misconduct. If a Government servant is not careful in the discharge of his duties and commits errors which may have not been intentional but for reasons beyond control displaying human fallibility, it will fall in the category of negligence. For negligence to amount to a misconduct

warranting a serious punishment as dismissal, the conduct has to be wanton, deliberate, callous, with full awareness of the consequences which are serious but completely unmindful of the same. In other words, it would be an absolute reckless conduct bordering on brazenness and defiance.

(4) Rajendra Kumar Khandelwal and Ors.

Vs.

Director General of Police and Ors.

Hon'ble The Chief Justice Mr. Pradeep Nandrajog

Hon'ble Mr. Justice Sanjeev Prakash Sharma

Judgement dated 30.05.2017

Important Law Point –

- Rule 10 sub-rule (1) (a) of the Rajasthan Police Subordinate Service Rules, 1989.

While deciding a legal issue of the interpretation of Rule 10 sub-rule (1) (a) of the Rajasthan Police Subordinate Service Rules, 1989 regarding determination of vacancies, the Court held that the phrase “the actual number of vacancies likely to occur during the financial year” has to be given a meaning. The word “likely” means “might well happen or be or prove true, or turn to be the thing specified, probable.” The word “probable” in turns means that “may be expected to happen or prove true, or likely. The Court is of view that the phrase “likely to arise” must impart colour to the word “actual” in the rule in question. The resultant position would be that the vacancies as a result of promotion of incumbents to the higher post in service in a given year would be required to be treated as vacancies likely to occur in the year in question. More particularly when the exercise to fill up further promotional posts has already been undertaken. The number of further promotional posts have been ascertained. It would thus be known that number of ascertained further promotional posts would be filled up resulting in vacancies in the feeder post, which in turn would mean that for the next below post the vacancy position for promotion is known.

The Court further held that anticipated vacancies would include such vacancies which have been determined on account of further promotions to be made. Further promotional posts which would become vacant upon promotion of officers in RPS (Junior Scale) was already known to the department before the 1st day of April and thus, said resultant vacancies upon promotion to the post of RPS (Junior Scale) were known. Therefore, it was already ascertained that said number of posts of Inspectors had become vacant. These posts had to be treated as “likely to be filled up” from the post of Sub-Inspectors to the post of Inspectors.

TAX LAWS**Surendra Pal Singh Sahni****Vs.****Director General of Income Tax (Investigation), Jaipur****Hon'ble the Acting Chief Justice Mr. K.S. Jhaveri****Hon'ble Mr. Justice Vijay Kumar Vyas****Judgement dated 24.03.2017****Important Law Point –**

- Section 132 of the Income Tax Act

While discussing the Section 132 of the Income Tax Act, the Court held that it will not be out of place to mention here that in the taxing statutes, the Court has to be very slow in interpreting the statutes where intention of the legislature is to curb the evasion of tax. This is a peculiar case where the Government has granted the benefit under the scheme only to the persons who are not covered under Section 132 of Act and other proceedings. If the class which has been debarred under the scheme and any person acquiring the same debar during the scheme can be granted the benefit of the scheme, the answer in is 'No' (sic). The terms are not which are prohibited by law prior to launching of the scheme. If anybody acquired any disqualification during the scheme, has to be treated equal otherwise that will create two classes. The scheme of 2016 will not override the provisions of the Income Tax Act and the scheme which has come by way of limited purpose cannot prevail over the Income Tax Act.

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

HIGH COURT

RAJASTHAN HIGH COURT PRINCIPAL SEAT AT JODHPUR

At present, Rajasthan High Court, Jodhpur is functioning in an old Heritage Building and due to paucity of space and to cater the future need, it was felt that there should be building of High Court with sufficient space, therefore, New Building of Rajasthan High Court, Jodhpur near Jhalamand is under construction having a project cost of Rs. **220.07 Crore**. A sum of Rs. **206.02 crore** has been released by State Government to RSRDC Ltd. (Constructing Agency) till date. Further, a budget of Rs. **15.00 Crore** has been sanctioned by the State Government for purchase of furniture during the year 2017-18 for New Building of High Court.

RAJASTHAN HIGH COURT BENCH AT JAIPUR

In addition to the old building of Rajasthan High Court Bench, Jaipur, one more unit of the building has been constructed behind the existing building having sufficient courts & space for Advocates as well as for Litigants.

DISTRICT AND SUBORDINATE COURT(S)

Court & Residential Building –

There are 35 Judgeships in the State of Rajasthan which have 1053 Courts established at present. Out of these, 651 Courts run in the Judicial Department. Other Court buildings have been provided by the Gram Panchayat, Bar Association, Tehsil, GAD etc. Further, 34 Courts are running in rented premises.

Further, 598 Residential Accommodations are available & about 27 Residential Accommodations are under construction. Some Residential Accommodations have been provided by other Departments and some are operative in rented premises.

(2) Demand of Budget from GOI under Centrally Sponsored Schemes(CSS) as 60% Central Share for the year 2017-18:-

(Rs. In Crore)

S. No.	Name of Scheme	Project Cost
1.	Construction of Court Buildings	435.66
2.	Construction of Residential Accommodation	192.56
TOTAL		628.22

The Central Government has not released any grant for Court/ Residential Building (60% Central Share) under Centrally Sponsored Scheme during the year 2017-18.

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 31.12.2017)

SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
50	35	15

STRENGTH OF JUDGES IN DISTRICT/ SUBORDINATE COURTS

(As on 31.12.2017)

CADRE	SANCTIONED STRENGTH	WORKING STRENGTH	VACANT POSTS
Rajasthan State for District and Subordinate Courts (RJS)	1223	1122	101

6. HUMAN RESOURCE DEVELOPMENT

(I) TRAINING OF JUDGES / JUDICIAL OFFICERS

Training Programme on Cyber Crimes and Laws Dealing with Cyber Crimes :-

On 26th February, 2017, a one day Training Programme was organized for Judicial Officers of different cadres of Rajasthan Judicial Services, with the objective to enhance the understanding of Cyber Crimes as well as various aspects of Cyber Laws dealing with Cyber Crimes. In this training programme, Hon'ble Mr. Justice Sanjeev Khanna, Judge, Delhi High Court, Shri Pawan Duggal, Advocate, Supreme Court of India, Shri P. Vimaladitya (I.P.S.), Faculty at National Police Academy, Hyderabad, Dr. C.B. Sharma I.P.S. (Retd.) enlightened the participants as key speakers with their expertise in the field. 89 Officers attended this Training Programme.

Reflective Training of 102 Trainee Civil Judges :-

This Training Programme for 102 Trainee Civil Judges was held from 26th March to 22nd April, 2017. During this Training Programme, an educational cum excursion tour was organized from 26th to 31st March, 2017 to acquaint the Trainee Officers with the culture of Rajasthan and administrative functioning along with legal aspects related to other departments and institutions.

Visits to Department of Irrigation, Department of Mines & Minerals, Jawai Dam, Jawai Leopard Project, Zonal Railway Training Institute, Maharana Pratap University of Agriculture and Technology, Sajjangarh Biological Park, Lok Kala Mandal, Ahar Archeological Museum, Manikya Lal Verma Tribal Research and Training Institute, Hindustan Zinc Smelter Chanderiya, Rajasthan Atomic Power Station, Rawat Bhata, Chittorgarh, Kota Super Thermal Power Station, Bisalpur Dam, Board of Revenue and Rajasthan Public Service Commission, Ajmer were included in the excursion tour.

After the one week excursion tour, they were imparted training on various legal subjects through lectures by Hon'ble Judges of Rajasthan High Court, Judicial Officers, Professors and Prominent Advocates of Supreme Court and High Court. In this phase, their judicial knowledge and judgment writing skills were also developed through practical exercise sessions.

