

Improving Justice Delivery Systems in Land Dispute Redressal -Transformational Governance in The Board of Revenue for Rajasthan

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- An Address by V.Srinivas IAS -

Respected Shri K.B.Saxena, IAS Chairman of the session,

Respected Director LBSNAA, Mussoorie,

Distinguished Director, Centre for Rural Studies,

Hon'ble Chairmen and Hon'ble Members of the Boards of Revenue from various States, Senior Advocates and District Collectors

I am grateful to the Director Lal Bahadur Shastri National Academy of Administration and the Centre for Rural Studies for 

inviting me for the National Workshop on "Land Dispute Redressal: The Plea for Reforms". I dedicate this lecture to Shri B.N.Yugandhar, IAS former Director LBSNAA, the man who inspired me to pursue the cause of land reforms and work with farmers, litigants, revenue officials and advocates in my years as a Sub-Divisional Officer, District Collector and as Chairman Board of Revenue for Rajasthan. "The Torch of Justice must burn brightly" was what he always said. It was listening to him in these pristine halls that I learnt "Revenue Law is a subject of great beauty, and it has tremendous spiritual strength". I also wish to thank Shri Onkar Lalji Dave for coming to LBSNAA Mussoorie and addressing us today, single handedly in his 50 years of legal practice he has been a role model on constitutional values for thousands of young advocates of Rajasthan. I would also like to congratulate the Centre for Rural Studies, LBSNAA Mussoorie for emerging as India's foremost repository for Land Reforms and publishing 13 volumes on the status of Land Reforms in India. The pioneering work done by the Centre for Land Rural Studies has enabled knowledge dissemination on the cross cutting challenges faced by Revenue Courts of India in expediting disposal of court work.

Introduction

Successive Governments have spoken about Improving Justice Delivery Systems. This is one area in need of dire and drastic improvement. I had 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. Rajasthan's Revenue Courts had 5.74 lac cases upto SDO Courts and nearly 10 lac cases upto Tehsildar Courts. Revenue case work was far higher than case work in civil courts.

I was appointed as the 47th Chairman Board of Revenue for Rajasthan, Ajmer in July 2017. The Board of Revenue for Rajasthan was one of the State level institutions established at Ajmer at the time of formation

of Rajasthan. The Institution had a 70-year legacy as a Temple of Justice. It was amongst the oldest Boards of Revenue in India along with Uttar Pradesh, Bihar, Madhya Pradesh, Tamil Nadu and West Bengal, established in 1949. It had the largest in terms of number of members and handled the highest number of revenue cases. It was technologically obsolete institution with digitalization practices virtually non-existent. Manual supervision of the case status of thousands of files was an impossibility. Every day litigants and lawyers attended the 14 functional benches in the Board of Revenue. Few arguments were heard, and disposal norms were about 450 cases/ month. The Institution was in need of radical reforms and transformational governance.

In my tenure as Chairman, the Board of Revenue adjudicated a decadal high of 13500 cases, bringing down the overall pendency to 63250 cases, disposal reached 1250 cases/ month. I had decided 725 cases in this period in Double Benches with 76 worth reportable judgments. "A Chairman who conducts bench every day" was what I was often told. I discovered the simple principle of good governance that can make a huge change in a litigant's journey – timely case disposal. Everywhere I travelled in Rajasthan, 8000 kms covering 32 districts, thousands of litigants and advocates met me who reinforced this belief. 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 were addressed. Good Governance practices along with cordial and constructive relations between Bench and Bar are essential features for "Land Dispute Redressal". "The Plea for Reforms" that this National Workshop seeks, has to be based on, deeper examination of the issues of jurisprudence, expediting decision making, deepening the technology impact, enhanced capacity building initiatives and stronger administrative/ judicial processes. The blue-print for Improved Justice Delivery Systems essentially rests in improved jurisprudence and greater understanding of Revenue Law.

Improved Justice Delivery Systems – A National Perspective

The Government convened the Joint Conference of Chief Ministers and Chief Justices of High Courts on April 5, 2015 to discuss the pressing issues relating to the administration of Justice in the country. India had 2.64 crore cases pending in Subordinate Courts and 42 lac cases in High Courts. The agenda for the conference included development of infrastructure, undertaking judicial reforms, ICT enablement of courts and specific steps required for reduction of arrears and ensuring speedy trials. The Justice Delivery System has an important role in improving the ease of doing business. The e-Courts Mission Mode Project was implemented with an investment of Rs. 600 crores which placed case data of thousands of courts online. The National Judicial Data Grid covering a majority of High Courts was available to the judiciary for improving case and court management and judicial performance. Amongst the other steps taken by the Government were strengthening Judicial Academies, LokAdalats and Training of Judges.

