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**MEMORANDUM CUM PETITION
FOR DEMAND OF JUSTICE**

**IN THE
MATTER OF
ESTABLISHMENT OF A PERMANENT BENCH
OF THE RAJASTHAN HIGH COURT**

**FOR
MEWAR WAGAD REGION
OF**

**SOUTHERN RAJASTHAN
AT
UDAIPUR**

**UNDER ARTICLE 244(1) R/W SCHEDULE V CLAUSE 5 OF THE
CONSTITUTION OF INDIA
R/W SECTION 51(2) & 51(3) OF
THE STATE REORGANISATION ACT, 1956**

ON BEHALF OF

**MEWAR WAGAD HIGH COURT BENCH
ESTABLISHMENT SANGARSH SAMITI
UDAIPUR**

**Hon'ble The Chief Justice,
& His Companion Judges,
Rajasthan High Court**

HUMBLE PETITIONERS MOST RESPECTFULLY PRAY YOUR LORDSHIPS BE VERY KINDLY AND GRACIOUSLY BE PLEASED TO:

- (a) To support in the process consultation by Her Excellency the President of India with the Governor of the State of Rajasthan and the Hon'ble Chief Justice of the Rajasthan High Court in respect of 61 years old long pending demand for restoration and provision of establishment of a permanent Bench of the Rajasthan High Court for Southern Rajasthan Mewad Wagad Tribal Region at Udaipur and for any matters connected therewith for issuance of appropriate notified order providing the Permanent Bench under section 51(2) of the State Reorganisation Act, 1956;*
- (b) Pending initiation and completion of the process for consultation under section 51(2) of the SRA by Her Excellency the President of India Your Lordships may be very sympathically consider genuine demand of the Region de novo and conclude the process for procurements of requisite arrangements of appropriate sittings of the Division Bench of the Hon'ble Rajasthan High Court and direct the State Government for appropriate arrangements of funds, court building and housing with in fracture. Staff etc. for Mewad Wagad Region of the Southern Rajasthan at Udaipur under section 51(3) of SRA; and issuance of appropriate orders in that behalf;*
- (c) Pending issuance of the appropriate directions by and completion of process of the approval by the appropriate authorities by the Governor of the State of Rajasthan under section 51(3) of RSA, Your Lordships may very approve the action under clause 5 of the Schedule V R/w Article 244(1) of the Constitution by appropriate amendment, alteration of the provision of the section 51(3) of the SRA so as to enable your lordships to order and make suitable*

arrangement of sitting of the Circuit Division Bench of the Rajasthan High Court at Udaipur for the Tribal Scheduled area as notified by his Excellency the President of India vide 1982 order; and

(d) Your Lordship may kindly reconsider the views of the Predecessor Hon'ble Chief Justices of Rajasthan High Court in the matter of demand for Tribal Bench for Mewad Wagad Region for speedier Justice and in public interest in the light of Law Commission's 230th Report at page 11 & 12 in para 1.7 to 1.10 of August, 2009 recommendations; and

(e) For such other relief/orders/directions as the your Lordships may deem just and reasonable in the interest of justice in the establishment of the Bench at Udaipur.

HISTORICAL BACK EVENTS:

1. That the Erstwhile state of **Mewar** with its kingdom at **Udaipur** was the first to become part of Independent India from *15th August, 1947* with the execution of Instrument of Accession to the Dominion of India.
2. The State of Mewar prior to its merger in the Domain of India had well defined system of separation of judicial powers since **20th August, 1880** with highest court of Justice known as “**Mahendrajsabha**” equivalent to Letters Patent High Courts at Bombay, Calcutta & Madras which functioned at Udaipur upto *31st March, 1938*. On and from *1st April, 1938* a **Chief Court** was established at Udaipur with Hon’ble Mr. Justice Sir Rangilal, former judge of Lahore High Court, Hon’ble Mr. Justice Shri Kamala Kant Verma, Former Chief Justice of Allahabad High Court and Hon’ble Mr. Justice V.V. Shrinivas Aiyanger, former Judge of Madras High Court as the Judges of the Final Court of Appeal of Mewar. Then Mewar Government resolved to announce a new scheme of Re-organisation of Judicial & Administration from *27th August, 1940* which was given effect from *1st October, 1940* with separation of judicial system.
3. “**High Court of Judicature at Udaipur**” was established by a Letters Patent dated *9th September, 1940* the then His Highness Ex Ruler of the State of Mewar published in Gazettee Extra Ordinary dated *16th September, 1940* (188/22 to 192/26). It has also promulgated the Constitution of Mewar on *23rd May, 1947* on the *407th* Birth day of

Maharana Pratap of immortal glory, whose heroic deeds illumine the pages of Indian History.

