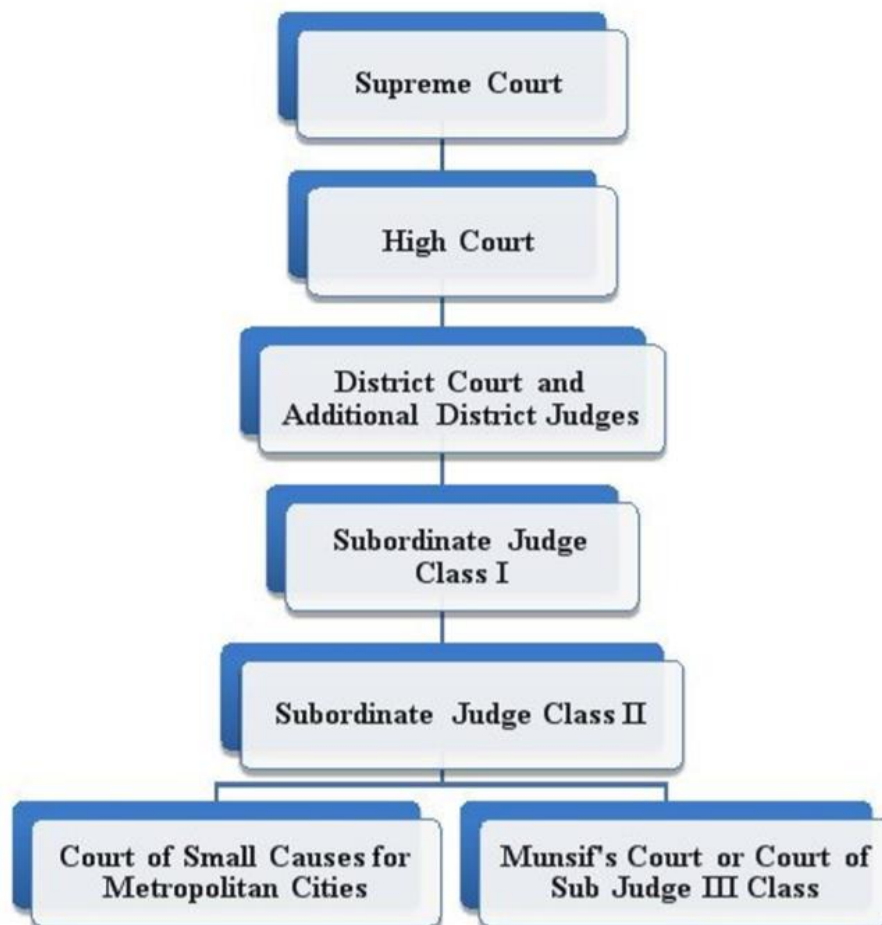


Courts in Rajasthan

High Court of Rajasthan

- Rajasthan High Court was established on 21 June 1949 under the Rajasthan High Court Ordinance, 1949.
- The high court has its principal seat at Jodhpur and a bench at Jaipur.
- The State is bifurcated into 35 Judgeships comprising of 388 Courts of District Judge Cadre, 319 Courts of Sr. Civil Judge Cadre and 438 Courts of Civil Judge Cadre.
- The first Chief Justice was: Kamala Kant Verma
- The Rajasthan High Court Rules 1952, as amended from time to time, regulate the administrative business and judicial work in the High Court.



District Courts in Rajasthan

- Under the Rajasthan High Court, there is a hierarchy of courts which are referred to in the Indian constitution as subordinate courts.
- There are two kinds of Subordinate Courts: the District Courts and others.
- The state is divided into districts and each district has a district court which has an appellant jurisdiction in the district.
- These courts are under administrative control of the High Court.

