



THE BOARD OF REVENUE FOR RAJASTHAN



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INTRODUCTION

Land - the summum bonum of rural existence, and agricultural structure is the most important determinant of India's development. As land is the critical income generating asset of rural India, effective administration of land is a vital function of the State. The critical Land Reforms legislations are the Land Ceiling Act, the Tenancy Act and the Land Revenue Act. The implementation of India's Land Reforms policies is mandated on 2 critical institutions – the Board of Revenue and the District Collector/ Sub-Divisional Officer. The Boards of Revenue in Uttar Pradesh, Rajasthan, Madhya Pradesh and Bihar were established in the years 1944 - 1949 as the apex appellate authorities and were led by ICS officers in pre-independence years. These institutions of governance will continue to exist for another 100 years as critical pillars of Indian democracy. It is important that they are strengthened and remain vibrant.

THE BOARD OF REVENUE FOR RAJASTHAN

The Board of Revenue for Rajasthan is amongst the greatest Institutions of democracy of Rajasthan, with a 68-year institutional legacy of excellence and a reputation for upholding justice. It is amongst the oldest Boards of Revenue in India – Uttar Pradesh, Bihar, Madhya Pradesh, Tamil Nadu and West Bengal, all of which were established pre-independence in 1944. It is the largest in terms of number of members and currently handles 63000 revenue cases. The Rajasthan Taxation Tribunal was separated from the Board of Revenue in 1984 and was further upgraded as the Rajasthan Tax Board in 1999.

The Rajasthan Board of Revenue Ordinance, 1949 was promulgated under which the Board of Revenue for Rajasthan was constituted. Later on the Ordinance was repealed and the Board of Revenue was created under the Rajasthan Land Revenue Act and governed by Chapter II of the Act of 1956. A separate set of Rules known as the Rajasthan Land Revenue (Qualification and Conditions of Service of Chairman and Members of the Board) Rules 1971 were notified by the State Government to regulate the service conditions of the Chairman and Members of the Board of Revenue.

The Board of Revenue is the Chief Controlling Revenue Authority under all enactments in force. Being the Chief Controlling Revenue Authority, it acts as a limb of the State Government exercising powers vested in it under the various enactments. It is the highest Revenue Court of Appeal, Revision and Reference in Rajasthan having wide powers of general superintendence and control over all subordinate courts. In 1974, the State Government has delegated its Revisional powers in cases of a non-judicial nature, and not connected with Settlement. The Land Records work has also been entrusted to the Board which is administrative in nature and a very important responsibility.

The various Sections of the Rajasthan Land Revenue Act, 1956 dealing with the Board of Revenue are the following:

1. **Section 4 – Establishment and Composition of the Board:** The Board of Revenue for Rajasthan consists of a Chairman of the Board and 20 members.

2. **Section 5 – Tenure of the Members:** All members of the Board shall hold office during the pleasure of the Governor
3. **Section 6 – Place of Sitting:** The Board of Revenue shall be at Ajmer but by general or special orders of the State Government, it shall be lawful for the Board to sit at any place within its jurisdiction.
4. **Section 7 – Ministerial Officers:** The Ministerial officers of the Board of Revenue are the Registrar, the Additional Registrar and 3 Deputy Registrars. They exercise such powers and discharge such functions as the Board may direct.
5. **Section 8 – Powers of the Board:** The Board is the highest revenue court of appeal, revision and reference in Rajasthan. The Board of Revenue exercises 3 kinds of powers (a)Appeal, (b) Revision and (c) Reference.

These powers are exercised subject to the provisions of

- a) Rajasthan Land Revenue Act 1956 - Sections 74 to 87 for Appeal, Revision, Reference and Review; Sections 53-55 for transfer and consolidation of cases and Section 261 (1) for making rules under the Act.
- b) Rajasthan Tenancy Act, 1955 – Sections 222 – 228 for Appeals, Section 230-231 for Revision and Section 232 for Reference, Section 233 for Transfer of Cases and Section 258 for making rules thereunder.

It may be further borne in mind that the Board of Revenue is Court under Article 375 of the Indian Constitution and Section 5(35) of the Rajasthan Tenancy Act with full powers to initiate contempt of court proceedings for breach of orders issued by it.

6. **Section 9 – General Superintendence of Subordinate Revenue Courts:** The Board exercises general supervision and control over all Revenue Courts and all such Courts and Officers shall be subordinate to it. There is a similar provision under the Rajasthan Tenancy Act Section 221 – Subordination of Revenue Courts – The General Superintendence and control over all revenue courts shall be vested in and all such courts shall be subordinate to the Board; and subject to superintendence, control and subordination.
7. **Section 10 – Jurisdiction of Board how exercised:** The jurisdiction of the Board is exercised by the Chairman or any other member of the Board sitting singly or by a Bench of the Board, consisting of two or more members. There are two modes to exercise jurisdiction – (i) by Single Bench or , (ii) by Double Bench or More Members. The class of cases to be heard by Single and Division Benches are laid down in the Rajasthan Revenue Courts Manual Rules.