4. **That On and from 1st May, 1948** the newly formed “**United states of Rajasthan**” under the Dominion of India (Second Rajasthan Union also known as Former Rajasthan) started functioning at Udaipur under covenant entered into by 10 Ex Rulers including the Maharana of Mewar, Banswara , Dungarpur, Pratapgarh, Sahpura (Bhilwara) Bundki, Kota, Jhalawar, Kishangarh and Tonk.
5. That On **4th May, 1948** the Rajpramukh of the United State of Rajasthan in exercise of the powers conferred on him under article 10 of the Covenant by promulgation of Ordinance called **United State of Rajasthan High Court Ordinance, 1948** (Ordinance No.3 of 1948) established a **High Court of Judicature for Rajasthan** with Principal seat at **Udaipur** and Bench at Kota.
6. That On **30th March, 1949** a fresh covenant was executed providing for the merger of four new covenanting States Jaipur, Jodhpur, Bikaner and Jaisalmer known as the **United States of Rajasthan** (Greater Rajasthan) while the ten major states of the former Rajputana agency remaining integrated. On 15th May, 1949 Matsya States consisting of Alwar, Bharatpur, Dholpur and Karauli which formed on 10th May, 1949 merged with the United States of Rajasthan. Maharana of Udaipur continue to hold his position as Maha Rajpramukh and Jaipur as Rajpramukh in the Greater United States of Rajasthan.

7. HIGH COURT BENCH AT UDAIPUR AFTER MERGER:

That On **21st June, 1949** His Highness the Raj Pramukh promulgated Rajasthan High Court Ordinance, 1949 (No.XV of 1949) since repealed vide Judicial Administration Laws (Repeal) Act, 2001 to erect and for the establishment of a **High Court of Judicature for Rajasthan** which started functioning at Jodhpur from **29th August, 1949** with Hon'ble Mr **Justice K.K.Verma** as the **Chief Justice** of the High Court and 11 other companion judges and in pursuance of Sub-sec.(1) of Sec.10 of the Rajasthan High Court Ordinance vide a Notification, it was directed that until further orders the High Court of Judicature for Rajasthan shall also sit simultaneously (i) at Jaipur to dispose the work arising in the Jaipur and Kotah Division and (ii) *at Udaipur to dispose of the work arising in the Udaipur Division.*(Notification No.155/A/JD/USR dated *25th August, 1949* published in the same issue). The sitting of the High Court for Rajasthan at Udaipur continued on the *26th January,1950* when the Constitution of India came to be enforced in the Country wherein the Rajasthan was recognised as Part B State as per article 214 and 225 of the COI and the High Court of judicature for Rajasthan established under the Rajasthan High Court Ordinance, 1949 continued to remain in force and existence.

8. CESSATION OF HIGH COURT BENCH OF UDAIPUR:

That On and from **22nd May, 1950** the High Court of Judicature for Rajasthan *ceased to sit at Udaipur* in pursuance of Notification No.F.3(19)Jud/50 dated 8th May,1950 (published in the Rajasthan Gazette Extra Ordinary- Part I, Vol. 2 No.15 dated 8th May, 1950) and *the work arising in future of the Udaipur Division directed to be disposed by the said High Court sitting at Jodhpur.* It may be mentioned that the simultaneously sitting of the High Court at Jaipur

ordered vide notification dated 25th August, 1949 along with Udaipur was ordered to be abolished by the Hon'ble Chief Justice Rajasthan vide order dated 14th July, 1958 and the pending cases of Jaipur transferred to Jodhpur principal seat.

9. REORGANISATION OF RAJASTHAN STATE AND HIGH

COURT: That On and from 1st November, 1956 consequent upon the promulgation of the State Reorganisation Act, 1956 (Act. No.37 of 1956) (In short "SRA") by the President of India on 31st August, 1956 and Presidential Order dated 27th October, 1956 issued under section 51(1) of the SRA as and from the appointed day a new state to be known as the State of Rajasthan and under section 49(2) the High for the new State of Rajasthan established came to be effective it was directed that the principal seat of the High Court for the new State of Rajasthan shall be at Jodhpur. Strength of the Judges for Rajasthan was fixed for 6 Judges w.e.f. 1st November, 56 as Class A State fresh warrant were issued and oath administered to four Judges Viz. Justice Bapna, Justice Ranawat, Justice Sharma and Justice Bhandari used to sit at Jaipur Bench while Justice Dave, Justice Modi used to sit at Jodhpur, **Chief Justice Wanchoo** sitting at both places.

10. ENABLING PROVISIONS OF SECTION 51(2) AND 51(3) OF THE STATES REORGANISATION ACT, 1956;

51(1). X X X.

51(2) The President may after consultation with the Governor of a New State and the Chief Justice of the High Court for that State, by notified order, provide for the establishment of a permanent Bench or Benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith.

51(3) Notwithstanding anything contained in sub section (1) of sub section (2) the Judges and Division Courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint.