District Courts under Jodhpur Bench

1. Balotra (Barmer)
2. Banswara
3. Bhilwara
4. Bikaner
5. Chittorgarh
6. Churu
7. Dungarpur
8. Hanumangarh
9. Jaisalmer
10. Jalore
11. Jodhpur Metro
12. Jodhpur
13. Merta (Nagaur)
14. Pali
15. Pratapgarh
16. Rajsamand
17. Sirohi
18. Sri Ganganagar
19. Udaipur

District Courts under Jaipur Bench

1. Ajmer
2. Alwar

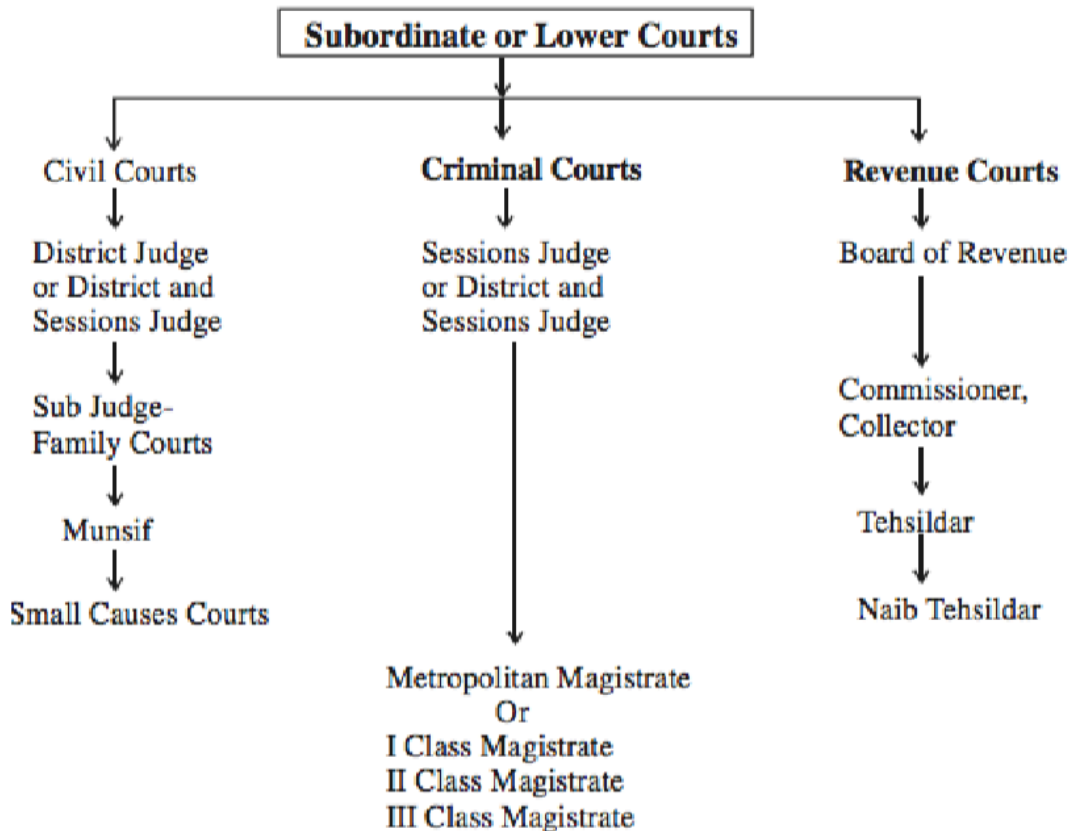
3. Baran
4. Bharatpur
5. Bundi
6. Dausa
7. Dholpur
8. Jaipur
9. Jaipur Metro
10. Jhalawar
11. Jhunjhunu
12. Karauli
13. Kota
14. Sawai Madhopur
15. Sikar
16. Tonk

- The court of the District judge is located at the district headquarters. It has power of trying both civil and criminal cases. Thus, he is designated as the District and Sessions Judge.
- The district Judge is the highest judicial authority in the district and exercises both judicial and administrative powers over all the subordinate courts in the district.
- He possesses original and appellate jurisdiction in both civil and criminal matters.
- Appeals against his orders and judgments lie to the High Court.
- The sessions judge has the power to impose any sentence including life imprisonment and death sentence.
- However, death sentence passed by him is subject to confirmation by the High Court, whether there is an appeal or not.