RJS Induction Training to 74 newly appointed Civil Judges:-

This Training Programme was organized for 74 newly appointed Civil Judges from 09th April to 27th May, 2017. This was inaugurated by Hon'ble Mr. Justice Pradeep Nandrajog, the Chief Justice, Rajasthan High Court and Patron-in-Chief, RSJA, Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court and the then

Chairman, RSJA and other Hon'ble Judges of Rajasthan High Court were present in the function.

Initial Institutional Training of 1½ months 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 and other Stakeholders, Good Governance and topics of general importance such as Communication skills, Management skills (e.g. Time and Stress Management, Human Resource Management, Docket and Court Management etc.) to develop their acumen and personality and to inculcate values, the aspect of morality, ethics, etiquettes, behavior etc. was imparted to the newly appointed Civil Judges in First Phase.

Workshop on Sensitization of Stakeholders dealing with POCSO Act, 2012 and SC and ST (Prevention of Atrocities) Act, 1989 :-

On 1st and 2nd July, 2017, a Workshop was organized for Judicial Officers, inaugurated by Hon'ble Dr. Justice Pushendra Singh Bhati, Judge, Rajasthan High Court. The sessions of Workshop were chaired by Hon'ble Mr. Justice P.K. Lohra, Judge, Rajasthan High Court, Sh. Deepak Bhargav, Superintendent of Police, Sh. Umesh Sharma, Former District and Sessions Judge, Sh. Surendra Kumar Jain, Member Secretary, RLSA, Jaipur. The Stakeholders included 29 Judges, 16 Police Officers and 29 Public Prosecutors dealing with Cases of POCSO Act and SC/ST (Prevention of Atrocities) Act.

Final Phase Reflective Training of 102 Trainee Civil Judges of Batch 2016-17 :-

A Training Programme for 102 Trainee Civil Judges was held on 24th July to 03rd August, 2017. During this Training Programme, Trainee Officers were addressed by Hon'ble Mr. Justice Govind Mathur, the then Chairman, RSJA, several Resource Persons and other Judicial Officers from Rajasthan. To improve and and polish the practical knowledge and writing skills of Trainee Officers, various sessions on practical exercises were conducted.

The Valedictory Function took place on 29.07.2017. The Trainee Officers were blessed with the words of wisdom by Hon'ble Mr. Justice Pradeep Nandrajog, the Chief Justice Rajasthan High Court, Hon'ble Mr. Justice Ajay Rastogi, Hon'ble Administrative Judge, Rajasthan High Court, Hon'ble Mr. Justice Govind Mathur, the Chairman, RSJA. And other Hon'ble Judges and dignitaries graced the occasion.

Conference on Speedy and Qualitative Disposal of ACD and CBI Cases :-

This Conference was held on 20th August, 2017 for Judicial Officers, Public Prosecutors and Police Officers. In this Conference, Hon'ble

Mr. Justice Govind Mathur, Judge, Rajasthan High Court and then Chairman, RSJA and Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court enlightened the participants as Resource Persons. The purpose of this Conference was to bring together and create a mutual understanding amongst the Judges, Public Prosecutors and Investigating Agencies and to sensitize them on their role and accountability in dealing with issues related to implementation of the Prevention of Corruption Act. The Conference witnessed the participation of 16 Judicial Officers, 14 Public Prosecutors and 16 Police Officers dealing with ACD & CBI Cases all over Rajasthan.

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

This Judicial Colloquium was held on 27th August 2017 and inaugurated by Hon'ble Kumari Justice Nirmaljit Kaur, Judge, Rajasthan High Court. In the sessions of the Colloquium, Sh. Naveen Jain, I.A.S., Chairperson, State Appropriate Authority (PCPNDT) and Secretary, Medical Health and Family Welfare, Government of Rajasthan, Ms. Meena Avasthi, A.C.J.M. (S.P.E. Cases), Jaipur District enlightened the participants as Resource Persons. This Colloquium witnessed the participation of 12 Judicial Officers, 12 Office Bearers/Members, 30 C.M.H.O.s and 03 Radiologists and Gynecologists from all over Rajasthan.

First Phase Reflective Training of 78 Trainee Civil Judges of Batch 2017-18:-

A Training Programme for Trainee Civil Judges was organized from 04th to 23rd September, 2017 at RSJA for newly appointed 78 Civil Judges. It was inaugurated by Hon'ble Mr. Justice Govind Mathur, the then Chairman, RSJA. During this Training Programme, a 40 hour Mediation Training Programme for 25 Trainee Civil Judges was held from 11.09.2017 to 15.09.2017, in which the Trainee Officers were enlightened by Ms. Anupama Dheengra, Advocate Trainer, New Delhi, Ms. Pushpa Gupta, Advocate Trainer, New Delhi, Ms. Archana Mishra, A.D.J., Women Atrocity Cases, Bharatpur, Mr. Balkrishan Goyal, A.D.J. No. 2, Ajmer, Mr. Neeraj Kumar Bhardwaj, A.D.J. No. 2, Sikar and Ms. Sarbjeet Kaur, Master Trainer, Chandigarh.

A Conference on Speedy and Qualitative Disposal of NDPS Act :-

On 2nd October 2017, a Conference on Speedy and Qualitative Disposal of NDPS Cases for Judicial Officers, Public Prosecutors and Police Officers was held. In this Conference, Hon'ble Mr. Justice Sandeep Mehta, Hon'ble Dr. Justice Pushendra Singh Bhati and Hon'ble Mr. Justice Manoj Kumar Garg, Judges of Rajasthan High Court enlightened the participants as Resource Persons. This Conference had been organized with the object to enhance the

understanding of various aspects of Narcotic Drugs and Psychotropic Substances Act, 1985. The Conference witnessed the participation of 38 Judicial Officers, 09 Public Prosecutors and 22 Police Officers dealing with NDPS cases all over Rajasthan.

Conference on Sensitization on Family Court Matters of Central and East Zone :-

A Conference for Judicial Officers and Counselors was held on 19th November, 2017. In this Conference, Hon'ble Mr. Justice Pankaj Bhandari, Judge, Rajasthan High Court and Member, Rajasthan High Court Committee for Sensitization of Judges on Family Court Matters and Shri Neeraj Kumar Bhardwaj, Additional District and Sessions Judge, Sikar, enlightened the participants as Resource Persons. 29 Judicial Officers and 49 Counselors participated in this Conference.

Workshop for Presiding Officers of Motor Accident Claim Tribunals :-

This Workshop was inaugurated by Hon'ble Mr. Justice G.K. Vyas, Judge, Rajasthan High Court and the then Chairman, RSJA on 26th November, 2017 for Presiding Judicial Officers of Motor Accident Claim Tribunal and Courts having power under the MACT Act.

The participants were benefited by the enlightening deliveries given by Hon'ble Mr. Justice Sangeet Raj Lodha, Judge, Rajasthan High Court, Hon'ble Mr. Justice Arun Bhansali, Judge, Rajasthan High Court and Hon'ble Mr. Justice K. Kannan, Former Judge, Punjab and Haryana High Court in the Workshop.

The Workshop aimed at enhancing the knowledge and ensuring excellence and perfection in the working methodologies of the participants. It witnessed the participation of 80 Judicial Officers from all over the State.

Second Phase Reflective Training of 78 Trainee Civil Judges of Batch 2017-18 :-

From 4th to 19th December, 2017 a Second Phase Reflective Training of 78 Trainee Civil Judges of Batch 2017-18 was organized. In this Training, Trainee Officers were addressed by Hon'ble Mr. Justice G.K. Vyas, Chairman, RSJA, Resource Persons and other Judicial Officers from Rajasthan.