11.DEMAND AND JUSTIFICATION FOR ESTABLISHMENT OF A HIGH COURT BENCH FOR TRIBAL BELT AT UDAIPUR:

That On 7th November, 1982 Divisional Conference of the Bar Associations of the erstwhile Udaipur Division consisting of Bhilwara District which was subsequently transferred to Ajmer Division was held at Udaipur presided over by the *Hon'ble Mr. Justice J. S .Ranawat, Chief Justice of the Rajasthan High Court (Retd.)* a action committee for establishment of the Permanent Bench of the Rajasthan High Court at Udaipur constituted and Resolved to start satayagrah on the 7th of every month which movement is continuing for the last 28 years unnoticed and un responded by the authorities under section 51(2) and 51(3) of the SRA and the law ministries of the Union and the State Government.

12.That On 8th April, 1976 a permanent Bench of the High Court of Patna at Ranchi was established vide The High Court at Patna (Establishment of a Permanent Bench at Ranchi) Act, 1976 (Central Act No.57 of 1976). to meet the needs of the *Adavasi population of the Chota*

Nagpur area in Bihar earlier a circuit Bench was established w.e.f. 6th March,1972 at Ranchi.

13.That On and from **31st January, 1977** vide Presidential order dated 8th *December,1976* under section 51(2) of the SRA “The High Court of Rajasthan (Establishment of Permanent Bench at Jaipur) Order, 1976” a permanent High Court Bench of the Rajasthan High Court at Jaipur was established.

14.That On **17th July, 1985** the Udaipur High Court Bench Establishment Action Committee submitted a Memorandum to Hon’ble Late Shri Rajeev Ji Gandhi ji, Prime Minister of India which was duly acknowledged by PMO vide Petition Officer letter NO.5(1)85/PM/III/dated 12.08.1985 directing to meet Law & Justice Minister, UOI.

15.That On **15th February,1990** The Action Committee submitted a memorandum for the establishment of the Permanent Bench at Udaipur to the Hon’ble then Prime Minister of India Late Shri Nar Singh Rao Ji which was acknowledged by the Ministry of Law & Justice GOI Jt. Secy. Mr. Vishvanathan letter No.64/86=JUS/ dated 14th October,1990 wherein it was mentioned in para 3 of the GOI communication that “ *Thus action would lie with the central Government in terms of section 51 of the SRA,1956 only if and when a proposal is received from the Government of Rajasthan in consultation with the Chief Justice of the Rajasthan High Court. Such a proposal if and when received from the state authorities would be*

considered keeping in view general principles and criteria enunciated by the Jaswant Singh Commission for establishment of Benches of the High Courts”.

16.That On 3rd July, 1992 DB CWP No.3329 of 1992 Shri Dalpat Raj Bhandari Vs. President of India & six Ors challenging and quashing the Presidential order dated 8th December, 1976 under section 51(2) of the SRA “The High Court of Rajasthan (Establishment of Permanent Bench at Jaipur) Order, 1976” for establishment of a permanent Bench of the Rajasthan High Court at Jaipur came to be listed at the Principal seat Jodhpur. the matter has been last listed 10th December, 2005 and is still showing pending status. It may be mentioned that the abovementioned Presidential Order was earlier came to be challenged by Shri Ram Rakh Vyas, Advocate practising at Jodhpur before the Hon’ble Rajasthan High Court and same came to be dismissed upholding the SB Judgment in re: Ram Rakh Vyas Vs UOI & Ors. Reported in AIR 1977 Rajasthan 243 and as no SLP the establishment of Bench Order become final.

17.That On 8th March, 1996 Hon’ble 19 sitting members of then Rajasthan Legislative Assembly petitioned a call motion under rule 131 of the Rules of Procedure of the House to the Speaker for consideration of the demand for establishment of a Permanent Bench of the High Court of Rajasthan at Udaipur to meet the needs of Mewar Wagad adavasi area, which was listed for discussion on 28th March, 1996, but the motion could not be taken out by the house for discussion. The petitioning members Serve Shri Raguveer Ji Meena Presently MP of Udaipur (125), Shri Daya Ram ji sitting MLA Kherwara (63) Shri Udailal Ji Anjna sitting MLA Nimbahera (16) and Shri Arjun Lal Ji

jeengar (9) then signatories of the petition are sitting members of the RLA as on date. Serve Shri Gulab Singh Ji Shakatawat, Jitendra Nimama, Shri Shankar Lal Ji ahari and Shri Ram Narayan Ji meena were also signatories of the joint motion petition along with other MLA. On 10th July, 1996. The Dy. Secretary, LAW GOR vide letter No.F.16(2)Jud/96 dated 10th July, 1996 apprised Mr. Mahaveer Bhagora Ex MLA, the inability of the state Government for establishment of Bench at Udaipur on the grounds:

- (i) *According to the Hon'ble Jasawant Singh Commission report the number of cases being inadequate ,*
- (ii) *The difference in the Travel distance by road from Udaipur to Jodhpur via Desuri Ranakpur is short,*
- (iii) *Heavy Extra Financial burden on the State Government exchequer, and*
- (iv) *Other region/area may also make a demand for Bench,*

hence it is not possible to establish a High Court Bench at Udaipur. And thus the Assistant Secretary RLA informed to conclude the motion under rule 131 of the House vide communication dated 20th July, 1996.

