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## **IMPROVING FUNCTIONING OF REVENUE COURTS OF RAJASTHAN**

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**V.SRINIVAS, IAS**

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President of the Udaipur District Bar Association,  
Shri Shantilal ji Chaplot, former Speaker of the Rajasthan Legislative Assembly,  
Hon'ble Members of the Board of Revenue,  
Divisional Commissioner, Udaipur,  
District Judge Udaipur,  
District Collector Udaipur,  
Settlement Officer cum Revenue Appellate Authority Udaipur,  
Additional District Collectors,  
Sub-Divisional Officers,  
Senior Advocates,

It is indeed my privilege to address the District Bar Association of Udaipur on the subject of Improving Functioning of Revenue Courts of Rajasthan. In October 2017, I had visited the District Bar Association of Udaipur and mentioned that significant policy interventions would be taken to improve the functioning of Revenue Courts of Rajasthan over the next 6 months period. I had promised that I would return to Udaipur to keep you updated on the developments and interventions undertaken by the Board of Revenue over the past 6 months and direction of functioning of revenue courts in the State in terms of interpretation of law and providing speedy justice.

Last time I visited Udaipur, many senior advocates expressed concern about the predictability and consistency of sittings of SDO Courts, the need for improved quality of judgment writing and loose adherence to judicial processes in declaratory suits and partition of holdings. I am happy to inform you that the Board of Revenue has intervened effectively to address the concerns raised by you. The great legacy of the Board of Revenue that I have inherited will be further strengthened by the policy interventions and significant impact will be visible in the coming months.

The interventions were undertaken in 2 phases – measures to improve the working of subordinate courts and measures to improve the functioning of the Board of Revenue. I will mention the steps taken up in the both these phases.

## **I. IMPROVED FUNCTIONING OF SUBORDINATE COURTS**

### **Workshops for Improved Functioning of Revenue Courts**

The Board of Revenue has conducted 5 workshops for improving the functioning of subordinate revenue courts of Rajasthan.

1. 2 workshops were held for Sub-Divisional Officers,
2. 2 workshops for Additional District Collectors,
3. 1 workshop for Revenue Appellate Authorities and Settlement Officer cum Revenue Appellate Authorities,
4. 1 workshop of Additional Divisional Commissioners.

In these workshops, the Board of Revenue invited a number of senior advocates including Shri Onkarlal Dave ji, Shri Purna Shankar Dashora ji, Shri Hemant Sogani ji, Shri Gyaneshwar Vaddar ji, Shri J.P.Mathur ji and several others to present the salient features of various provisions of the Rajasthan Tenancy Act 1955, and the provisions of the Rajasthan Land Revenue Act 1956. I am happy to inform you that over 110 Senior Officials and 30 Senior Advocates participated in the deliberations. The District Collector Udaipur has requested me to conduct a workshop of select District Collectors in the coming days.

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

The Sub-Divisional Officer Court as a Trial Court is the most important Court at the cutting edge level. Rajasthan is currently at the zenith of our expansion with nearly

300 SDO Courts, one for every Tehsil. We are also facing very high case-work with SDO's of Alwar and Bharatpur having over 2500 cases. The highest pendency is with SDO Court Tijara with 5089 cases. Over 4.8 lac cases are pending in SDO Courts, an average case-load of 1600 cases/ court. The RAA Courts and other 1<sup>st</sup> appellate courts have 1.8 lac of 1<sup>st</sup> appeals, and the Board of Revenue has 63000, 2<sup>nd</sup> appeals. There are 7.74 lac cases of Revenue litigation in Rajasthan, which are being handled by about 400 revenue courts from the SDO Court level.

### **Enhanced Supervision of Subordinate Courts**

I have inspected 20 District Collector Offices and 5 Divisional Commissioner offices in the past 6 months. Hon'ble Members of the Board of Revenue have been encouraged to inspect RAA and SO cum RAA courts in a timely manner as also focus on inspections of SDO Courts. The Board of Revenue has been issuing timely inspection reports in each of these inspections. The Revenue Appellate Authorities, Settlement Officers cum Revenue Appellate Authorities have been advised to submit monthly progress reports on the performance of their Courts to the Board of Revenue.

