

FAREWELL ADDRESS TO THE RAJASTHAN REVENUE BAR

FAREWELL, THE BOARD OF REVENUE FOR RAJASTHAN AJMER

**V.SRINIVAS, IAS
CAHIRMAN BOARD OF REVENUE
DATED NOVEMBER 30, 2018**

**Hon'ble Members of the Board of Revenue,
Registrar Board of Revenue and Senior Officials,
President Rajasthan Revenue Bar Association,
Senior Advocates, Young Advocates,**

I have completed my tenure as Chairman, Board of Revenue for Rajasthan and shall be proceeding on central deputation to Government of India shortly. As one of the longest serving Chairman of the Board of Revenue, permit me to share my thoughts on the roadmap forward for the Institution, which I have served with immense commitment. I do hope that this farewell address would serve as a blue print for Improved Justice Delivery Systems in Revenue Courts of Rajasthan resulting in improved jurisprudence and greater understanding of Revenue Law.

Successive Governments have spoken about Improving Justice Delivery Systems. This is one area in need of dire and drastic improvement. I have noticed with incredulity and amazement that it takes over 15 years for second appeals to be decided in the Board of Revenue. Most of the criminal litigation emerges from delays in adjudication of cases in Revenue Courts where the litigant is forced to take law into his own hands. The interminable delays have become unfair to the litigant.

Continued institution building in the Board of Revenue can be based on 4 pillars – deeper examination of the issues of jurisprudence, expediting decision making, deepening the technology impact, enhanced capacity building initiatives and stronger administrative/ judicial processes.

I. Issues of Jurisprudence

It was important to decide the critical cases in the Board of Revenue on a priority basis. The first task on my agenda was to address the issues in the Larger Benches. Hearings and judgment writing in 7 Larger Bench cases were

completed as also 1 Full Bench case. There were a number of important legal issues decided in Double Benches which have important systemic implications. Let me list some of the cases.

Protection of Nadi/ Nallah/ River Bed/ Tank Bed Lands: The Board of Revenue in a Larger Bench Judgment in case of Ali Sher vs State of Rajasthan held that the Hon'ble High Court Judgment in the case of Abdul Rehman vs State of Rajasthan is binding on the Board of Revenue. The Larger Bench interpretation resulted in disposal of 6500 reference cases pending in the Board of Revenue thereby resulting in Protection of Rajasthan's common lands. This represents a big step forward for protection of common lands of Rajasthan.

Protection of the Rights of the Girl Child: A progressive democracy needs to protect Women's rights and implement the progressive legislation in this regard. In a half a dozen worth reportable judgments, I have decided on the rigid implementation of inheritance rights of women under the provisions of Hindu Succession (Amendment) Act 2005 giving khatedari rights to the girl child.

No Khatedari Rights shall accrue on grounds of Adverse Possession: Sarju Ram vs Amrit Lal and others was the Board of Revenue's First Full Bench Judgment since 2011. The Full Bench of Board of Revenue held that no khatedari rights shall accrue on grounds of adverse possession. This judgment acts as a critical benchmark for deterring the might is right tendencies in tenancy practices in large agrarian districts of Rajasthan. Further the Full Bench Judgment has paved the way for disposal of large number of suits and appeals pending in Trial Courts and Board of Revenue.

Streamlining Review processes: In the worth reportable judgment of Double Bench, Giridhari vs Koyali, the Board of Revenue has outlined the scope of Review under Section 229 of the Rajasthan Tenancy Act 1995. A review is permissible if there are errors on the face of record, if the

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judgment and decree is obtained by fraud, if the court has become functus officio in deciding the case, or if prayers are allowed beyond pleadings. Further the Board has advised all Members and Subordinate Courts to complete hearings in review applications during the tenure of members/officials.

Protection of Temple Lands: The Board of Revenue has 5500 reference cases from District Collectors where Temple Lands have been transferred from the Deity to Khatedar Tenants. It has been my endeavor to bring these cases to a completion stage where they have been listed before the Single Benches for regular hearings. I had constituted a Larger Bench under my chairmanship to lay down the binding case law on temple land transfers in the case of Murlidhar Sthan Deh to Mira Mandir Samiti, Chittorgarh. The hearings in the case have to be completed expeditiously.

Partition of Holdings – Mandatory Oversight of Tehsildar: The Board of Revenue has held that the Tehsildar must visit the site for partition of holdings under Rules 18-21 of the Board of Revenue Rules. In cases where partition of holdings has been done without the Tehsildar visiting the site, the Board of Revenue has held that the judicial processes have not been complied with and set aside the judgments of subordinate courts and remanded the cases for fresh preparation of partition of holdings proposals.