Sub-Ordinate Courts in Rajasthan

- In each district of India there are various types of subordinate or lower courts.
- They are civil courts, criminal courts and revenue courts.
- These Courts hear civil cases, criminal cases and revenue cases, respectively.

- Under the district courts, there are the lower courts such as the Additional District Court, Sub-Court, Munsiff Magistrate Court, Court of Special Judicial Magistrate of the II Class, Court of Special Judicial Magistrate of I Class, Court of Special Munsiff Magistrate for Factories Act and Labour Laws, etc.



- At the bottom of the hierarchy of Subordinate Courts are the Panchayat Courts (Nyaya Panchayat, Panchayat Adalat etc).
- These are, however, not considered as courts under the purview of the criminal courts jurisdiction.
- Most of the civil cases are filed in the court of the Munsif.
- A case can be taken in appeal from the court of the Munsif to the court of the sub-Judge or the Additional Sub-Judge.

Rajasthan State Legal Service Authority

- The Constitution of India outlines promise of securing to all the citizens social, economic and political justice.
- Article 39 A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society, to promote justice on the basis of equal opportunity.
- Rajasthan State Legal Service Authority is an institution created to pursue these objectives.

Statutory Provisions: RLSA

- In 1987, the Legal Services Authorities Act was enacted by the Parliament, which came into force on 9th November, 1995.
- This has led to the setting up of Legal Services Authorities at the National, State and District levels along with Legal Services Committees at the Supreme Court, High Court and the Taluka levels.
- The Government of Rajasthan in consultation with the Chief Justice of the High Court, framed the Rajasthan State Legal Services Authority Rules, 1995, and later Regulations, 1999.
- These gave effect to the provision of the Legal Services Authority Act, 1987.
- Consequently, The Rajasthan State Legal Services Authority came into existence on 07.07.1998 by notification issued by the State Government.

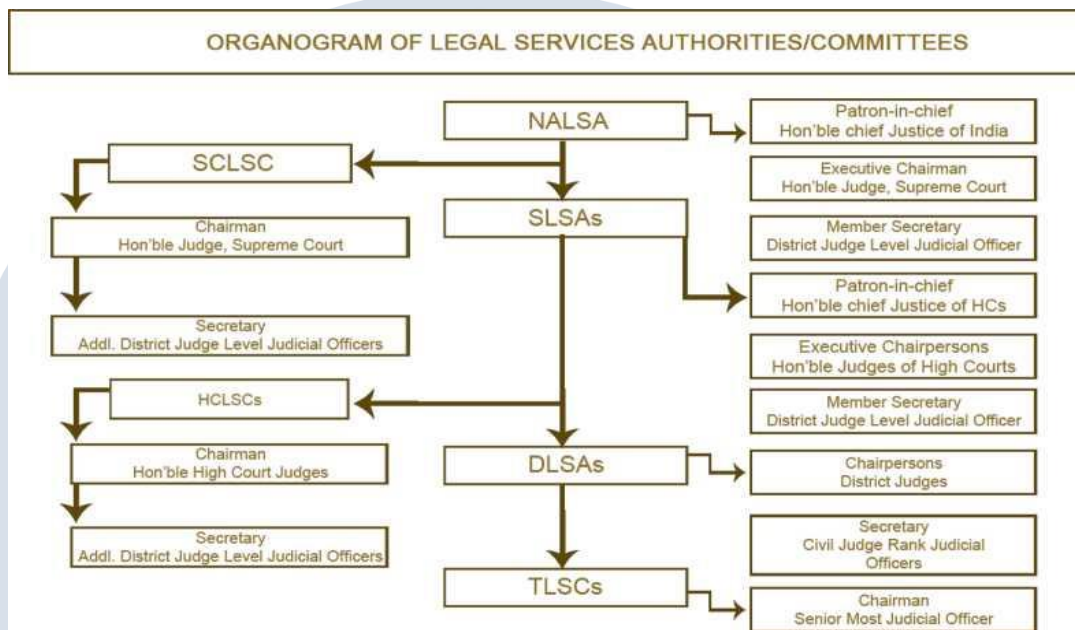
Composition of Rajasthan State Legal Service Authority