During this Training Programme, a 40 hour Mediation Training Programme for 25 Trainee Civil Judges was held from 11.12.2017 to 15.12.2017, who were enlightened by Sh. Sunil Kumar Aggarwal, Judge Trainer, Sh. K.K. Makhija, Advocate Trainer, Ms. Archana Mishra, ADJ, Women Atrocity Cases, Bharatpur, Mr. Balkrishan Goyal, ADJ No. 2, Ajmer, Mr. Neeraj Kumar Bhardwaj, ADJ No. 2 Sikar, and Ms. Pramila Acharya.

During this Training, a one day Educational Tour to Osian Village was also arranged.

Training Programme on Capacity Building of Judicial Officers to Handle Stress and Evaluating e-Evidence :-

On 10th December, 2017 the Training Programme was organized with the objective to enhance the understanding of Cyber Crimes as well as various aspects of Cyber Laws dealing with Cyber Crimes for Judicial Officers and Trainee Civil Judges.

In this Training Programme, Mr. Neeraj Arora, Advocate, Supreme Court, Sh. Nisheeth Dixit, Advocate, Rajasthan High Court and Mr. Parag Gadhiya, Former Vice President, J.P. Morgan enlightened the participants as Resource Persons.

This Training Programme witnessed the participation of 60 Judicial Officers and 76 Trainee Civil Judges from all over the State.

(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.

Conference on Sensitization on Family Court Matters :-

On 22nd January, 2017 a Conference on Sensitization on Family Court matters was held for Judicial Officers in the Additional District Judge Cadre. In this Conference, Hon'ble Mr. Justice G.R. Moolchandani, Hon'ble Mr. Justice Pankaj Bhandari, Hon'ble Judges of Rajasthan High Court and Dr. Aman M. Hingorani, Mediator and Advocate, Supreme Court of India enlightened the participants as Resource Persons. 41 Judges dealing with Family Court matters from all over Rajasthan participated in the Conference.

Workshop for Stakeholders under Juvenile Justice System :-

On 19th February, 2017 a Workshop for Stakeholders under Juvenile Justice System was organized for Principal Magistrates, 7 Members of JJBs, Chairpersons of CWCs and Probationary Officers. The one day Workshop was inaugurated by Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court & Chairman, Rajasthan State Judicial Academy. In this Workshop, Hon'ble Mr. Justice Govind Mathur, Hon'ble Mr. Justice G.K. Vyas, Hon'ble Mr. Justice Sandeep Mehta, Hon'ble Mr. Justice P.K. Lohra, Hon'ble Mr. Justice Vijay Bishnoi, Hon'ble Dr. Justice P.S. Bhati, Hon'ble Mr. Justice Dinesh Mehta, Hon'ble Mr. Justice Vinit Kumar Mathur, Hon'ble Judges of Rajasthan High Court and Shri S.K. Jain, Member Secretary, RSLSA, Mr. Sanjay Nirala, Child Protection Officer, UNICEF, Mr. Govind Beniwal, Former Member, State Child Rights Commission, Mr. Ravi Jain, Director, Social Justice and Empowerment Department enlightened the participants as expert speakers. 131 delegates participated in this Workshop.

Workshop of Juvenile Justice System :-

From 13th to 14th May, 2017 a Workshop was organized for Principal Magistrates of Juvenile Justice Boards and Police Officers, under the guidance of Hon'ble Committee of Rajasthan High Court for Juvenile Justice. Inaugural Session was chaired by Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court and keynote speech was delivered by Hon'ble Mr. Justice D.N. Thanvi, Former Judge, Rajasthan High Court.

In this Workshop, Hon'ble Mr. Justice Sandeep Mehta, Shri Dinesh Kumar, Consultant Child Protection, UNICEF, Shri Yudhishtira Panigrahim, Consultant, UNICEF, Shri Samir Kumar Singh (I.P.S.), Ms. Shruti Bhardwaj, Addl. Director, Department of Child Rights, Ms. Seema Hingonia (R.P.S.), Shri Mahendra Kumar Dave, A.D.J. No. 2, Udaipur, Shri Govind Beniwal, Former Member, State Child Rights Commission enlightened the participants as expert speakers. 45 delegates participated in the Workshop.

Koha Software Training :-

This four days' Training Programme was organized from 27th May, 2017 to 30th May, 2017 for providing training of KOHA Library Software to Library Staff Members of Rajasthan High Court, Jodhpur and Jaipur Bench. This Training Programme was conducted by experts of KOHA Software Mr. Joydeep Chanda, Joint Secretary, Bengal Library Association and Mr. Bhaskar Gosh, KOHA Customization Team Member from Calcutta.

A total number of 34 Library Staff members of Rajasthan High Court, Jodhpur and Jaipur Bench including two Library Staff members of RSJA participated in this Training Programme.

Plantation Programme :-

On 26th August, 2017 a Plantation Programme was held for Hon'ble Judges and Officers of Rajasthan High Court and Rajasthan State Judicial Academy. The Plantation Programme was organized in the premises of Rajasthan State Judicial Academy in the presence of Hon'ble Mr. Justice Govind Mathur, Judge, Rajasthan High Court and the then Chairman, RSJA and other Judges of Rajasthan High Court.

Plantation Programme :-

This Programme was organized on 27th August, 2017 for Hon'ble Judges and Officers of Rajasthan High Court and Rajasthan State Judicial Academy. The Plantation Ceremony in the premises of Rajasthan State Judicial Academy was conducted under the auspices of Rajasthan State Legal Services Authority assisted by Rajasthan State Bharat Scouts & Guides, Jaipur. The Programme was graced by Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri, the Executive Chairman, RLSA and Judge, Rajasthan High Court alongwith other Judges of Rajasthan High Court. 150 saplings were planted in RSJA premises.

Plantation Programme :-

Plantation Ceremony was organized in RSJA premises on 22nd September, 2017 under the leadership and guidance of Hon'ble Mr. Justice Govind Mathur, the Chairman, RSJA. All the Trainee Officers planted saplings of fruit trees in the dedicated Fruit Garden which was named as "SRIJJAN".

APO Induction Training Programme of Batch 2017 :-

From 09th to 13th October, 2017 a Training Programme was organized for 125 newly appointed Assistant Prosecution Officers (Batch-1). It was inaugurated by Hon'ble Mr. Justice N.N. Mathur, Former Judge, Rajasthan High Court. During this Training Programme, A.P.O.s were addressed by Sh. Devendra Dixit, Director, Prosecution Department, Jaipur, Sh. Pramod Verma, D.D.P. (Retd.) Jodhpur, Sh. Ajay Sharma, Addl. Director, FSL, Jodhpur, Dr. Kalpana Purohit, Professor, JNVU, Jodhpur, Sh. N.K. Sankhala, Addl. P.P. (ACD Court), Jodhpur, Sh. Mahendra Pipliwal, A.P.P.-1, Kota, Sh. Tulsiram Agarwal, Financial Advisor, RNT Medical College, Udaipur, Sh. Nisheeth Dixit, Advocate, RHC, Jaipur, Sh. Ajay Kumar Vyas, Addl. P.P., Bhinmal, Jalore, Dr. P.C. Vyas, Medical Superintendent, MGH & Associated Group of Hospitals, Jodhpur, Prof. (Dr.) Kirti Rana, Dr. S.N. Medical College, Jodhpur, Ms. Shalu Malik, FSL, Jodhpur, Sh. Anoop Saxena, District & Sessions Judge, Dausa, Sh. Jora Ram, A.D.P., Jodhpur.