Streamlining Revision Cases: The Board of Revenue had identified and disposed 1650 cases of Revision Applications which were filed for transfer of cases from one court to another. In many cases Presiding Officers have long been transferred making these cases infructuous.

There is a need to constitute a Full Bench to address the issues emerging out of inconsistent judgments u/s 9 of the Rajasthan Land Revenue Act, 1956 and u/s 221 of the Rajasthan Tenancy Act, 1955 where the Board exercises its Revisional Jurisdiction. This is perhaps an area where the incoming Chairman can take a considered view.

II. Measures to Expedite Disposal

There are 2 ways of expediting disposal in the Board of Revenue – (a) Members achieving higher disposal following streamlining of internal governance processes and (b) Advocates cooperating with the Bench in expediting disposal. In my tenure the Board of Revenue has undertaken several steps to expedite disposal of court cases.

- (a) **Streamlining the Registry:** As part of improving its own internal governance model for better service delivery, the Board of Revenue streamlined the work of Registry. The number of completed cases which the Registry sends to the Bench for arguments was enhanced from 8 cases/ day to 30 cases/ day. The total number of completed cases in the Registry reached 22000 cases with campaign for service of summons. Despite such a major campaign, the Registrar court continues to handle 41000 cases where the processes are not completed.
- (b) **Reconstitution of the Benches of the Board of Revenue:** The Bar and the Bench reached a consensus on the reconstitution of the Benches of the Board. Admission and Reference cases are distributed over 5 Single Benches resulting in systemic efficiency. This has been a long standing demand of the Rajasthan Revenue Bar which has been resolved. The Double Benches are currently listing 130 cases/ day and the Single Benches are listing 80 cases/ day with 30 cases listed for arguments. The Board of Revenue with 12 Hon'ble Members has decided 1200 cases/ month which represents a massive increase from the historical average trends of 450 cases/ month.
- (c) **Capacity Building of Young Lawyers:** The Rajasthan Revenue Bar has a number of Young Lawyers. Most of the Young Lawyers have post graduate degrees and have high positive energy. There is fierce competition amongst

the young lawyers who handle disproportionately small share of case work. The Board of Revenue is witnessing a rapid increase in admission cases, and the litigation explosion provides multiple opportunities for career advancement of Young Lawyers. I have tried to accord priority to young advocates cases and adequate time for hearings was given. In future it would be incumbent on young lawyers to take up greater share of litigation. 'Young Lawyer Capacity Building Conferences' could be an interesting option to empower young lawyers for future.

III. Impact of Technology on Revenue Courts – A Force Multiplier

The National Agenda for Governance accords high priority to ICT in Justice Delivery Systems. As I initiated efforts to digitalize the Board of Revenue and subordinate Revenue Courts, I was often confronted with numerous officials, pointing out the difficulties in the use of technology in litigation. There were fears expressed that there would be 2 classes of litigants – the 'information rich litigants' and the 'information poor litigants'.

The decision to provide universal access to judgements and decrees of Revenue Courts from Trial Court to the Board of Revenue in November 2017 represents a significant step forward in use of technology in Revenue Courts. The dissemination of the RCMS on 'e-mitra plus' meant that judgments could be downloaded in over 10,000 Gram Panchayats of Rajasthan. Not only were judgments of every Revenue Court available on a technology platform, the case status for all the 570,000 cases listed in Revenue Courts was available. SMS facility for advocates in new admission cases, E-signatures of judgments, RCMS mobile app, Online monitoring of performance of Revenue courts have all commenced.

The RCMS platform provides a bird's eye view of the performance of every Revenue Court of Rajasthan in terms of number of sittings, cases heard and judgments & decrees pronounced. In the Board of Revenue, Members are informed of the status of judgments & decrees status on a daily basis.

Rajasthan's RCMS adoption and dissemination happened because thousands of advocates and revenue officers responded to the Board of Revenue's call for adopting digitalization practices. The Rajasthan experience indicates that digitalization processes after giving careful consideration to each of the elements contributes significantly towards simplifying a litigant's journey in Revenue Courts.

IV. Capacity Building - A Critical Felt Need

The capacity building needs at SDO level represent a significant challenge for Improved Justice Delivery Systems in Revenue Courts. The Board of Revenue conducted 33 capacity building workshops at District Level and 5 workshops were conducted at the Board of Revenue Ajmer.