18. That On 26th April, 1997 again the Dy. Secretary to the Government of Rajasthan Law & Justice Affairs Department vide letter No.F.2/Jud/82/Part dated 26th July, 1997 informed Shri Gulab Chand Kataria, then education Minister of the Government and present MLA RLA expressing its inability to accede to the demand due to the financial constrains which was communicated to the Bar Association by the Hon'ble Education Minister vide his letter dated 3rd May, 1997.

However vide a DO letter dated 22nd May, 1997 was again addressed by the Hon'ble Minister Shri Kataria to the Hon'ble Chief Minister Shri B.S.Sekhawat countering the Government views of financial constraints and requested for reconsideration of the matter.

19.It may be mentioned that earlier in response to the DO letter No.979/EM/97 dated 18th March, 1997 addressed to the than Chief Minister Shri Bhairo Singh Ji Sekhawat by Shri Gulab Chandra Kataria, than Education Minister for establishment of a permanent High Court Bench at Udaipur for Tribal belt of southern Rajasthan, The Dy Secretary, Law & Justice Department, GOR vide Memo No.F.2/(2)Jud//82-Part dated 26th April, 1997 informed the PS to the Hon'ble Education Minister that

- (i) *No proposal for establishment of a Bench at Udaipur has been received from the Rajasthan High Court,*
- (ii) *The state Government is not in position to bear the expenditure in view of the precarious financial position of the State Government, and*
- (iii) *If a Bench at Udaipur is established than there is likelihood of such demand being raised from other quarters/area of the state, under these circumstances it is not possible to establish a High Court Bench at Udaipur.* Enclosing the copy of this communication Shri Kataria ji informed the Udaipur Bar President that in view of the above the issue may be closed.

20.That On 20th July, 1998 Shri Kali Charan Sarraf, Hon'ble Law Minister Government of Rajasthan on the Floor of the Assembly House in answer to the stared question No.145(1144/Vidhi of Shri Shiv Kishore Sanadhya, MLA Udaipur (169) admitting the fact that since 15th

February, 1982 the State government is receiving memorandum for the establishment of a Permanent High Court Bench at Udaipur and declined to accede to the said demand in view of the Hon'ble Rajasthan High Court communication dated **14th February, 1997** Establishment of a Bench is not justified. Petitioners are un aware of the reasons appreciated by the Hon'ble Chief Justice as same has not been disclosed.

21.That On 28th July, 1998 Deputation of Lawyers staged a Dharna in front of Rajasthan Vidhan Sabha in support of long pending demand for establishment of permanent Bench of the High Court at Udaipur whereupon attention of the House was drawn by a motion of Shri Shiv Kishore Sanadhya, MLA along with all MLAs of Udaipur Division. On 31st July, 1998 Shri Shanti Lal Khoiwal, MLA Rajsamand also raised the demand in 0 hours.

22.That On 3rd September, 1998 Ex Bar Association President Shri Ram Chandra Paliwal committed suicide in support of the demand of for the Bench. He died in General Hospital ward 4 Bed 20 giving his last statement to the ADM City & Addl SP. Indian Express News Item “**Ex Bar Chief's suicide lends heat to bench stir**” dt. 6th September, 1998.

23.The State of Karnataka is having a population of 5.273 Crore and 30 districts with Principal seat of the High Court at Banglore. The Chief Justice of the High Court of Karnataka exercising powers under section 51(3) of the SRA has established Bench at **Dharwad** consisting of nine Districts viz Bagalkot, Bellary, Belgaum, Dharwad, Gadag, Haveri, Uttar Kannada Karwar and Kopal and Bench at **Gulbarga** consisting of only four districts viz. Bidar, Bijapur,

Raichur and Gulbarga which has started functioning from 7th July, 2008. Pertinent to mention that Circuit Bench at Dharwad and Gulbarga has been set up by the Chief Justice considering the distance from the principal seat of the Karnataka. It may be mentioned that sanctioned strength of the Judges in the Karnataka High Court is 40 which is equal to the sanctioned strength of the Rajasthan High Court.

24. That presently Rajasthan High Court has strength of 40 Judges for the Jodhpur and Jaipur as compared to only 6 judges as on 1st November, 1956 at the time establishment of Rajasthan High Court upon Reorganisations of the Rajasthan State under SRA, 1956, with 666% increase in the judges strength in 54 years. Out of this sanctioned strength of 40 at present the High Court has 13 judges at Principal Seat at Jodhpur and 16 at Jaipur Bench. are the sitting judges excluding the Chief Justice sitting at both places.