Rule 8 - Single Benches hear and dispose second appeals under Section 76 of the Rajasthan Land Revenue Act, 1956, applications for transfer of cases, revisions, references etc.

Rule 9 - The Division Benches of the Board hear and dispose cases of all decrees and orders coming under the consideration of the Board on appeal except those

specified under Rule 8. When a case is heard by a Bench of the Board, the decision of such a case shall be in accordance with the opinion of the Members.

Special Appeal - A party aggrieved by the decision of a Single Member shall have the right to make a special appeal to a bench consisting of 2 or more members of the Board within one month if the member who passed the judgment declares the case as a fit one for appeal. It is only the member who passed the judgment who is competent to grant permission for special appeal and no other member is competent to do so. Special Appeal does not lie against interlocutory order of the Single Bench and decision does not include order of Board passed under revisional jurisdiction.

8. **Section 11 – Power to Refer to a Bench:** The Chairman or any Member sitting singly for the disposal of any case or proceeding may, if he thinks fit, for reasons to be recorded in writing, refer any question of law or custom having the force of law for the opinion of a Bench and the case shall be disposed of in accordance with such opinion. Further case law indicates that powers of this Section have been enlarged to cover a reference made by a Double Bench to a Larger Bench or Full Bench.
9. **Section 12 – Power to refer question to High Court:** If in any case it appears to a Bench that any question as is referred to in Section 11 is of Public Importance and that it is expedient to obtain the opinion of the High Court thereon, the Bench may refer the question to that Court. The High Court may after such hearing, as it thinks fit, may record the opinion on the question so referred and the decision of the case shall be in conformity with such opinion.
10. **Section 13 – Decision in case of Difference of Opinion:** Where a case is heard by a Bench of the Board, the decision of such case shall be in accordance with the opinions of the majority of members who hear it. Where the members are divided in opinion as to the order to be made in the case, the case shall be referred to another member and made in accordance with the opinion of the majority of the members including such other members who hear it.
11. **Section 14 – Registers of the Board:** The Board shall cause to be kept and maintained such registers and accounts as may be prescribed or as may be necessary for the transaction of its business. A list of Registers prescribed by the Board under its various sections is prescribed under the Section.

“Land Rights and Security of Tenure” is a subject critical to determination of tenancy rights, common lands, land allotment to landless peasants. The Rajasthan Land Revenue Act 1956 and the Rajasthan Tenancy Act 1955 represent powerful instruments in the hands of the State to ensure Land Rights and Security of Tenure. It is the State’s job to protect Land Rights and ensure security of tenure. Rajasthan’s Revenue Administration needs to ensure that tenants with secure land rights are encouraged to make investments in land – commitments in the form of better seeds, soil improvements, and irrigation so that moneys spent on these investments will boost agricultural productivity and yields. The march to a New Age India is dependent on how well the revenue administration in States implement land reforms.

A 21ST CENTURY VISION FOR REVENUE COURTS OF RAJASTHAN

Let me outline a 21st Century Vision for Revenue Courts of Rajasthan. The current scenario represents Revenue Administration at the zenith of its expansion, with Sub-Divisional Officer Courts at every Tehsil of Rajasthan. This large deployment of manpower has to perform with optimum efficiency to meet the twin objectives – (a) timely justice and (b) timely updation of land records. In my visits to several districts, and meetings with the Revenue Bar Associations, the common refrain was for consistency and periodicity of court sittings in SDO Courts.

The First Digital Revolution in Revenue Courts Administration

It has been my constant endeavour to modernize the Revenue Court functioning with digitization. Digitization brings transparency into the system and removes a lot of red tape. As part of the “Digital Rajasva Mandal” mission, the Board of Revenue has placed online all court judgments being pronounced in the Board. This historic step was followed with all Subordinate Courts placing judgments online creating a Rajasthan Revenue Courts Grid. The response and support that this initiative of Rajasthan Revenue Courts Grid received has been phenomenal.

The Rajasthan Revenue Courts Grid

The Board of Revenue envisages 21st Century Revenue Courts of Rajasthan have to be developed as Fully Digital Institutions with the Litigant as the centrality of the entire legal system. The Rajasthan Revenue Courts Grid was launched on November 2, 2017 and has been implemented in all subordinate courts upto Tehsil level. Almost 2 lac judgments have been placed online. It would be further developed to encompass the detailed stage wise monitoring of case pendency. Further the time consuming process of service of summons and calling for file records has been digitalized. One of the significant monitoring initiatives would be to ensure that cases move the cases forward through the various stages in a timely manner so that the number of cases that can be heard by the bench in arguments increase. This would be the most effective way of reducing the timelines for Revenue Litigation in Rajasthan.