The Board of Revenue invited a number of Senior Advocates to present the salient provisions of the Rajasthan Tenancy Act 1955, the provisions of the Rajasthan Land Revenue Act 1956, and Civil Procedure Code 1908. I had chaired 5 workshops for SDO's from IAS cadre, SDO courts with highest litigation over 2500 cases/ court, ADM's & Additional Divisional Commissioners, RAA's and SO cum RAA's and found the discussions were very constructive. In these workshops 332 Sub Divisional Officers, 40 Assistant Collectors, 37 Additional District Collectors, 24 Revenue Appellate Authorities and Settlement Officer cum Revenue Appellate Authorities and 7 Additional Divisional Commissioners participated.

The workshops with SDO's and Assistant Collectors had 4 listed agenda for discussion – organization of Court work, Important Judgments on Salient Provisions of Rajasthan Tenancy Act and Rajasthan Land Revenue Act, Interactions between the Bench and the Bar and Digitalization. The workshops with the Additional District Collectors deliberated on the provisions of Rajasthan Land Revenue Act with regard to land allotment rules and the provisions of appeal, revision and review. The importance of the Bar and Bench relationship and the need for courtesy and cordiality in building a strong and sustainable relationship was also discussed.

I have noticed significant improvements in the quality of judgment writing in pursuance of the capacity building initiatives and would recommend that this activity be continued as it has resulted in lesser number of appeals being filed.

V. Administrative/ Judicial Processes

- (a) **The Chairman must conduct Bench regularly.** For the torch of justice to burn brightly in Revenue Courts of Rajasthan, it is imperative that Chairman of the Board of Revenue stays in Ajmer and conducts Bench regularly. I have tried to conduct Court every day, for 5 days a week, for 21 days a month and 308 days in my 510-day tenure. In conducting the Double Bench/ Full Bench/ Larger Bench sittings the Chairman must adhere to the basic principles of Good Governance – adherence to Court timings, discipline in conducting Court proceedings, reading files before coming to the Bench, writing timely judgments and maintaining a positive energy in the Court Room. In the Board of Revenue, the Chairman's foremost task is to listen to arguments and give well-reasoned speaking judgments. If Rajasthan is to establish a justice delivery system of global standards in Revenue Courts, a synergy has to be established between the Chairman, the Hon'ble Members, the Senior Advocates, the Registry Officials and Young Advocates to take the Board of Revenue forward.
- (b) **The Chairman and Hon'ble Members should undertake annual inspections on a regular basis.** The Chairman represents the Chief Controlling Revenue Authority for all enactments in force in Rajasthan. The Chairman exercises vast powers of general superintendence and control over all subordinate courts. Yet many Collector offices of the State have not been inspected for long periods of time: Churu and Jhunjhunu Collectorates were not inspected for 55 years, Ajmer, Jaipur, Sri Ganganagar Collectorates were not inspected for over 30 years, Karuali, Pratapgarh, Dholpur were not inspected since they were notified as Districts. I have tried to bring immense

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focus to inspections, travelling 8000 kms to every District in the State, inspecting all 7 Divisional Commissioners and 32 District Collector Offices.

There are areas of concern in terms of strengthening infrastructure in Collectorates and SDO courts which need additional budget allocations. I have also reiterated the need for periodic and continuous updation of land records – mutations, tarmeem, correction of entries, demarcation of village paths on agriculture lands. The Board of Revenue published a guidelines booklet which has been placed on the website of the Board.

(c) Government should fill up posts of Members in the Board of Revenue.

The Board of Revenue has 2 posts for Advocate Members and 11 posts for RAS Members. Advocate Members play a critical role in improving relations between the Bench and the Bar. The RAS Members provide value addition by bringing their in-depth knowledge of revenue administration acquired through serving long tenures in the Districts. The Board of Revenue should have highly accomplished senior advocates and RAS officials serving as Hon'ble Members in the Board of Revenue to enhance its credibility.

Humor in the Board of Revenue

As I say farewell, let me recollect some moments of humor of my years as Chairman Board of Revenue.

On July 23, 2018, my request for cadre clearance was withheld by the State Government. Quite distraught I invited my wife to come to office, for a cup of tea. Satya came with 1 kg of 'Ghevar' to office, and distributed to personal staff – “Yuvraj Tanuwal, Sudhir Sharma, Ganguly, Hanuman and Govind” to lift their morale. She said **“they have more reasons to feel more distraught than you, as they would have to continue work from 830 am to 7 pm every day for several more months.”**

A Senior Advocate came to me and said **“Sir, you are giving only 40 minutes per case, it's not enough for me, kindly increase the time allotted to me for**

arguments by another 20 minutes". I said I would be delighted to hear him for a longer duration, and thereafter till date, he hasn't argued a single case in my Double Bench since.