25. Upon the assurance given by the Hon'ble than Chief Minister, Rajasthan Mrs. Vasundhara Raje in function at Udaipur for taking positive efforts in the matter of establishment of Permanent Bench of the High Court at Udaipur and in furtherance thereto in the process of initiation of consultation Registrar General, Rajasthan High Court was requested to put up the matter before the Hon'ble Chief Justice, Rajasthan vide letter No.CM/DDS/Declaration/08/54499 dated 4th September, 2008 and even no. memo dated 9th September, 2008. It appears from the communication Memo No.F.1(11)Jud/99/Part/ dated 6th May, 2009 that the Registrar General, Rajasthan High Court vide Letter No.518 dated 22nd April, 2009 has informed that presently establishment of Benches of the Rajasthan High Court are not necessary without affording reasonable hearing to the representatives

of the Mewad Wagad Region Southern Rajasthan . Reasons for negating the proposal are not known.

26.In the year 2009 a 121 days agitation in the entire Mewar Wagad Region which include “ Historical Sambhag Bandh ”, Dharna Rajasthan Vidhan Sabha was staged against the un democratically and arbitrarily rejection of the long pending just and reasonable demand of the people of this Region as also MLAs and MPs of Region apprised the State and the Central Government authorities, e.g. Hon’ble CJR on 16th September, 2009 and Hon’ble Union Law Minister on 28th August and 17th September, 2009 It may be pertinent to mention that while supporting our genuine demand for the establishment of a Bench of the Rajasthan High Court, the Hon’ble Union Law Minister addressed a memo to the Registrar General Rajasthan High Court to be placed before the Hon’ble CJR for his consideration and also the Hon’ble Chief Minister of the Rajasthan, whereupon in this reference, Hon’ble then CJR with a view impeding visit of Hon’ble CJI to Jodhpur in connection with the Function at the National Law University and mounting pressure from high ups informed the State Government that no such proposal for establishment of a Bench of the Rajasthan High Court at Udaipur and whereupon Lawyers of Jodhpur called off their counter agitation.

27.PRINCIPLES - EXPEDIENCY AND DESIRABILITY FOR SETTING UP OF A BENCH OF HIGH COURT :

That it will be pertinent to emphasize before making submissions for the justification of establishment of a Permanent Bench of the Rajasthan High Court at Udaipur that On 14th December, 1983 Government of India, Ministry of Law, Justice and Company Affairs Department of Justice vide resolution extended the scope of the Hon'ble Jaswant Singh Commission and requested the commission to examine and report, also, on all aspects of the general question of having benches of the High Courts at places other than their principal seats and on the broad principles and criteria to be followed in this regard. Commission in its report chapter III at page 38 submitted to the Government of India concluded as under:

“An analysis of the memoranda and the material received by us, after the issue of public notice dated January 2, 1984 and of the evidence tendered before us during our study tours of a number of States including those referred to in the Government of India Resolution No. 46/2/81-Jus, dated 14th December, 1983 shows a sharp cleavage of opinion regarding the desirability and expediency of setting up of Benches of High Courts away from their principal seats. While a cross section of people belonging to various walks of life including Members of Parliament and of Legislatures of States, leaders of political parties, judges, jurists, educationists, academicians and representatives of social and welfare organisations, Chambers of Commerce and Industry, trade unions, workers, and others residing in regions and areas away from the principal seats of the High Courts have underlined and emphasised the imperative need for establishment of Benches in the mofussil to cater to the needs of the litigant public, consisting of a large segment of poverty-stricken, down-trodden, and oppressed people, by highlighting the numerous difficulties and hardships experienced by them in having to go in quest of justice to the places where the High Courts are located which often result in stifling even their genuine litigation ; the judges, jurists and lawyers at the main seats of the High Courts and a cross section of the people residing in and around them have offered strong opposition to the High Courts of the States sitting in Benches at different places.

The opposition of the latter is based mainly on the grounds detailed by the Law Commission in its 4th Report submitted in 1956 which it reiterated in its 14th Report submitted in 1958, and those relied on by the High Courts Arrears Committee in the report submitted by it in 1972 since when much water has flown under the bridges. After giving our thoughtful and most anxious consideration to the aforesaid divergent views we find it difficult to subscribe to the stand taken by the antagonists of the demand for establishment of Benches in the mofussil. This disagreement on our part is based on several reasons, namely :

- (i) Experience belying the apprehensions voiced by the Law Commission and the High Courts Arrears Committee.*
- (ii) Establishment of Benches of High Courts away from their principal seats in several States not only before but also after the Reports of the Law Commission and the High Courts Arrears Committee,*
- (iii) Reorientation of the attitude and approach to the question of establishment of Benches as evident from the views expressed by some eminent judges and jurists.*
- (iv) Legislation including the insertion in the Constitution of Article 39-A by the Constitution (42nd Amendment) Act. 1976. Changes in conditions and circumstances that have taken place since the submission of the reports by the Law Commission and the High Courts Arrears Committee, which we would presently advert to seriatim.”*

28. The commission in Chapter III of its report at page 41 in para 17 in support of the Bench of the Rajasthan High Court at Jaipur established under section 51(2) by the Presidential Order dated observed as under:

