

**The Bench – Bar Relationship in the Board of Revenue**

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**Shri Onkar Lal ji Dave – an appreciation**

I am deeply privileged to deliver this key note address today to mark the golden jubilee of Shri Onkar Lal ji Dave's enrollment as an Advocate in 1968. It has been a remarkable journey, marked by significant milestones – the founder member of the Rajasthan Revenue Bar Association in 1977, the President of the Rajasthan Revenue Bar Association in 1984, Governor of the Lion's Club International in 1998, leading authority on Rajasthan Tenancy Act, widely travelled to 43 countries, Member of the SAARC Law International. Shri Onkar Lal ji Dave is a recipient of several awards, well recognized and highly respected in the District Bar Associations of Rajasthan. He has been a Lawyer in 18600 cases, addressed 53 larger benches and 22 full benches in the Board of Revenue, which will be a high watermark for young lawyers in the Board of Revenue.

My interactions with Shri Onkar Lal ji Dave have been cordial and constructive. I have been witness to his deep knowledge of the provisions of the Rajasthan Tenancy Act, in several sittings in the Double Bench, Larger Bench and Full Bench. His presence in the Board of Revenue inspires the Bench and the Bar. He has helped and guided us on a number of issues of Judicial Reform in Revenue Courts. I am reminded of Senior Advocate Shri Ashok Agarwal ji's intervention after one extensive argument by Shri Onkar Lal ji Dave that the 'The Bench should not be intimidated by the eloquence and erudition of Shri Onkarlal ji Dave'.

Shri Onkar Lal ji Dave accorded lot of courtesy and respect to fellow advocates in presenting his arguments. He is a role model from whom much can be learnt. The case details are well studied and presented followed by case law, citations, complex interpretations of tenancy, always presented in a cogent and coherent manner. The Bench has to take lot of notes and the opposite counsel is always under pressure to match Shri Onkar Lal ji Dave's eloquence and erudition. On behalf of all of us who have grown up studying his cases in the RRD's, let me congratulate Shri Onkarlal ji Dave on achieving the personal milestone of 50 years of enrolment as an Advocate in the Rajasthan Revenue Bar.

Shri Onkar Lal ji Dave has been a bridge between the Bench and the Bar in guiding us on numerous occasions. His unstinting support for use of technology in Revenue Courts has enabled a digital transformation of Revenue Courts of Rajasthan.

Let me now turn to the subject of my talk today. The subject I have chosen for my key note address is “**The Bench-Bar Relationship in the Board of Revenue.**”

In my tenure as Chairman Board of Revenue, the Rajasthan Revenue Bar has been successfully inserted into the judicial reform processes of Revenue Courts. Multiple institution building measures have flowed from the close and cooperative relationship between the Bench and the Bar, the most significant of which is digital transformation, the others being capacity building workshops for Sub-Divisional Officers, ADM's and RAA's and Reconstitution of Benches in the Board of Revenue. I have fond memories of the commencement of SMS facility for advocates, with Shri Purna Shankar Dashora ji holding his mobile phone displaying the first SMS on his mobile phone.

In my talk I will present my successful experiences on the Bench-Bar relationship, the importance of Advocate Members in the Board of Revenue, my vision for the Young Lawyers of the Rajasthan Revenue Bar and Delays in Revenue Courts and how to expedite disposal.

### **Technology and its Impact on Revenue Courts of Rajasthan**

Technology allows for a comprehensive dialogue between the litigant, lawyers and revenue courts. Internet allows for information flow about case status, judgments, consistency of sittings, case law, online monitoring of court work to a large audience. My interactions with the advocates in 32 districts and the litigants at large reflected the litigation explosion and the complex litigant journey in Revenue Courts lasting over 20 years. Technology represented the only option to simplify processes and bring transparency to the system. An electronic data base represented the only means to revolutionize dissemination of legal information.

I have maintained that “the litigant is the centrality of the revenue courts and his journey must be simplified’. As I initiated efforts to digitalize the Board of Revenue and subordinate

Revenue Courts, I had to deal with officials who are not very technology friendly. I was often confronted with numerous officials, including Members of the Board, the Registry, District Collectors, SDO's and Tehsildars pointing out the difficulties in the use of technology in litigation. I was advised that the dissemination of information by the Board should be restricted to worth-reportable cases as universal access to judgments has possibility to lessen the Board's control over information. Further it was pointed out that Technology change in an Institution of the size of the Board of Revenue requires costs and huge financing would be required in-terms of manpower and hardware. There were also fears expressed that there would be 2 classes of litigants – the 'information rich litigants' and the 'information poor litigants'. Those who had access to computers and had the necessary skills to adapt to new technology, and those litigants who did not have access to computers and technological resources.

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. There was a reduction in the time taken to publish a judgment after it was pronounced. There was also increased public access to decisions. 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 500,000 cases listed in Revenue Courts was available.