In my inspection visits to 20 Districts, I have met Revenue Officers and District Bar Associations. I have reiterated the critical need for functioning of SDO Courts for 3 days/week from 1030 am to 1.30 pm and the need for functioning of Assistant Collector Courts for 5 days/ week from 1030 am to 1.30 pm. **"If a cause-list is issued, the Bench shall function"** has been the message. It has been emphasised that if the Bar is ready, the Bench would always be ready to hear and dispose cases.

The high moral tones of governance of Indian Democracy and its Constitution makers are important to the Subordinate Courts. The Members of the Board of Revenue have taken the Integrity Pledge as also all officials of the Registry and the other sections of the Board of Revenue.

### **Digitalization Initiatives**

Great strides have been made by India under the Digital India initiative. The Board of Revenue has contributed with the First Digital Revolution in Revenue Courts administration being implemented with the Digital Rajasva Mandal being

implemented in mission mode and the Rajasthan Revenue Courts Grid where 909 subordinate courts have been operationalized on RCMS software. Cause-lists, judgment and decrees are being issued by online by the RAA's, SO cum RAA's, Divisional Commissioners, District Collectors and SDOs across the State. Nearly 2 lac judgments have been placed online, which marks a significant step forward for transparency of governance in the State. Digitalization has also enabled closer monitoring of Member wise/ Court wise progress of each Revenue Court of Rajasthan. **It is no longer possible to couch poor quality work in merely number jugglery.**

As part of Phase 2 of Digitalization, the Board of Revenue has commenced SMS facility for advocates in all admission cases. The electronic talbi and electronic summons notices are also being taken up in pilot phase.

Digitalization represents a critical step forward for a new age India 2022. I am happy that the Board of Revenue has adopted this step for transformational governance and radical reforms with the support of the Rajasthan Revenue Bar Association.

### **IMPROVED QUALITY OF JUDGMENT WRITING**

To improve the quality of judgment writing in Trial Courts, SDO's have been advised to ensure that in all Suits the provisions of the Civil Procedure Code (CPC) must be followed. Judgment writing must be in accordance with Order 20 Rule 5 of CPC and issue based judgments must be given. In all cases where, citations, have been presented by the Advocates, the Trial Court must give a specific para on the citation so that the interpretation being made is clear to both the Plaintiff and the Defendant.

## **II. IMPROVING THE FUNCTIONING OF THE BOARD OF REVENUE**

### **Streamlining the Registry**

The Board of Revenue undertook several steps for improving its own internal governance models for better service delivery. The streamlining of the Registry represented an important step. The number of completed cases which the Registry sends to the Bench was enhanced. This was accomplished by closer monitoring of individual cases, which could be placed for consideration of the Bench from the

Registrar Court. Specific attention was given to Reference, Revision and Review Cases.

The Registry currently lists 30 cases for arguments in each of the Double Benches of the Board of Revenue as compared 5 cases for arguments in the past. Further the number of cases being listed in the Double Benches has been capped at 120 cases / day with no cap being prescribed for the new admissions and urgent cases. In the single benches, the Board of Revenue has adopted a cap of 90 cases / day. These steps have made it more convenient for the Bench to focus on cases listed for arguments and for urgent cases.

### **The Chairman's Bench**

From my early years in service, Revenue Court work has been an area of intense passion and commitment for me. In the Board of Revenue, I have sat on the Double Benches and Larger Benches for 21 days/ month in the months of December 2017, January 2018 and April 2018 and around 18 days/ month in October and November 2017. Discipline, Punctuality, Dress Code, Cordiality in relations between the Bar and the Bench marked by regular interactions have enabled the Board of Revenue to achieve historically high levels of disposal by January 2018. The Board's disposal increased from 545 Judgments / month in June 2017 to 1050 judgments/ month in January 2018. **I am sure that when I leave the Board of Revenue, I will be remembered as "The Chairman who conducted Court every day".**

Working on the Bench for nearly 150 days has been a unique experience personally and enabled clarity in the Board's thinking in many significant interpretations. I have decided 425 cases in the Double Bench and Larger Bench with 57 worth reportable judgments. The day when I would reach the milestone of 500 Double Bench and Larger Bench would be remarkable personal milestone for me. The litigant is all I see, and the need to simplify his journey in the revenue courts has become an all pervading challenging personal endeavour.

Let me outline the key thrust areas in my judgments and decrees.