“17. Experience with regard to the working of the permanent Bench of Rajasthan High Court at Jaipur which caters to the needs of the litigant public of 11 districts of Ajmer, Alwar, Bharatpur, Bundi, Jaipur, Jhalawar, Jhunjhunu, Kotah, Sawaimadhapur, Sikar and Tonk, has also been very encouraging. This is abundantly clear from the statements made before us by the past and present Advocate-General of Rajasthan, the President of the Jaipur Bar and others who have categorically stated that establishment of a Bench at Jaipur has not given rise to any administrative or other difficulty nor has it in any way affected either the cohesion amongst the Judges or the standard of administration of justice. On the contrary the establishment of the Bench has greatly benefited both the litigants and members of the local as well as mofussil Bar, many of whom have shifted to Jaipur thereby enriching the calibre of the Bar. According to them the creation of the Bench has been to the advantage of the litigant public belonging to the aforesaid 11 districts as it has reduced the time and the money which they had to spend in the past. Whereas formerly it used to take two days for the litigants from distant places like Dholpur, etc., to reach Jodhpur, the establishment of a Bench at Jaipur has made it possible for a common man to reach Jaipur within 8 hours and go back to his place after putting in appearance in his case. Further the establishment of the Bench at Jaipur has furnished valuable opportunity to the aggrieved persons and others to have their rights enforced by invoking the writ jurisdiction of the High Court. They have further stated that establishment of a Bench has also been conducive to the interests of the persons feeling aggrieved by the decisions rendered by the Service Tribunals located at Jaipur. The establishment of a Bench at Jaipur has also been advantageous to the lawyers at Jaipur as it has enabled them to contact their clients at short notice. It has also afforded an opportunity to the young lawyers to gain experience and knowledge by

practising and watching the proceedings in the High Courts.

25. Belying the apprehensions and fears expressed by the Law Commissions and the High Courts Arrears Committee, the Jaswant Singh Commission in its report at 39 of para 3 has observed as:

“3. Though the Law Commission and the High Courts Arrears Committee in their aforesaid reports expressed grave apprehensions and fears about the establishment and working of Benches of High Courts away from their principal seats, experience has belied the same. This is clearly evident from the smooth and satisfactory working of Benches of various High Courts viz., the Lucknow Bench of the Allahabad High Court ; the three Benches of the High Court of Bombay at Nagpur, Aurangabad and Panaji (Goa) as also of the Circuit Bench of Punjab High Court at Delhi before the Delhi High Court was set up ; of the Patna High Court at Ranchi ; of the Rajasthan High Court at Jaipur and of the Madhya Pradesh High Court at Indore and Gwalior. This view of ours is also shared by the Government of Maharashtra which has in the course of its replies to the Questionnaire issued by the Commission stated that its experience in regard to the functioning of the aforesaid three Benches of the Bombay High Court has been very encouraging. While making this observation the said Government has mentioned that the Bombay High Court has not brought to its notice any difficulty of the type envisaged by the Law Commission and High Courts Arrears Committee in their aforesaid reports. It has gone on to add that the working of the said Benches has been going on smoothly without any administrative difficulty for the High Court or any complaint from the public; that the apprehensions voiced by the Law Commission regarding deterioration of standard of administration of justice and impairment of efficiency on

account of the (mofussil) Benches have been belied ; that the maintenance of cohesion and uniformity of purpose among the Judges sitting at the principal seats of the High Courts and those sitting at the situs of Benches, which have not in any way been (adversely) affected, has been ensured by evolution of an arrangement providing for visiting Judges from the principal seat of the High Court to the Benches and from the Benches to the principal seat by rotation for a specified period and that this experience should be taken into consideration while examining the demand for establishment of a Bench of any other High Court in any particular region. The State Government has also stated that it has not received any complaint from the public to show that there is any doubt in the minds of the litigant public about the outcome of their cases because of location of Benches of the High Court in the mofussil.”

26. The commission in Chapter V of its report suggested 21 (in part I) broad principles and criteria to be followed while deciding the question of expediency and desirability of establishment of a bench of a High Court away from the principal seat, and seven factors mentioned in Part II of the Chapter to be taken into account selecting the venue of a High Court Bench of a High Court in the mofussil. Concluding the recommendations the commission has also emphasised that in weighing the claim of a region for a bench of a High Court it is not necessary that it should satisfy all the norms detailed in chapter V of the report and maintained that it should be enough if the totality of the conditions and circumstances obtaining in a particular region warrant the establishment of a bench and in selecting the situs of the bench.

29. It may also be submitted that the law Commission of India in its Report No.230 of August, 2009 on the "REFORMS IN JUDICIARY- SOME

SUGGESTIONS" at page 11 & 12 in para 1.7 to 1.10 has observed and suggested as under:

Increase in number of judges and creation of new Benches

" 1.7 In almost every High Court, there is huge pendency of cases and the present strength of the judges can hardly be said to be sufficient to cope with the alarming situation. The institution of cases is much more than the disposal and it adds to arrears of cases. The litigating citizens have a fundamental right of life i.e. a tension-free life through speedy justice-delivery system. Now it has become essential that the present strength of the judges should be increased manifold according to the pendency, present and probable.