IMPROVING JUSTICE DELIVERY SYSTEMS

It is a challenging endeavour for improving the Justice Delivery Systems in Revenue Courts of Rajasthan given the challenges of high levels of pendency, predictability and consistency in court sittings of Trial Courts and the sheer length of time that Revenue Litigation has been taking to reach a final stage of adjudication. For the past several months, I have spent 21 days/ month on the bench with an average of 3-4 hours a day. I have also visited 15 districts of Rajasthan and met District Revenue Bar Associations in each of the Districts. I have interacted with the Revenue Appellate Authorities, the Divisional Commissioners, the District Collectors and the Sub-Divisional Officers. I will share my understanding of the Revenue Court work of Rajasthan.

There are legacy issues for the high levels of litigation including the challenges in integration of Tenancy Acts of Princely States into the Rajasthan Tenancy Act 1956, the challenges in according khatedari rights in Chambal and IGNP commands where temporary cultivation rights have been given when these lands were unirrigated lands, and the quality issues in sanctioning mutations/ updation of record of rights at the Tehsil level resulting in

litigation in higher courts. We are currently witnessing high levels of litigation at the trial court level of SDO Courts, the first Appellate Authority level and at the 2nd Appellate Authority level of the Board of Revenue. I notice that it takes about 5 years for a suit to be decided at the Trial Court level, 2 years at the first appellate level and 15 years at the 2nd Appellate level – the total journey is taking 22 years.

Transformational Changes introduced in the Board of Revenue

At the Board of Revenue, the transformational changes introduced include streamlining the work of the Registry, placing high emphasis on reference cases of common lands and mandir lands, increasing the disposal of appeals being heard by Double Benches, implementing the Digital Rajasva Mandal in mission mode and operationalizing the Rajasthan Revenue Courts Grid. Improved Justice Delivery system necessitates breaking down the various judicial processes to individual actions and ensuring effective action on each one of these processes. The Bench has maintained cordial and courteous relations with the Rajasthan Revenue Bar Association seeking their constant consultation for every major reform that was undertaken.

The Board of Revenue has decided 1026 cases in January 2018 as compared to 545 cases decided in August 2017. This doubling of decisions in a short period of time was possible with the streamlining of the work of Registry by (a) ensuring the number of completed cases to be listed before the Double Benches are significantly enhanced (b) intense follow-up on the cause lists of reference cases of common lands and mandir lands. A Larger Bench of the Board of Revenue clarified in December 2017 in the case of Ali Sher vs State of Rajasthan that the judgment of the Hon'ble High Court in the Abdul Rehman vs State of Rajasthan would be binding on Revenue Courts. This has enabled the Board of Revenue's Single Bench hearing Reference cases to decide hundreds of cases for protection of Rajasthan's common lands in January 2018. The Double Benches of the Board of Revenue have been persuaded to decide an average 5 second appeals/ sitting. This has enabled the decision making capacities of the Board of Revenue as the decision from the Double Benches were quite limited hitherto. Further in the Double Bench, priority has been accorded to protection of rights of women, simplifying the interpretations of the Hindu Succession laws and the Transfer of Property Act. Placing the litigant at the centrality of the Justice Delivery System, the Board has heard arguments in several afternoon sittings, sending out the message that if the Counsels are ready to argue their cases, the Bench will always be available to hear them for speedy justice.

Predictability and Consistency of Court Sittings

While the Board of Revenue and the Revenue Appellate Authorities have been holding sittings in continuum, there have been questions raised on the predictability and consistency in Court sittings at the Trial Court level. It is important to recognize the sheer expansion of SDO courts in the State. In 1989, Rajasthan's 25 Districts had 60 SDO Courts, in 2018 – 33 Districts have nearly 300 SDO Courts. SDO courts have been advised to conduct sittings from Monday to Wednesday 1030 am to 1.30 pm, cause lists must contain 90-100 cases (with 20 cases in arguments, 20 cases in miscellaneous applications for Legal Respondents, 10 cases in evidence, 10 cases for framing issues, 10 cases in preliminary decrees, 10 cases of temporary injunction applications and 10 cases for final decrees). SDO's have been further advised to ensure sittings if cause-lists have been issued and cases must move forward if

there is a regular sitting. Evidence must be recorded in all cases where witnesses attend Court.

Improving the 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. The Board of Revenue has conducted workshops on Improving the Functioning of SDO Courts.

Conclusion

The litigant has to remain the centrality of the journey in Revenue Courts. Consistency and predictability of sittings and intense commitment to the cause of land reforms have enabled the Board of Revenue for Rajasthan to help millions of litigants of the State while ushering in radical reforms, transformational changes in governance, enabling the march to New India 2022.

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