SMS facility for advocates was commenced in all new admission cases. Electronic summons and Talbi have been operationalized on pilot basis. E-signatures of judgments have commenced along with RCMS mobile app. Online monitoring of performance of Revenue courts has 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.

In future, the Board can look at the feasibility of improving the document management systems and litigation support systems. An online library would be provided to subordinate Revenue Courts software development for which is in progress. Several Collectors have suggested greater use of technology by the Revenue Officers – Presiding Officers

communicating with each other using emails, bulletin boards on legal issues and recent decisions and developments in the law. Litigation support systems will enable the litigant in storing, searching and retrieving documents. These steps would require further consensus building before they are operationalized.

Rajasthan's RCMS adoption and dissemination happened because thousands of advocates and revenue officers responded to the call for adopting digitalization practices. The functional credibility of the Board of Revenue and Revenue Courts of Rajasthan has increased by the introduction of Information Communication Technology (ICT) in Justice Delivery Systems. After 18 months of working on digitalization of revenue courts, I have reached the considered view that technology can transform the business of Revenue Courts. The Rajasthan experience indicates that digitalization processes after giving careful consideration to each of the elements contribute significantly towards simplifying a litigant's journey in Revenue Courts. Let me quote Bill Gates on the adoption of new technology in Justice Delivery Systems.

The first rule of any technology used in a business is that automation applied to an efficient operation will magnify the efficiency. The second is that automation applied to an inefficient operation will magnify the inefficiency.

Rajasthan has adopted automation to an inefficient operation, yet the experience has been very positive.

### **Capacity Building Workshops for Revenue Courts**

One of the success stories of the Bench-Bar collaboration were the 33 capacity building workshops conducted at District Level and the 5 workshops conducted at the Board of Revenue Ajmer. The Board of Revenue invited a number of Senior Advocates including Shri Onkar Lal ji Dave, Shri Purna Shankar Dashora ji, Shri Heman Sogani ji, Shri Gyaneshwar Vaddar ji, Shri J.P.Mathur ji and several others 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.

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. At the District level, the Board of Revenue invited senior advocates from the District Bar Associations to participate in the capacity building workshops. 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. We also discussed the importance of the Bar and Bench relationship and the need for courtesy and cordiality in building a strong and sustainable relationship.

The feedback from the Sub Divisional Officers and Assistant Collectors for the capacity building workshops has been overwhelmingly positive. Hon'ble Members of the Board of Revenue who participated in the capacity building workshops have said that there was considerable enthusiasm at District level, and most District Collectors and Divisional Commissioners participated in the deliberations. In the coming months, the impact of the capacity building initiatives in terms of improved justice delivery systems would be felt. I have always believed that the Revenue Administration of Rajasthan with 300+ SDO Courts is at the zenith of its administrative expansion and should make a decisive impact in delivery of justice by expediting decision making in the over 500,000 pending cases in Revenue Courts.

### **Reconstitution of Benches in the Board of Revenue**

An important area where the Bar and the Bench worked closely was the recent reconstitution of Double Benches and Single Benches in the Board of Revenue. The Bar and the Bench as also the Registry of the Board of Revenue could reach a consensus on the reconstitution of the Benches of the Board. It is expected that Admission and Reference cases being distributed over 5 Single Benches will result 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. It is expected that arguments will be heard

in 5 cases/ day and the Bar will cooperate with the Bench in ensuring that an Hon'ble Member decides about 100 cases/ month. 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. Streamlining the Registry has proved beneficial. There has been a steep increase in the number of completed cases and the cases being listed for arguments before the Benches.

### **Importance of Advocate Members in the Board of Revenue**

The Board of Revenue has 2 posts for Advocate Members. Advocate Members in the Board of Revenue are men of high standards of probity, integrity, wide experience and comparable seniority. They play a critical role in improving relations between the Bench and the Bar. I have had the opportunity to conduct numerous Double Bench hearings with the erstwhile Advocate Member, and noticed his willingness to take control of the court proceedings, address structural impediments and devote attention to older cases.

Hon'ble Member Shri Vijay Soni often mentioned that all deficiencies of present day Revenue Courts were readily curable and by remarkably simple means that are well known to Lawyers. These were the simple means that he often suggested: Lawyers proud of their profession, have a preference for certainty and rigidity – predictability and consistency in Court sittings and Judgments. And, Lawyers also believe that Courts are the ultimate source of justice and if a controversy is presented to a court, justice will be forthcoming, somewhat as an answer to a mathematical problem. I tend to agree with these views. I do hope that the vacancy that has arisen since his retirement is filled expeditiously and we have highly accomplished senior advocates serving as Hon'ble Members in the Board of Revenue.

### **The Role 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 two dozen senior advocates dominate daily cause lists and revenue law practice. I notice that most of the senior advocates routinely have 75 cases listed for one day.