1.8 It is also necessary that the work of the High Courts is decentralized, that is, more Benches are established in all States. If there is manifold increase in the strength of the judges and the staff, all cannot be housed in one campus. Therefore, the establishment of new Benches is necessary. It is also in the interest of the litigants. The Benches should be so established that a litigant is not required to travel long.

1.9 It is true that the new establishments will require money, but it is necessary as a development measure, particularly, when efforts are being made for all-round development of the country. Therefore, the money should not be a problem. We have to watch and protect the interest of the litigants. We must always keep in mind that the existence of judges and advocates is because of the litigants and they are there to serve their cause only.

1.10 Sometimes, some advocates object to creation of new Benches and selection of new sites for construction of new buildings. But they raise

objections in their personal, limited interest. Creation of new Benches is certainly beneficial for the litigants and the lawyers and a beginning has to be made somewhere."

30. The State of Maharashtra smaller in the area is having three Benches of the High Court of Bombay i.e. Nagpur, Aurangabad and Principal Seat at Bombay over and above Panji Seat for Goa with judges strength of 60. The Hon'ble Law Minister in his March 30, 2011 has supported the establishment of Bench of High Court at Pune while addressing the Congress Workers. Madhya Pradesh also three at Gwalior, Indore and Jabalpur as its principal Seat with a population of 60.34 lacs as against Rajasthan for 1.08 crores. with judges strength of 42 at par with the Rajasthan. Karnataka having a population of 52.85 lacs is also having three Benches at Hubli, Dharwad and Gulbarga having the Judges strength of 40. When judges strength can be assessed and demand pressed based on the population why the same principle not adhered to while considering the long Demand for the High Court Bench for the Southern Rajasthan Tribal Region consisting of Mewar and Vagad.

31. TRIBAL AREA ADAVASI BELT OF MEWAR-VAGAD UDAIPUR DIVISION CONSTITUTE A REGION IN THE SOUTHERN RAJASTHAN:

That Rajasthan State is the 1st biggest State of the Union of India consisting of 3,42,239 Sq. Km area i.e. 10.42% of the total area in the 29 states and 6 UT having a population of 6,86,21,012 as per 2011 census projection having 15th position consisting of ST 70,97,706 and Scheduled Caste 96,94,462 as per 2001 Census which works out 12.56% and 17.16% respectively and 56.02% of the total tribes of the Rajasthan resides in this Southern Rajasthan which is popularly known as Mewar-Wagad Region. Existing Udaipur Division consists of 6 Districts viz. Udaipur, Rajsamand, Chittorgarh, and Dungarpur, Banswara

and Pratapgarh (earlier part of Udaipur, Chittorgarh, Dungarpur & Banswara) known as Mewar- Vagad Region. Bhilwara District which has been separated from Udaipur Division which was part of Mewar Region is now in the Ajmer Division but from the cultural and linguistic view the Bhilwara is still considered as part and parcel of the Mewar Udaipur Division save and except for administrative reasons. Sirohi consisting of Abu Road and Pindwara is neighbouring tribal belt of the erstwhile mewar princely state. Sirohi is neighbouring district of Udaipur though this district is within Jodhpur Division. Mina, Bhil, Garasia, Damor ,Naikda are the main Scheduled Tribe and Megh, etc., Salvi, Chamar etc. Salvi, Rawal Balai , Khatik, Bairwa etc. Koli, Sargara are the main Scheduled Caste population of Mewar Vagad Region. Data for ST & SC are based on 2001 Census and there has been increase of 21% in 2011 census.

32. The Tribal belt of Mewar Vagad Region including part of Abu Road and Pindwara of Sirohi District and Sahabad of Baran District excluding Rajsamand district are covered under the Tribal Advisory Council of Scheduled area under the **Vth Schedule** of the Constitution of India declared by the His Excellency the President of India. The State Government has notified Rajasthan Tribes Advisory Council Rules, 1980 (Gazettee Part 4 Ga dated 1st October, 2001) . TAC is headquartered at Udaipur. His Excellency the Governor of the State of Rajasthan has vide order dated 27.08.2010 of which Hon'ble Tribal Minister is the Chairman New TAC In Udaipur Division rest of the area are included under Marginal Area Development Agency (MADA). The area, Population including ST & SC population and the percentage of the ST SC with that of State as a whole and district wise statically data of Udaipur Mewar Vagad Region based on 2001 and 2011 censuses are as under:

