

Initiatives of the board of revenue for improving justice delivery systems in revenue courts

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- An Address by V.Srinivas IAS -

Shri S.D. Dadhich, President of the District Bar Association, Bundi, Shri Amit Nimbark Secretary of the District Bar Association, Senior Advocate Shri Ramdutt Sharma ji, other Senior Advocates, Members of the Bar

My distinguished colleagues the District Collector, the Revenue Appellate Authority, All Additional District Collectors, and All SDO's of Bundi District

I am delighted to address the District Revenue Bar Association Bundi today, I see in attendance, a large number of very experienced men who have spent a lifetime in handling Revenue litigation. On October 6, 2017, on assumption of charge as the 47th Chairman of the Board of Revenue for Rajasthan, I had acknowledged in my address to the Rajasthan Revenue Bar Association at Ajmer, the immense contribution and the formidable legacy of several Senior Advocates namely Shri Onkarlal Dave, Shri Purna Shankar Dashora and Shri YagyaDutt Sharma for improving justice delivery systems of Rajasthan. On this occasion, I offer my tributes to the legendary Advocate late Shri Bhavani Singh jiShaktawat who has been a towering presence in the Court room and an exemplary role model for advocates in the Revenue Courts representing the highest values of legal knowledge, commitment, preparedness and punctuality. The presence of a knowledgeable and energetic group of Senior Advocates in District Revenue Bar Associations augers well for the long term sustainability of Justice Delivery Systems in the Revenue Courts of Rajasthan.

You wanted me to outline my vision 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.

It is in this backdrop that the Board of Revenue seeks to bring in radical reforms and transformational governance to Revenue Courts of Rajasthan.

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.

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.

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 is in consultation with the Department of Personnel and the HCMRIPA for conducting a workshop on Judgment Writing for SDO's as several officers promoted from Rajasthan Tehsildar Service to the Rajasthan Administrative Service working as SDO's have expressed a felt need for such a workshop.

The Rajasthan Revenue Courts Grid has been launched on November 2, 2017 and currently covers 902 Revenue Courts. Nearly 2 lac judgments have been placed online. The Board of Revenue has placed 2265

judgments online. The response to this initiative has been overwhelmingly positive.

Following the streamlining of the Registry and the launch of the Rajasthan Revenue Courts Grid, the Board of Revenue would be taking up the remaining areas of the Digital Rajasva Mandal from April 2018. The preparations for the other modules of the Digital Rajasva Mandal are being intensely pursued by the Board in consultation with the Department of Information Technology.

To conclude, let me assure of the Board of Revenue's deep commitment to improving the justice delivery systems of Rajasthan and seek your cooperation in taking successful implementation of these initiatives. Together we can build strong institutions of governance which can benefit millions of litigants in Revenue Courts of Rajasthan.

Jai Hind.

Address by V.Srinivas IAS, Chairman Board of Revenue to District Revenue Bar Association, Bundi at Conference Hall of District Collector's Office, Bundi Dated February 9, 2018

 About the author

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