APO Induction Training Programme of Batch 2017 :-

From 30th October to 03rd November 2017, a five days' Induction Training Programme for 122 A.P.O.s (Batch-II) was held. The Training was inaugurated by Hon'ble Mr. Justice H.R. Panwar, Former Judge, Rajasthan High Court. During this Training, A.P.O.s were addressed by Sh. Yaswant Bhardwaj, Addl. Director, Prosecution Department, Jaipur, Sh. Arif Mohd. Khan Chayal, A.C.M.M. No. 1, Jodhpur Metropolitan, Sh. Ajay Sharma, Addl. Director, FSL, Jodhpur, Sh. Pramod Verma, D.D.P. (Retd.), Jodhpur, Sh. N.K. Sankhala, Addl. P.P. (ACD Court), Jodhpur, Sh. Upendra Sharma, Addl. District & Sessions Judge, No. 4, Jodhpur Metropolitan, Sh. Dinesh Tiwari, Addl. P.P., Beawar, Ajmer, Sh. Nisheeth Dixit, Advocate, RHC, Jaipur, Dr. P.C. Vyas, Medical Superintendent, MGH & Associated Group of Hospitals, Jodhpur, Sh. Mahendra Pipliwal, Prosecution Officer, Kota, Prof. (Dr.) Kirti Rana, Dr. S.N. Medical College, Jodhpur, Ms. Shaloo Malik, Asst. Director (Toxi), FSL, Jodhpur, Sh. Jora Ram, ADP.

The Valedictory Ceremony was presided over by Shri Gulab Chand Katariya, Home Minister, Government of Rajasthan.

7. STATUS REPORT OF COMPUTERIZATION OF RAJASTHAN HIGH COURT

THE BEGINNING

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

To begin with, the cases listed on each day were started to be entered into the computer system and gradually the backlog was covered. Subsequently, in the year 1996, the same software was replicated at the Principal Seat of the Rajasthan High Court at Jodhpur.

Since 1993, the computerization drive has come a long way with the last 2 years being very crucial in this journey when we have revamped the entire IT setup with 360 degree approach to enhance the capability of the system for optimum results.

In August 2016, rigorous exercise was initiated for further development to implement the same in an organized frame and manner. Two time-bound plans were separately prepared for High Court and Subordinate Courts.

RECENT MAJOR STEPS FOR COMPUTERIZATION IN HIGH COURT

- Centralized Filing Section was started on 04.08.2017 in Rajasthan High Court, Jaipur Bench, Jaipur. In Centralized Filing Section, any kind of petition, application or papers may be filed on any of the 15 Presentation Counters.
- Besides Filing Counters, Centralized Filing Section has Data Entry Operators, Stamp Reporters and Officials of Classification Section

and the files are directly sent to the Courts from the Centralized Filing Section. This has streamlined and accelerated the process of filing, scrutiny and listing. The following computer utilities and facilities have been made available in the Centralized Filing Section.

- Earlier the scrutiny of files was being done manually which was a time consuming process. Besides, the report was not clearly legible. To address this difficulty, an online scrutiny programme has been developed with a facility of calculation of limitation. Templates of all kind of defects are available in the programme with the facility to edit and re-write the same. Defects/Objections by the Stamp Reporter/Scrutiny Section are displayed on the website instantly which has simplified the process of scrutiny and enabled the Advocates and Litigants to timely remove the defects/objections for early listing of the matters before the Court.
- For real-time tracking of files in Centralized Filing Section, an online module is available on the website of Rajasthan High Court, which is accessible to all. This module provides real-time status of the file on multiple parameters. If there is any defect pointed out by the Stamp Reporter, the same is instantly displayed on the website and can be accessed in real-time. Besides defects, the location of the file can also be tracked.
- Computer Utility was launched for showing real-time status of copying application with the details of defects, if any, may be tracked live on the website of High Court.
- E-Court Fees Collection Centers are set up in Rajasthan High Court both at Jodhpur and Jaipur, for easy and quick access to Court Fees Stamps. In the year 2017, e-Courts Fees and e-Stamps of more than Rs. 2.15 Crore have been issued on these centers.
- Uploading of judgment was started in 2006, but during the last few years it has attained a great momentum. For flawless uploading of judgments/orders, a new user-friendly Computer Programme is prepared which has made the process of uploading streamlined and faster. As of now, there are more than 8 Lac judgments/orders available on the website.
- New Computer Programme for procuring Online Certified Copy is prepared and now Certified Copies are being issued without the

movement of files.

- Status of copying application with details of defects, if any, may be tracked live on the website of High Court.
- To distinguish the uploaded judgments/orders from Certified Copies, a seal showing 'web copy not official' is being auto embedded on the copies downloaded from internet.'
- New Computer Programme is prepared in which data entry of details of all the parties in new cases is being made for the purpose of record, templates etc.
- By using this data entry, new Computer Programme is prepared for standardized Order Sheets/Orders/Judgments template which is linked to Cause List.
- Now, in new cases, full Cause Titles are available in templates to use in Orders and Judgments which save the time of Judgment Writer.
- Order Sheet template in new cases automatically shows the count of listing in Cause List.
- Online Software Programme for Caveat checking has been launched.
- Web Portal for sharing statistical information related to e-Courts Project is prepared which has been extended to other statistical information.
- Mechanism has been developed for tracking the service of summons through Postal Department website which has streamlined the process of tracking the summons.
- For effective monitoring of status of infrastructure including Buildings for Courts and Residences for Judicial Officers, allotment and utilization of Budget etc., a Computer Programme is prepared.
- To effectively implement the new Computer Programmes, PS / PA etc. working in Courts have been given training. Other staff have also been imparted special training related to above new Computer Programmes.
- A General Training was imparted to all the Ministerial Employees, that is a first-ever training of its kind. In this training, besides computerization, all relevant aspects to ensure effective and smooth functioning were also addressed.
- As a part of National Legal Information System a web based open

source software KOHA has been installed in the Library of High Court at both Principal Seat, Jodhpur and Bench at Jaipur. At present, the work of entry of Law Reports, Text Books, Bare Acts (Central and State Government) and Service Rules etc. in KOHA is in progress.

- In High Court, there were two Video Conferencing Studios one each at Jodhpur and Jaipur. Recently, one more Video Conferencing Studio has been setup in High Court at Jaipur. Another Studio has been setup in the Office at the residence of Hon'ble the Chief Justice. Full Court Meetings and other Committee Meetings are conducted through Video Conferencing. It is also used for regular interactions with District Judges for administrative purposes and legal services activities.
- New Building of High Court at Jodhpur is under construction. Proper planning has been done to install the latest and advanced ICT facilities in this building.

SCANNING & DIGITIZATION OF CASE RECORDS

- A Project has been prepared for scanning and digitization of Records of the High Court consisting of almost 7 Crore of Pages.
- A Tender for the work of scanning and digitization of case records of High Court has been floated and the process is at its advanced stage.
- The work is likely to be started within a couple of months.

STEPS IN PROCESS AND FUTURE PLANS

- Mobile App for Cause List, Case Status, Display Board, Filing Status, Copying Status and Defect Status has been prepared, which is under security audit and will be launched very soon.
- Website of Rajasthan High Court is on a very old and outdated platform. A new Website has been prepared using the latest technology which is under security audit and will be launched shortly. This Website will be friendly to the Differently Abled and persons having 100% visual impairment who will also be able to access its contents.
- A dynamic Computer Programme for fixing next dates in cases has

been prepared and is under testing. This Programme would provide necessary information regarding different aspects to facilitate the fixing of next dates.