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. In near future it would be incumbent on young lawyers to take up greater share of litigation. To empower young lawyers, the Rajasthan Revenue Bar may organize ‘Young Lawyer Capacity Building Conferences’.

It is also incumbent on the Young Lawyers to preserve the heritage of this great institution of the Board of Revenue for Rajasthan. I fondly recall one young lawyer appearing in my Double Bench mentioning that he had prepared all night to argue the case and I should give him adequate time to present his arguments. The Double Bench heard him patiently for an hour that day. Success is 99 percent perspiration and 1 percent inspiration. Great perseverance can alone mold the Young Lawyers of today, into mature Senior Advocates of tomorrow.

### **Can We Expedite Disposal**

As a Chairman who has conducted Double Bench every day, chaired Full Benches and Larger Benches for 18 months, I have noticed with a sense of amazement and incredulity that it takes over 15 years for most second appeals to be decided in the Board of Revenue. The first and foremost reason is the ancient ill that Hamlet laments, ‘The Law’s Delays’. The interminable delays in Revenue Courts have become unfair to a litigant. The Judicial Member Hon’ble Shri Rajender Kumar ji mentions to me that most of the criminal litigation emerges from delays in adjudication of revenue cases where the litigant is forced to take law into his own hands. The gravity of this development cannot be underestimated.

While the Registry is crowded out with the litigation explosion, there are also vested interests in delays which need to be appropriately tackled. Further there is considerable ease in granting adjournments. Some cases are not being taken up despite being listed 3-5 times in a month. Does rejecting adjournments make the Bench unpopular? Hon’ble Members have mentioned that hard decisions make them unpopular. In my view, Hon’ble Members are not in a popularity contest and must take into consideration the grounds for adjournment. We also need a better system of handling urgent hearings, if a case is listed for an urgent hearing it must be heard.

## **Conclusion**

I came to the Board of Revenue after long years in Government of India's Central Secretariat. As my mentor Dr. Y.V.Reddy says

‘The Indian Administrative Service given its unique character under the Constitution, serves both the Union and the State Government. Officers are loyal to the State when working in the State and loyal to the Centre when working in the Union Government, in all circumstances they are loyal to the Indian Constitution. The IAS officers are one of the 3 unifying features of the Indian State – the others being the Judiciary and Common Procedural Law. It is a special responsibility on the Indian Administrative Service Officers to wield power with knowledge in discharge of their fiduciary responsibilities.’

In the Board of Revenue my task was to listen to the arguments and give well considered speaking judgments. I listened to hours and hours of arguments, in Hindi and English. Despite Hindi not being my native mother tongue, I tried to deliver a number of judgments in Hindi. I have greatly enjoyed listening to long hours of arguments, drawing immense spiritual and moral strength in carrying the torch of justice. We need a justice delivery system of global standards to be globally competitive. The efforts of a dedicated group of Hon'ble Members, Senior Advocates, Registry Officials and Young Advocates can take us in this direction.

To conclude, let me reiterate the qualities of Shri Onkar Lal ji Dave which make him such a formidable lawyer – good communication skills, the ability to draw reasonable, logical conclusions from the information, people skills and perseverance. I see in the audience a number of aspiring young lawyers and a number of senior advocates. I wish each one of you success.

I also wish Shri Onkar Lal ji Dave with many more years of successful practice in the Board of Revenue for Rajasthan. So many have benefitted from his 5 decades of yeomen service to the Nation. I must say ‘You have done us proud sir’ and once again convey my good wishes on completing 50 years of enrolment in the Rajasthan Revenue Bar.

Jai Hind.



**About the Author:** V.Srinivas is the Chairman of the Board of Revenue for Rajasthan, Ajmer and Chairman of the Rajasthan Tax Board. He has a Master's degree in Chemical Engineering from College of Technology Osmania University. He is a member of the Indian Administrative Service from 1989 batch, and has 30 years of distinguished service. He is an Indian Council of World Affairs Fellow for 2017. "India's relations with the International Monetary Fund 1991-2016: 25 years in perspective" is his first book. He has served as Chairman Rajasthan Tax Board, Deputy Director (Administration) AIIMS, Director General National Archives of India, Joint Secretary to Government of India in the Ministry of Textiles, Joint Secretary to Government of India in Ministry of Culture, Secretary to Government Finance and Planning Department, Rajasthan, Advisor to India's Executive Director on the International Monetary Fund (2003-2006) and Private Secretary to Finance Minister of India and Private Secretary to External Affairs Minister (2001-2003), District Collector at Jodhpur and Pali. Mr. Srinivas has authored 108 articles on public finance and delivered 18 orations. His second book "A March to New Age India" is scheduled for completion in November 2018. He is a recipient of a number of awards and merit certificates for distinguished public service and has travelled widely across India and the World.