In 2017, Government launched a series of legal aid and empowerment initiatives for expediting judicial reforms. The 3 legal aid and empowerment initiatives launched were 'Pro bono legal services', Tele law service and 'Nyaya Mitra Scheme'. Government also stated that the Nation's justice system would be digitally transformed as digital inclusion holds the key to the country's march to Digital India. The 'Pro bono legal services' initiative is a web based platform through which interested lawyers can register themselves for volunteer pro bono services for the underprivileged litigants who are unable to afford it. Tele Law was aimed at facilitating delivery of legal advice through an expert panel of lawyers stationed at State Legal Services Authorities (SLSA). The Nyaya Mitra scheme envisaged employment of a retired Judicial or Executive Officer with legal experience designated as Nyaya Mitra and deployed at the Common Service Centres with responsibilities to identify delayed cases through the National Judicial Grid and enable speedy dispute resolution.

Government has operationalized the e-Courts portal (<http://www.ecourts.gov.in>) through websites of individual districts and also through the National Judicial Data Grid. The portal provides online services to litigants such as details of case registration, cause list, case status, daily orders and final judgments.

The Roadmap to Reforms in Revenue Courts

Let me take up each of the areas of reforms, I had mentioned above, individually.

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 represented 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, the Board of Revenue decided on 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 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. Intensive efforts were undertaken to bring these cases to a completion stage where they were been listed before the Single Benches for regular hearings. The Deity as a perpetual minor needs all the protection from Revenue Courts.

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 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. The exercise of Revisional jurisdiction by the Board of Revenue remains an area where considerable improvement is possible.

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.

(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 indicating the sheer volume of case work building up in Revenue Courts.

(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 were distributed over 5 Single Benches resulting in systemic efficiency. This has been a long standing demand of the Rajasthan Revenue Bar which was been resolved. The Double Benches were listing 130 cases/ day and the Single Benches were 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 had 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. The Reforms in expediting land dispute redressal has 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" were conducted to empower young lawyers for future. In addition, the Chairman's official interactions with District Revenue Bar Associations can pave the way for a comprehensive empowerment of Advocates and bring significant efficiency to functioning in Revenue Courts.

II. 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 were 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, Hon'ble Members were 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.

III. 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. There were significant improvements in the quality of judgment writing in pursuance of the capacity building initiatives and it resulted in lesser number of appeals being filed.

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 conducted Court every day, for 5 days a week, for 21 days a month and 310 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. There is immense value addition from a serious inspection including meetings with District Bar Association and the District Revenue Officers. Areas of concern in terms of strengthening infrastructure in Collectorates and SDO courts, additional budget allocations could be addressed. Further there were improvements seen in the 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.

Humour in the Board of Revenue

There are moments of humour in the intense arguments in crowded Court Rooms. Let me recollect some moments of humour of my years on the Bench as Chairman Board of Revenue.

Shri Onkar Lal ji Dave 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. I am reminded of a Senior Advocate'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 Onkar Lal ji Dave'.

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”.

Not all arguments are interesting or evoke passionate arguments. 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 fellow advocates after he completed his arguments that he did not file the vakalatnama in the case.

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 never argued a single case in my Double Bench since and only sought adjournments.

This is my all-time favourite. 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 dishevelled 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”.

The Board of Revenue - The Greatest Institution of Rajasthan

I have said many times, in many forums, that the Board of Revenue is Rajasthan’s greatest institution and it was my privilege to contribute to institution building activities in the Board. I tried my utmost to bring efficiency, honesty and moral principles to Governance in the Board of Revenue. My continued belief that the moral principles outlined in the Constitution have to be lived in Governance and the Revenue Courts must act as Temples of Justice. I have learnt immensely from the Institution’s legacy and interactions with the Hon’ble Members and Senior Advocates in the Rajasthan Revenue Bar. I have seen the immense happiness in litigants when cases are disposed in a fair and just manner. I am convinced that a strong and functional Board of Revenue can ensure “Improved Justice Delivery Systems in Revenue Courts of Rajasthan.”

To conclude, let me thank the Director LBSNAA, the Director of Centre for Rural Studies for giving me an opportunity to address the National Workshop today. I also wish to congratulate all officials who have strived relentlessly to make this National Conference a success.

[Jai Hind.](#)

 About the Author

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Author and Senior Bureaucrats

V.Srinivas has a post graduate degree in Chemical Engineering from College of Technology, Osmania University, Hyderabad, he joined the IAS at 22 and in his 3-decade career has held a number of important policy making positions in Government. He is currently posted as Additional Secretary to Government of India, Department of Administrative Reforms and Public Grievances, Ministry of Personnel. He has served as Chairman of the Board of Revenue for Rajasthan, Chairman of the Rajasthan Tax Board, Deputy Director (Administration) All India Institute of Medical Sciences, New Delhi, Director General National Archives of India, Joint Secretary to Government of India in the Ministries of Textiles and Culture.

He has served as Advisor to Executive Director (India) at the International Monetary Fund (2003-06), Private Secretary to the Finance Minister, Private Secretary to the External Affairs Minister in Government of India and District Collector at Jodhpur and Pali in Rajasthan. He has delivered 25 orations on several areas of public policy, and published 112 articles and papers.

His first book "India's Relations with International Monetary Fund 1991-2016, 25 years in Perspective" was pursued with a fellowship from the Indian Council of World Affairs in 2017-18. His second book "A March to New India - India's Welfare State 2014-19" is under publication by Konarak Publishers. He has travelled extensively across India and the World.

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