A State Authority shall consist of:

- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief
- (b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman and

- (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

Organisation Structure: Legal Service Authority



Important Functions of Rajasthan Legal Service Authority

The Act mandates the State Legal Service Authorities to perform three primary functions:

- (a) Provide free legal service to the weaker sections of the society.
- (b) Conduct Lok Adalats including Lok Adalats for High Court cases; and
- (c) Undertake preventive and strategic legal aid programmes and create legal awareness.

Eligibility for Free Legal Aid :

Any person who fulfils the eligibility criteria as prescribed by *Section 12 of the Legal Services Authorities Act, 1987* can avail of the free legal services. This includes:

- a) member of a Scheduled Caste or Scheduled Tribe

- b) victim of trafficking in human beings or beggar as referred in article 23 of the Constitution
- c) woman or a child
- d) a mentally ill or otherwise disabled person
- e) victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake, or industrial disaster or
- f) an industrial workman or
- g) persons in custody or
- h) persons in receipt of annual income not more than Rs. 1,50,000.

RSLSA Activities:

- State & District Legal Aid Fund have been created for being utilised for the purposes of this Act.
- The Rajasthan SLSA has appointed 30000 legal services volunteers for implementation of legal aid programs. Prominent persons of the society including the Sarpanchs, NGOs and Anganwadi workers are involved in the legal literacy programs.
- Till 2017, RSLSA has been able to provide free legal aid to approximately 1,32,000 beneficiaries.
- Organisation of Lok Adalats & Legal Awareness Camps.

Lok Adalats in Rajasthan

- Lok Adalat is a system of alternative dispute resolution developed in India. It may be called "People's court".
- Lok Adalat is a forum where the disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.
- The Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987.
- Under the said Act, the award made by the Lok Adalats is deemed to be the decree of a civil court and is final and binding on all parties and no appeal lies before any court against its award.

Nature of Cases to be referred to Lok Adalats:

1. Any case pending before any court.
 2. Any dispute, which has not been brought before any court and is likely to be filed before the court.
- However, only compoundable offences can be adjudged in Lok Adalat.

Types of Lok Adalats:

National Lok Adalat

- National Level Lok Adalats are held for at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts right from the Supreme Court till the Taluk Levels.
- Wherein cases are disposed off in huge numbers.

Mega Lok Adalat:

- This is organised in the State on a single day in all courts of the State.

Permanent Lok Adalats

- Permanent Lok Adalats are organized under Section 22-B of The Legal Services Authorities Act, 1987.
- Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc.
- Here, even if the parties fail to reach to a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence.
- Further, the Award of the Permanent Lok Adalat is final and binding on all the parties.
- The jurisdiction of the Permanent Lok Adalats is upto Rs. 1 Crore .
- The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate, taking into account the circumstances of the case, wishes of the parties like requests to hear oral statements, speedy settlement of dispute etc.

Mobile Lok Adalats

- Mobile Lok Adalats are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.

General Features of Lok Adalats:

- If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal against such an award, but they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure, in exercise of their right to litigate.
- There is no court fee payable when a matter is filed in a Lok Adalat. If a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.



- The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, they have the role of statutory conciliators only and do not have any judicial role; therefore they can only persuade the parties to come to a conclusion for settling the dispute outside the court in the Lok Adalat and shall not pressurize or coerce any of the parties to compromise or settle cases or matters either directly or indirectly.