- E-filing of Cause Title by the Advocates, identifiable through their Unique Identity Number. This Programme is also under security audit and will be launched shortly. Later on, this Programme will be converted into complete e-Filing.
- Tender for the work of scanning and digitization of Case Records of High Court has been floated and the work will start within a couple of months. The project is intended to scan almost seven crore pages.
- Work is under progress for making the High Court Campus at Jaipur Wi-Fi enabled. This is likely to be completed by the end of February 2018. This facility will be available not only for Advocates and Court Staff but also for Litigants as well.
- Work is in process to provide a facility of online Visitor's Pass with printed photo of the visitor taken at the counter.
- Administrative profiling and tracking of administrative work of all the Officers/Officials at High Court.
- Processing the Re-Engineering Exercise for Rajasthan High Court Rules, 1952 has been completed and newly Proposed Rules are under process for approval.
- The work of migration of existing CIS to CIS 1.0 of Hon'ble E-Committee, Supreme Court of India has been started.
- Initiative has been taken with the State Government to provide all Acts, Rules, Statutory Notifications, Circulars and Orders on one common platform. The exercise is almost complete and a Centralized Website containing all the information will be launched very soon.
- Medico Legal Reports, Injury Reports, Post-Mortem Reports are handwritten and are generally not legible. There are also instances of manipulations in such reports. To combat this situation, steps have been taken to develop a neat system for preparing and generating these reports including Forensic Science Laboratory Reports. State Government is finalizing the modalities and it will be implemented very soon.

ICT INFRASTRUCTURE IN RAJASTHAN HIGH COURT

- One PC and one Laser Printer in the Court Room.
- Four / Five PCs and Three/Four Laser Printers in the Chamber of Private Secretary. As per the requirement, additional PCs & Printers are being provided.
- PCs and Printers are provided in all the offices of Registry Officers and Judicial Sections viz. Civil Section, Criminal Section, Store Section, Accounts, Establishment Section, Protocol Section, Court Officer Cell, Paper Book Section, Gate Pass Section, General Section, Library.

ICT FACILITIES PROVIDED TO HON'BLE JUDGES

- One all-in-one PC and one multi-function Printer at the residences of Hon'ble Judges.
- Broadband connection at the residences.
- One Laptop.
- 4-G Mobile Hotspot.
- One USB Hard Disk.
- SCG Online.
- AIR CD-ROM.
- Supreme Today.

NETWORKING INFRASTRUCTURE IN HIGH COURT

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

VIDEO CONFERENCING FACILITY

- In the year 2005, the V.C. Facility was setup both at the Principal Seat at Jodhpur and Bench at Jaipur.
- In the year 2012, new V.C. Equipment was installed at the Principal Seat at Jodhpur.
- In the year 2013, new V.C. Studio was constructed and was made functional with new V.C. Equipment. This V.C. Studio can accommodate 25 persons.
- A small V.C. Studio in Rajasthan High Court, Jaipur Bench, Jaipur was setup which can accommodate 6 persons.
- V.C. Studio has also been set up in the Office at the Residence of Hon'ble the Chief Justice at Jaipur.
- All meetings of Hon'ble Committees are being conducted through V.C. between the Principal Seat and the Jaipur Bench.
- Full Court meetings are also held through V.C.
- Hon'ble the Acting Chief Justice, Hon'ble Administrative Judge and Hon'ble Inspecting Judge of respective Judgeships are holding meetings with the District Judge through V.C. for monitoring and supervising the functioning of Subordinate Courts including administrative purposes and legal services activities.

MANAGEMENT INFORMATION SYSTEM (REPORTS)

REPORTS MENU

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

- Pendency Figure for selected type, year range, classification parameter.

CASE INFORMATION SYSTEM
(ENTRY & QUERY APPLICATION)

Administration:

- User Creation for the staff by providing individual user and password.
- Granting Permission to Users for menu options.
- Adding new Police Station.
- Adding new Judgeship.
- Adding new place and new Court under a Judgeship.
- Adding new Court in an existing place and Judgeship.
- Holiday Master.

Civil Writ Filing

Criminal Filing

Application (Paper in a case) Entry

Application Modification

Filing Modification:

- Cancel Wrong Filing.
- Modify Filing Details.
- Old Filing.

Lower Court/FIR Details:

- FIR Details Entry.
- FIR Details Modification.
- Lower Court Details Entry.
- Lower Court Modification.

Data Entry of Extra Parties:

- New application launched in 2016 for data entry of details of all the extra parties including legal representatives.

Registration of Case:

- Regular Registration.
- Old Registration.
- Convert Criminal Leave to Appeal (CRLLA) to Criminal Appeal (CRLA).

- Cancel Wrong Registration.

Caveat Checking:

- New Caveat checking Programme launched in 2016.
- Programme has advanced search features.

Online Scrutiny:

- Templates of all kind of defects are available in the programme with the facility to edit and re-write the same.
- Facility of calculation of limitation.
- Defects/Objections by the Stamp Reporter/Scrutiny Section are displayed on the website instantly which has simplified the process of scrutiny and enabled the Advocates and Litigants to timely remove the defects/objections for early listing of the matters before the Court.

Status & Tracking of Files:

- For real-time tracking of files in Centralized Filing Section, online module is available on the Website of Rajasthan High Court, which is accessible to all.
- This module provides real-time status of the file on multiple parameters. If there is any defect pointed out by Stamp Reporter, the same is instantly displayed on the Website and can be accessed real-time.

Classification :

- 4 Digit Classification Code Entry.
- Department Code Entry.

Case Modification :

- Register Case.
- Extra Advocate.
- Department Code.
- Lower Court Record Received/Returned Entry.

Peshi Entry (Assigning next date and case stage) Cause list

- Cause List case Data Entry.
- Cause List Note Entry.
- Court Listing (Order of Case Stages).
- Court Allotment.

- Delisting of Case.
- Cause List History of a case.

Template for Judgments

- New application was started in 2016.
- Programme is linked with Cause List.
- By using data entry of extra parties, template of judgment/order is generated in editable word format with all details of parties.

Disposal of a Case:

(Entry of date of disposal, name of the Hon'ble Judge and result).

Restoration of a case

Challan Number Generation (Consigned to Record Room)

At the Query Counters and e-Kiosks answers to the queries are provided to the Litigants/Advocates on the following parameters:

- By Filing Number (Inward or Diary Number).
- By Party Name.
- By Advocate's Name.
- By FIR Number.
- By Lower Court Details.
- By Case Number.
- Challan Number query by case number.

JUDGMENT INFORMATION SYSTEM FEATURES

- New Application was launched in 2016 for easy and quick uploading of Judgments and Orders.
- Daily Orders and Judgments are being uploaded by the concerned Court staff from the Court itself.
- Date wise Search shows the judgments/orders of all the Hon'ble Judges uploaded on website.
- Judge wise Search shows the judgments/orders of a particular Hon'ble Judge selected from the drop down menu.
- Court Staff wise Search shows the judgments/orders uploaded by the staff.
- Both Reportable and Non-Reportable Judgments are available on the internet.

- As on 31.12.2017, about 8 Lacs Judgments/Orders of Rajasthan High Court, Jodhpur and Bench at Jaipur were available on internet.

ENTRY PASS (VISITOR MONITORING SYSTEM)

Court Entry Pass and Section Entry Pass are generated through Visitor Monitoring System. Work is in progress to provide this card with the photograph of the visitor taken at the counter itself.

Court Entry Pass contains the following information:

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

Section Entry Pass contains the following information :

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

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

- By Visitor's Name.
- By Case Number.
- By Court Number (It will display the Court wise Pass generated).
- By Date (It will display the passes generated within a date range)

- Department (Department wise pass generated list can be used to track whether the nominated Officer In-Charge is attending the case or not).