Advocates were keen to press for arguments in cases where they were respondents. An Advocate once mentioned **"Sir, I came prepared for arguments in case no 3 where I am a respondent. In case nos: 1 and 2 where I am an appellant, I could not see the files"**.

A Senior Advocate who is a master of oration once noticed an Hon'ble Member had dozed off in the midst of a prolonged argument. He paused, waited for the Hon'ble Member to open his eyes, and asked **"Your Honor, Aapne Kya Suna Hain?"**.

I remember an interesting argument where a Senior Advocate argued the case for an hour, with tremendous passion and was informed by other advocates after he completed his arguments that he did not file the vakalatnama in the case.

This is my all-time favorite. A Senior Advocate argued a case intensely and passionately in my Double Bench for protecting women's rights, and presented a 200-page citation after the case was reserved. **"Huzoor, citation alag se de raha hoon"** he said while filing it. When the citation was read it was the Supreme Court Judgment in the late Prime Minister Indira Gandhi Assassination case and had nothing to do with the Hindu Succession Amendment Act 2005.

A Young Advocate appeared in my Double Bench with a stubble and disheveled look, when I enquired if all was well, he said **"You Honor, I have spent the whole night preparing for the arguments before your Bench"**.

Board of Revenue – The Greatest Institution of Rajasthan

I have said many times, the Board of Revenue is Rajasthan's greatest institution and it has been my privilege to contribute to institution building activities in the Board. I have learnt immensely from the Institution's legacy and interactions with the Bar that I will carry for the rest of my life.

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In my tenure as Chairman, the Board of Revenue has adjudicated a decadal high of 13500 cases, bringing down the overall pendency to 63250 cases. The reduction in cases in the Board was possible despite the fact that half the posts of Hon'ble Members in the Board were lying vacant. I have decided 725 cases in this period in Double Benches with 76 worth reportable judgments. It is an important personal milestone given the massive non-judicial and administrative work handled by the Chairman in addition to the charge as Chairman Rajasthan Tax Board. The Board of Revenue for Rajasthan became a fully digitalized Institution providing universal access to its court work. Capacity building measures were adopted across Revenue Administration. Several issues of complex jurisprudence have been addressed. Good Governance practices were adopted and honesty and hard work rewarded. The Torch of Justice in Revenue Courts has burnt brightly.

Amongst the moments of greatest joy that I remember is the 4 doyens of the Rajasthan Revenue Bar – Shri O.L.Dave ji, late Shri Bhawani Singh ji, Shri Y.D.Sharma ji, and Shri P.S.Dashora ji coming to meet me on New Year day. It's a memory with 4 legends of the Rajasthan Revenue Bar that I will always cherish. I have very happy memories of working with each one of you. My interactions with you individually and collectively have been cordial and constructive and in the best interests of this great Institution.

I have also had the opportunity to interact with District Bar Associations in 32 Districts and addressing several concerns. Camp sittings of RAA's in Barmer, Chittorgarh and Churu were conducted regularly despite vacant posts of RAA's at the request of the District Bar Associations. The District Bar Association at Nagaur had represented that due procedures were not followed in the Nyay Aapke Dwar campaign 2017 by SDO Nagaur, and those judgments pronounced in the absence of Advocates in camp courts were duly reviewed to give opportunity of hearing to both counsels. It was due to the coordination and support of the District Bar Associations that the 2018 Nyay Aapke Dwar Campaign was highly successful and we could sensitize the field officials to duly adhere to the provisions of the Civil Procedure Code 1908.

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I have tried my utmost to bring efficiency, honesty and moral principles to Governance in the Board of Revenue. I have adopted a zero tolerance approach to corruption and acted against erring officials without fear or favor. I have pursued hundreds of cases of disciplinary proceedings to their logical conclusion. In several important cases where prosecution sanctions were sought by the Anti-Corruption Department, sanctions have been given. The guilty have to be punished. Readers who had doubtful and dubious records were identified and duly transferred. This was a policy I have pursued with Tehsildars and Revenue Appellate Authorities. Some of the Revenue Appellate Authorities face disciplinary proceedings for non-adherence to established principles of law. I have always held that the moral principles outlined in the Constitution have to be lived in Governance and the Revenue Courts must act as Temples of Justice.

Please accept my greetings and good wishes as I say farewell. I wish the Board of Revenue for Rajasthan, all the Hon'ble Members, all Senior Advocates, all Young Advocates, and all officials of the Registry all success in their challenging policy endeavors.

Jai Hind.

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