### **Focus on Larger Bench Decisions**

The Board of Revenue, as you are aware functions through Single Benches, Double Benches and Larger Benches. We placed highest emphasis on disposal of all pending cases in the Larger Benches resulting in several worth reportable judgments.

**The Larger Bench of the Board of Revenue has held in the case of Ali Sher versus State of Rajasthan that the Hon'ble High Court Judgment in the case of Abdul Rehman vs State of Rajasthan would be binding on the Board of Revenue.**

The Board of Revenue had over 7000 reference cases in pursuance of the Hon'ble High Court Judgment and the view of the Larger Bench of the Board of Revenue has enabled disposal of 4500 cases from December 2017 to April 2018. This represents a major step forward in protection of Rajasthan's Nadis/ Nallahs/ Peta Kasht lands by restoring them to 1947 status.

I am delighted to inform you that all the Larger Bench hearings have been completed in my tenure and clarity has emerged in our functioning on the Board of Revenue.

### **Focus on Double Benches**

The Double Benches of the Board of Revenue are significant because they hear 2<sup>nd</sup> appeals of Rajasthan Tenancy Act 1955 and confer rights to tenants. These powers need to be exercised with considerable maturity and understanding. My efforts have been to ensure that Double Benches hear an average of 5 arguments / sitting and pronounce judgments and decrees within the prescribed time and not release cases. Most of the Worth Reportable Judgments of the Board of Revenue must emanate from the Double Benches.

### **Better Defining the Scope of Review**

The Board of Revenue receives a large number of review applications almost on a daily basis. It is important that the Board's judgments and decrees are well documented and represent important sources of knowledge for legal practitioners.

Section 229 of the Rajasthan Tenancy Act 1955 gives the Courts considerable flexibility in interpreting the scope of review.

Section 229 of the Rajasthan Tenancy Act needs to be more clearly defined for effective interpretation. In the Double Bench Worth Reportable Judgment Giridhari vs Koyali, the Board of Revenue has outlined the scope of review under section 229 of the Rajasthan Tenancy Act 1955. A review is permissible if there are errors on face of record, if the judgment and decree is obtained by fraud, if the court has become functus officio in deciding the case, or if the prayers allowed are beyond pleadings.

The Board of Revenue 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 over 5500 reference cases from District Collectors where temple lands have been transferred from the Deity to Khatedar tenants. It has been my endeavour to bring these cases to a completion stage where they can be placed before the Single Benches for regular hearings. The Board of Revenue shall ensure all due protection to temple lands as permissible under law. Temple lands where alienation has taken place will be restored to original status. The Board of Revenue has further held that the Pujari will be identified only by civil courts and revenue courts shall not exercise jurisdiction in conferring Pujari's rights.

### **The Rights of the Girl-Child**

It has been my endeavour to protect Women's rights by rigid implementation of the Hindu Succession (Amendment) Act 2005. The Girl-Child must get her rightful inheritance.

### **Partition of Holdings**

The Larger Bench of the Board of Revenue has held that the Tehsildar must visit the site for partition of holdings under R. 18-21 of the Board of Revenue Rules. I have impressed upon all Subordinate Courts that due compliance of the Larger Bench judgment shall be ensured. In cases where the Tehsildar has not complied with the Larger Bench judgment in preparation of final decrees for partition of holdings, 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.

### **Revision Powers of Board of Revenue**

The Board of Revenue has identified 1650 cases of Revision applications which were filed for transfer of cases from one court to another. In many cases the presiding officers have long since been transferred making these cases infructuous. The Board of Revenue has initiated a consultation process with the District Collectors in this regard to dismiss these cases.

### **Conclusion**

The litigant has to remain the centrality of the journey in Revenue Courts. As we deal with the complex issues of tenancies of various districts of Rajasthan ranging from Gair Marusidar Tenants of Bharatpur to the Temporary Cultivation tenancies of IGNP, from the evacuee property lands in Jaisalmer to the Tribal Tenancies in Banswada and Dungarpur, it is important that the Rajasthan Tenancy Act provisions are interpreted to ensure clear khatedar rights. The journey to reduce the pendency of Revenue Courts and ensure improved quality of justice to millions of litigants of the State is an important objective. This can be achieved by collective efforts of Members of the Bar and the Bench. I am sure today's deliberations will enable further institution building in the Board of Revenue. Thank you once again for inviting me to deliver this lecture to the District Bar Association.

Jai Hind.

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