COPYING

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

Data Entry:-

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

Reports:-

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

OTHER APPLICATIONS

E-Courts Project Monitoring System:-

- Various monthly, quarterly, half-yearly and yearly information are required to be sent to Hon'ble E-Committee, Supreme Court of India.

- Hence to make the process smooth and save time consumed in collection and compilation of such information from all 35 Districts of the State, a Multi-User Portal has been developed.
- In this portal, the Officials of respective District Courts through their login IDs and passwords, feed the requisite information and the portal automatically manages and compiles the data of all the District Courts.
- The compiled data is accessed by office of the Registrar-Cum-CPC and is further taken in use.

CITIZEN CENTRIC SERVICES

Touch Screen e-Kiosk:

- Four e-Kiosks are functioning for Litigants and Advocates in the High Court premises at Principal Seat Jodhpur and Jaipur Bench.

Case Status on Internet:

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

Query Counter:

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

Cause List on Internet:

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

SMS Based Facility :

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

Mobile Application:

- Mobile Application for Display Board is available and is being used by

the Litigants and Advocates.

- Display Board is available on the internet at <http://hcraj.nic.in/displayboard.aspx>

Recruitment is also computerized right from inviting applications, Venue Information, Roll Number Generation, Attendance Sheet, Mark List, Result Announcement. Several MIS and Data Correction Modules for the Recruitment/Examination Section are available. (<http://rhcxam.raj.nic.in>)

COMPUTERIZATION IN THE SUBORDINATE COURTS

UNIFORM NOMENCLATURE

(Case Types, Listing Purpose Types, Adjourment Types & Disposal Types)

Common Case Information System (CIS) in all the District Courts across the country is at the core of the e-Courts Project but unmanaged data entry and multiple uneven case types in CIS have come up as a major challenge in achieving the desired results.

- To overcome this, Uniform Case Types and Case Nature have been implemented in all the District Courts upto Taluka Level across the State w.e.f. 01.01.2017. Case Types and respective Case Natures have been standardized to have uniformity in all the Courts. Rajasthan is the first State in the Country to carry out this exercise.
- After introduction of National Codes and National Types by Hon'ble e-Committee in August 2017, in addition to mapping of all the Case Types, Adjourment Types, Purpose Types and Disposal Types with National Codes, the following unique steps have been taken to observe uniformity, to rule out the mistakes and to make the working easy and fast:-
- All the older Adjourment Types, Purpose Types and Disposal Types have been made hidden, so that the user is not required to scroll amongst hundreds of types and the work is expedited while minimizing the possibility of errors.
- New Masters of Adjourment Types, Purpose Types and Disposal Types on the lines of National Types have been inserted in the CIS to maintain uniformity across the State. Now only new Masters are available to user.

- Description of all the New Types in Hindi along with detailed guidelines have been sent for ensuring actual grass-root level implementation.
- Rajasthan is the biggest State in CIS having 710 establishments and more than 14 Lacs cases. This massive exercise has been carried out in all the 710 establishments.
- Rajasthan is the first State in the Country to make Adjournment Types, Disposal Types and Purpose Types similar in all Courts across the State on the lines of National Types.

UNDATED CASES

RAJASTHAN IS LOWEST AMONGST ALL LARGER STATES IN TERMS OF PERCENTAGE OF UNDATED CASES.

- Correct Data Entry and its timely updation is essence of Case Information System, without the same, it would not be of any use. Therefore, focus was made on proper data entry and its daily updating.
- On homepage of NJDG, lacs of cases are shown as undated cases which give an adverse impression to common public, that the Courts do not even give dates in lacs of cases, whereas as a matter of fact, dates are given in all the cases, but NJDG shows them undated as they are not updated on the system.
- Therefore, special emphasis was given to undated cases. When this exercise was started in the end of 2016, there were about 8% undated cases in Rajasthan. Due to continuous monitoring and follow up, this now remains 0.1% to 0.4% which is much lower than all other larger States.

MIGRATION TO CIS 2.0

- 100% Migration to CIS 2.0 has been done.

TRAINING FOR EFFECTIVE IMPLEMENTATION OF CIS

- Rajasthan has 21 Ubuntu Master Trainers. Knowledge & Experience Sharing Programme of all the Master Trainers has been convened, who will in turn impart training to all the Judicial Officers.

- Court Staff are being given regular training by District System Administrators and System Administrators.

POSTERS AND PAMPHLETS FOR AWARENESS OF E-COURT SERVICES

- The Posters and Pamphlets provided by Hon'ble E-Committee has been prepared in Hindi and edited to suit to local need and requirement. The posters thus edited have been displayed in Court Premises at prominent and conspicuous places to spread awareness of e-Courts services amongst Advocates, Litigants, Witnesses and other Visitors to Courts.

YOUTUBE VIDEOS ON NJDG, CIS AND E-COURTS.GOV.IN

- Wide publicity has been given to the YouTube videos related to NJDG, CIS and services available on the Website <ecourts.gov.in>.

EFFECTIVE USE OF NJDG ADMIN PORTAL

- NJDG Admin Portal is an effective tool for management and other administrative purposes.
- To make its use effective and purposeful, Hon'ble Administrative and Hon'ble Inspecting Judges have been provided user IDs and passwords for NJDG admin portal which may be useful for monitoring the judiciary's functioning system and other purposes.
- All the District Judges have also been provided user IDs and passwords for NJDG admin portal for monitoring of their Judgeship.

VIDEO CONFERENCING

- Video Conference Facility has been made available in all the 35 District Courts and 33 District Jails. Procurement is under process for Video Conferencing in all the remaining Court Complexes and Jails. This is likely to be installed by the end of this financial year.
- As per the data provided by Hon'ble E-Committee, Rajasthan is at number two in the Country after Maharashtra in the use of Video Conferencing between Courts and Jails.

- Training for the use of Video Conferencing between Courts and Jails has been organized.

PROCESS RE-ENGINEERING

High Court Rules -

- The exercise of process re-engineering of Rajasthan High Court Rules has been completed by the Sub-Committee and the proposed draft of new Rajasthan High Court Rules has been submitted. These draft Rules are under consideration before the Committee of Hon'ble Judges constituted for the purpose.

District Court Rules -

- Two Committees were constituted for Process Re-Engineering of General Rules (Civil) and General Rules (Criminal). After the exercise by these two Committees, one Sub-Committee was constituted to further examine and submit draft of the new Rules. This Sub-Committee completed its task and submitted proposed draft of new Rules. These draft Rules were further examined at length by a Committee of four sitting Hon'ble Judges. The draft Rules finalized by this Hon'ble Committee have been approved by Hon'ble Full Court. The Rules are at present pending for approval with the State Government for Notification.

SOLAR PANELS

- Under e-Courts Project, a fund of Rs. 2.25 crore has been allocated for installation of Solar Panels in 15 Court Complexes at the rate of Rs. 15 Lacs per Court Complex. We have identified 22 Court Complexes for this work within given budget and ceiling of Rs. 15 Lacs per Court Complex.
- Tripartite Agreement between Rajasthan High Court, Rajasthan Renewable Energy Corporation Limited (RRECL), State Nodal Agency and Rajasthan Electronics & Instruments Limited (REIL), Central Government undertaking has been executed for installation of Solar Plants (Hybrid Power Plants with Battery Backup having compatibility of Grid Connectivity). The work will soon begin for the installation of the same.

E-COURT FEES

- At the initiative of Rajasthan High Court, State Government has amended its rules regarding payment of e-court fees and provisions have been made to allow the payment of court fee through e-payment facility which includes online banking, e-stamping and e-GRAS etc.
- E-Stamp Facility is available through Stock Holding Corporation Limited at Rajasthan High Court and Commercial Court. The matter is under discussion with Stock Holding Corporation Limited for extending the facility to all the Courts.
- After implementation of CIS 3.0 and Online Filing Module of Hon'ble E-Committee, e-Courts Fees Facility will also be implemented.

JUDICIAL OFFICERS CODE

- All the Judicial Officers of the State of Rajasthan have been assigned Judicial Officers Code.
- Mechanisms has been developed to provide J.O. Codes to newly recruited Judicial Officers during Orientation Training itself.

SMS FACILITY

- 15,60,212 SMSes were sent during the year 2017.

AUTOMATED EMAIL FACILITY

- Automated email facility has been started in Rajasthan in November 2017.
- For developing database of email addresses, the following directions have been given:
 - Email IDs of Lawyers be obtained from Lawyers and BAR Association and be entered in CIS in the master of Lawyers.
 - Email IDs of Government Departments and Organizations to be obtained from concerned offices or from their Websites and the same be entered in CIS in the respective master.

- At the time of filing of cases, every Litigant or his/her Lawyer be informed of automated mail facility and email ID of the Litigant, if available, be obtained and entered in the CIS alongwith the case details.

INTERNET CONNECTIVITY AT JUDGES' RESIDENCES AND DISTRICT COURTS

Internet Connectivity has been provided at District Court and at Judges Offices at their Residences through Broadband Connection under e-Court Project. Initially Central Government had funded the Broadband Facility for a period of 2 years. Thereafter, the State Government is providing funds on demand by the High Court for Broadband Connections provided at the Residences of Judicial Officers and at each District Court and at the Principal Court at the Taluka Level.

WEBSITE OF DISTRICT COURTS

- Official Website of all 35 District Judgeships have been migrated from NIC domain to new web portal i.e. <https://ecourts.gov.in>
- All the District Courts have utilized the Drupal Template and the data of all the District Courts has also been transferred to the new website.
- The Drupal Template has been designed and developed by Hon'ble E-Committee so as to have uniformity for all the District Courts' Websites and to provide an easy access to the information available.

OTHER ACTIVITIES

- Initiatives have been taken for providing online system for preparing and generating Medico/Legal Reports, Injury Reports, Post-Mortem Reports and Forensic Science Laboratory Reports. The State Government is finalizing the modalities and it will be implemented very soon.
- Video Conference Facility has been made available in all the District Courts and District Jails. Procurement is under process for Video Conferencing in all the remaining Court Complexes and Jails. This is

likely to be installed by the end of this financial year.

- Display Boards for all the Courts have been procured and delivered. The installation process is under progress which will be completed within few days.
- For proper implementation of e-Courts Project, process of providing additional hardware and LAN Work in all the Courts in underway.

CITIZEN CENTRIC SERVICES IN SUBORDINATE COURTS

- Touch Screen e-Kiosk.
- Case Status on Internet.
- Query Counter.
- Cause List on Internet.
- SMS for Case Status.
- Mobile App for e-Courts Services.

8. FINANCIAL STATEMENT OF BUDGET AND EXPENDITURE

The Financial Statement of Budget and Expenditure (Revenue Expenditure for the year 2017) as under :-

(Amount in Thousands)

S.No.	Budget Head	2016-2017	
		Final Grant	Expenses
1	2014-00-102-01-00- Rajasthan High Court	912788	911883
2	2014-00-105-01- DJ/ ADJ COURTS	2155499	2154962
	2014-00-105-01- DJ/ ADJ COURTS (62-Computers)	104520	104520
3	2014-00-105-02- CJM/ ACJM COURTS	1230581	1230567
4	2014-00-105-03- MJM/ AMJM COURTS	1288370	1288369
5	2014-00-105-04- MOBILE COURTS	20288	20287
6	2014-00-105-06- DEGINATE COURTS	3841	3840
7	2014-00-105-07- DACOITY COURTS	12659	12658
8	2014-00-105-08- SATI NIVARAN COURTS	2774	2774
9	2014-00-105-09- SC/ ST COURTS	132469	132468
10	2014-00-105-11- NDPS COURTS	50471	50471
11	2014-00-105-14-00- JUD. ACD. (VOTED)	30081	30080
12	2014-00-105-15- N.I. ACT COURTS (VOTED)	158375	158375
13	2014-00-105-16- BOMB BLAST COURTS	3965	3964
14	2014-00-105-17-00- GRAM NYAYALAYA	89700	89698
15	2014-00-789-02-00- GRAM NYAYALAYA	13590	13589
16	2014-00-796-02-00- GRAM NYAYALAYA	25281	25280
17	2014-00-117-01- FAMILY COURT	170159	170156
	TOTAL	6405411	6403941

Financial statement of Budget and Expenditure

The Financial statement of Budget and Expenditure (Capital Expenditure) for the year 2017-18 (01.04.2017 to 31.12.2017) are as under :-

(Rs. In Lacs)

S. No.	Budget Head	Provision 2017-18 by Finance Department			Expenditure upto 31.12.2017
		State Fund	Central Assistance	Total	
PLAN					
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)	3500.00	0.00	3500.00	7861.20
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)	261.45	0.00	261.45	
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.)	4012.14	4797.01	8809.15	
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.)	09.02	0.01	9.03	
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.)	1113.97	1156.50	2270.47	
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.)	175.96	224.89	400.85	
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.)	94.30	141.45	235.75	

OTHER THAN SCHEME		Provision 2017-18 by Finance Department		Expenditure upto 31.12.2017
		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)	600.00	0.00	203.30
9	2059-Public Works, 80-General, 053-Maintenance & Repairs, (18)- Through Registrar General (RHC), Jodhpur-Committed, 21-Repair & Maintenance (State Fund)	200.00	0.00	60.04
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	252.20

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

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

Rajasthan State Legal Services Authority and its associates, District Legal Services Authorities, Rajasthan High Court Legal Services Committees and Taluka Legal Services Committees are implementing various schemes for the uplifting of weaker and marginalized sections of society through such schemes as free legal aid, legal awareness campaigns, Lok Adalats, Mediation, Para Legal Clinics etc. Welfare schemes of Rajasthan State Legal Services Authority & National Legal Services Authority function as per the provisions contained in accordance with the Legal Services Authorities Act, 1987, Rajasthan State Legal Services Rules, 1995 and Rajasthan State Legal Services Authority Regulations, 1999.

The following programmes were organized and achievements were achieved during the period commencing from 01.01.2017 to 31.12.2017:-

❖ **Legal Aid**

Free Legal Aid was provided to **7878** people in the year 2017 and Rupees **84,26,000/-** were paid to Advocates for providing free legal aid to the beneficiaries during the financial year 2017-18 (up to 31.01.2018)

❖ **Victim Compensation Scheme, 2011:-**

Total Rupees **19,22,06,250/-** were awarded to the victims of different crimes in **1309** criminal cases under Victim Compensation Schemes in the year 2017.

❖ **Legal Awareness:-**

In the Year 2017, **15,276** Legal awareness Camps were organized, total **14,84,772** people participated in these camps. In these camps, people were made aware of the social evils such as Child marriage, Dowry, Female foeticide and many other public welfare Schemes.

❖ **Legal Awareness through School, Block, District, Divisional and State Level Games:-**

On Legal Services Day 2017, various competitions i.e. debates, essay writing, poster-painting etc. were organized on different topics related to legal awareness. Various sports competitions were organized at the levels of School, Block, District, Division and State to spread legal awareness among school children. Total **1,49,219** students (from 9th to 12th Class) participated in these competitions/games. All the participants were given certificates of participation and the winners were rewarded with Gold/Silver/Bronze Medals and certificates of commendation in a state level award function organized under the Chairmanship of Hon'ble Mr. Justice Navin Sinha, Chief Justice, Rajasthan High Court and Patron-in-Chief, RLSA; Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri, Executive Chairman, RLSA in the august presence of Hon'ble Judges of Rajasthan High Court.

❖ **Legal Awareness through Electronic Media:-**

Legal Awareness Programmes on Doordarshan :- Programme "Kanoon Ki Baat" of Rajasthan State Legal Services Authority is being telecast on Doordarshan on every Saturday evening from 7.00 p.m. to 7.30 p.m. Since 18.04.2015 under the aegis of Rajasthan State Legal Services Authority.

Legal Awareness broadcast by private T.V. Channels :- Private T.V. Channels (ETV, A One TV, Zee, Marudhara etc.) are also telecast several legal awareness of programmes of Rajasthan State Legal Services Authority.

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

Legal Awareness Programme by Community Radio:- Programme “Kanoon Ki Baat” of Rajasthan State Legal Services Authority is being broadcasting on 7 community radio stations in their locales.

❖ **Disposal of Applications involving Public issues/concerns/matters:-**

In the year 2017, with the help of Legal Services Clinics a total number of **24,771** applications relating to problems and the difficulties faced by the public were disposed of.

❖ **Organization of Meetings, Seminars and Workshops:-**

A number of Seminars and workshops were organized to facilitate Legal Aid, Legal Literacy, Mediation, Lok Adalat and other Legal Services to the masses as per directions of the National Legal Services Authority.

❖ **Mobile Legal Literacy Programmes:-**

Total **9,122** Mobile Legal Awareness Literacy Camps were organized through mobile vans benefiting **9,11,200** people thereby. A total number of **13** cases were disposed of during the event of mobile Lok Adalats.

❖ **Special Schemes of Rajasthan State Legal Services Authority:-**

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

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

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

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

In 2017, total **121** Mega Welfare Camps were organized across the State benefiting **25,72,000** people. The beneficiaries include **21,127** specially abled persons who were given tricycles, wheelchairs, Jaipur foot etc.; **5417** widows were sanctioned widow pension; **60,496** senior citizens became old aged beneficiaries of Pension Scheme; **4,277** earned the benefit of Maharana Pratap Scheme to provide houses to Gadia Luhars (Homeless persons who live in carts).

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

Keeping in view the limited role of Legal Services Institutions which is restricted to Legal aid, legal advice, legal literacy and awareness, the limited available resources and saving itself from the charge of interference in the jurisdiction of other Departments, RLSA is committed to provide socio-legal services to the poor, weaker and marginalized sections of the society. The activities of RLSA may be summarized as under. For fulfillment of these rights, Rajasthan State Legal Services Authority has implemented different schemes in the year 2017 for Weaker Sections of Society. The achievements of these schemes in the year, 2017 are as follows:-

1. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 :-

A total number **2,146** camps were organized to benefit **2,15,154** children under the scheme and work towards their protection.

2. NALSA (Protection and Enforcement of Tribal Rights), 2015 :-

A total number of **1,090** camps were organized and **65,476** people were benefited in legal service scheme for SC/ST and Tribal people.

3. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 :-

A total number of **1,148** camps were organized for mentally ill/ disabled persons thereby **72,779** persons were beneficiaries from these camps.

4. NALSA (Legal Services to the Workers in the Unorganized Section) Scheme, 2015 :-

A total number of **1,294** camps were organized and **80,276** people were benefited under the scheme for workers in unorganized sector and mining.

5. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015:-

A total number of **1,039** camps were organized and **64,920** people were benefited in this scheme for victims of Trafficking and commercial sexual protection.

6. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace Scheme) Scheme, 2015:-

A total number of **1,310** camps were organized and **84,057** people were benefited under the scheme for victim of Drug Abuse and Eradication of Drug Menace.

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

A total number of **1,168** camps were organized where **80,969** people were benefited under this scheme for implementation of poverty Alleviation.

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

A total number of **1,467** camps were organized and **86,528** people were given benefit under this scheme for senior citizens.

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

A total number of **792** camps were organized and **53,071** people were given benefit under this scheme of Acid Attack.

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

A total number of **1,212** camps were organized and **97,968** people were given benefit under this scheme of inmates and children in conflicts with law.

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.

Under the aegis of Rajasthan State Legal Services Authority, various Legal Services Programmes and Schemes were implemented and the achievements are as follows in the year 2017 (01.01.2017 to 31.12.2017) :-

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

Following programmes were organized to materialize these achievements were achieved during the period commencing from 01.01.2017 to 31.12.2017 :-

(1) Natioinal Lok Adalat :-

In the year 2017, a total number of **2,57,682** cases were disposed of in National Lok Adalats and award of Rupees **9,44,03,53,513/-** was passed in Motor Vehicles Accident Cases.

(2) Lok Adalat U/s 19 of the Act :-

In the year 2017, a total number of **98,579** cases were disposed of in Lok Adalats U/s 19 of the Act and award of Rupees **50,99,92,289/-** was passed in Motor Vehicles Accident Cases.

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

In the year 2017, a total number of **3000** cases were disposed of by Permanent Lok Adalat in the State of Rajasthan.

(4) Mediation:-

In the year 2017, a total number of **20,857** cases were referred in Mediation out of which total **2,332** cases were disposed of successfully.

**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 01.01.2017</i>	<i>Institution during the year 2017</i>	<i>Disposal of cases during the year 2017</i>	<i>Total pendency as on 31.12.2017</i>
Civil	184451	66474	59790	191135
Criminal	69680	52612	52067	70225
Total	254131	119086	111857	261360

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</i>	<i>Pendency as on 01.01.2017</i>	<i>Institution during the year 2017</i>	<i>Disposal of cases during the year 2017</i>	<i>Total pendency as on 31.12.2017</i>
Civil	474964	231307	240099	466172
Criminal	1099022	1344277	1274082	1169217
Total	1573986	1575584	1514181	1635389

(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 31.12.2017</i>
Civil	37289	65708	50654	37484	191135
Criminal	11673	23641	13746	21165	70225
Total	48962	89349	64400	58649	261360

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

<i>Type of case</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 31.12.2017</i>
Civil	122005	241249	74979	27939	466172
Criminal	339423	589876	180756	59162	1169217
Total	461428	831125	255735	87101	1635389

(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	31	Sessions cases	36
Civil appeal	17	Criminal original	34
Civil revision	7	Criminal appeal	16
Civil execution	34	Criminal revision	11
Civil misc.	19	Criminal Misc.	12

(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	2081	1096	Sessions cases	263	1016
Civil appeal	128	252	Criminal original	1021	826
Civil revision	2	0	Criminal appeal	68	182
Civil execution	2003	1073	Criminal revision	43	192
Civil misc.	289	1005	Criminal Misc.	108	528

- (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	2906	CRLA	2433
CSA	2091	CRLR	1137
CMA	1828		
CW	755		
SAW	1157		

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	1187	Sessions cases	939
Civil appeal	742	Criminal original	646
Civil revision	180	Criminal appeal	340
Civil execution	812	Criminal revision	249
Civil misc.	514	Criminal Misc.	192

- (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)	59790	52067	111857
Total working strength (b)	35		
Disposal per judge per year=a/b	1708.29	1487.63	3195.91

DISTRICT & SUBORDINATE COURTS OF RAJASTHAN

	<i>Civil cases</i>	<i>Criminal cases</i>	<i>Total</i>
Disposal during the year(a)	240099	1274082	1514181
Total working strength(b)	1044		
Disposal per judge per year=a/b	229.98	1220.39	1450.36

- (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 31.12.2017</i>
1	Civil First Appeal	17411
2	Civil Second Appeal	7223
3	Civil Misc. Appeal.	50497
4	Criminal Appeal	37736

- (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>
366	239