2001 Census

<u>Districts</u>	<u>Area Sq.Km</u>	<u>Population 2001 Cen.</u>	<u>ST</u>	<u>SC</u>	<u>ST %</u>	<u>SC%</u>
INDIA	3287240	1028.7 M	835.8 M	1665.76 M	8.10	16.20
State of Rajasthan	3,42,239	5,65,07,188	70,97,706	96,94,462	12.60	17.20
Udaipur	13,419	26,33,312	12,60,432	1,58,336	47.86	06.01
Banswara	5,037	15,01,589	10,85,272	64,336	72.27	04.28
Dungarpur	3,370	11,07,643	7,21,487	45,986	65.14	04.15
Chittorgarh	10,856	18,03,524	3,88,311	2,50,762	21.53	13.90
Rajsamand	3,860	9,87,024	1,29,198	1,22,502	13.09	12.41
Pratapgarh						
Total of UDR Dn. Six Districts	36,942	79,33,092	35,84,700	6,41,843	45.19	8.09
ST/SC%Dn.basis	10.79%	15.81%	50.50%	6.62%	50.50	6.62
Bhilwara	10,455	20,13,789	1,80,556	1,62,984	8.97	8.09
Sirohi	5,136	8,51,107	2,10,763	3,16,536	24.76	37.19
Total of 2 Bhil+Sirohi	<i>15,581</i>	<i>28,64,896</i>	<i>3,91,319</i>	<i>4,79,520</i>	<i>13.66</i>	<i>16.74</i>
G.Total UD + Bhl.+Sirohi	52,563	1,07,97,988	39,76,089	11,21,363	36.82	10.38
ST/SC%Dn.+ Bhl+Sirohi basis	15.36%	19.11%	56.02	11.57%	56.02	11.57

Population census 2011

<u>Districts</u>	<u>Area Sq.Km</u>	<u>Population 2011 Cen.</u>	<u>ST</u>	<u>SC</u>	<u>ST %</u>	<u>SC%</u>
INDIA	3287240	1210193422	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
State of Rajasthan	3,42,239	6,86,21,012	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Udaipur	13,419	30,67,549	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Banswara	5,037	17,98,194	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Dungarpur	3,370	13,88,906	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Chittorgarh	10,856	15,44,392	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Rajsamand	3,860	11,58,283	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Pratapgarh		8.68,231	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Total of UDR Dn. Six Districts	36,942	98,25,555	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Raj basis %	10.79%	14.12%	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Bhilwara	10,455	24,10,459	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Sirohi	5,136	10,37,185	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Total of 2 Bhil+Sirohi	<i>15,581</i>	<i>34,47,644</i>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
G.Total UD + Bhl.+Sirohi	52,563	1,32,73,199	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Dn.+Bhl+Sirohi basis %	15.36%	19.35%	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>

33. Geographically the Mewar Wagad Region which is southern part of the state of Rajasthan is a typical Region which is surrounded by the Arawali Range/Hills with Madhya Pradesh on the eastern side and the Gujrat states on the southern side Borders/ Area.

34. The majority of SC & ST population leaving in this revision is mainly dependent on agriculture and NREGS working labour. The agriculture being gamble on rain and the region being hilly tract as also almost entire rain water of the rivers flowing out Gujrat and Madhya Pradesh States, and the fragmented and small holdings in the hills uneconomic the Adavasis of this region has hardly to depend on the mercy of Famine or NERGS.

35. To and from traveling from the litigants place to abode to Jodhpur for securing Bail or other legal and civil relief, the people of Mewar and Wagad Region of this Southern Rajasthan area is a night mare for vindicating of their constitutional rights for seeking justice irrespective of the fact that they may have a strong prima facie and good arguable case.

364. Jodhpur the Principal Seat of the High Court for the southern Rajasthan Mewad Wagad Region is at least a distance of more than 550 Kms from Danpur, Anandpuri, Pipalkhunt, Kushalgarh, Pratapgarh and Aronod Tehsil's residents of Banswara , Chittorgarh and Pratapgarh districts of Udaipur

Division. A person has to change buses at three place first to connecting nearest Town, than to nearest place of the District of Bus Stoppage Bus Stand and than for Jodhpur. The one way travel to or from takes more than 24 hours hardship journey. This why in the last 10 years span there has been about 800 jail appeals and about 18,000 under trials were released from jail upon their acquittals.

37. An inhabitant of Banswara and Dungarpur and Kotra Bhomat area of Udaipur district who has not seen a train even after 63 years of the Independence find himself hope less and helpless in the So called Nyaya Nagri of Jodhpur when he finds no body to understand his Vagari and Bhomal dialect (Spoken Language). Train journey also takes more than 14 hours distant Tehsil head quarters of this region. For a resident of Pratapgarh one has to reach Mandsaur or Jawad, Neemuch in Madhya Pradesh and than board a train for Ratlam or Chittorgarh and than again changing the train at Mavli, Nathdwara, Marwar Junction to reach Jodhpur and the same happens for the return journey to his home destination. The entire Banswara and Pratapgarh Tribal Districts and major portion Udaipur and Dungarpur Districts are not on Rail map. There is no direct train connection from Udaipur or Rajsamand District's residence for Jodhpur as on date. Sirohi part of which is within the Tribal Advisory Sub Plan of Udaipur is situated at distance of 135 Kms. From Udaipur as against 160 Kms. To Jodhpur. Road to Jodhpur is very bad and singal track.

38. The Mewar – Wagad region is rich in minerals viz. Lead, Zinc, Copper, Silver, Gold , Iron, Rock Phosphate, Mica, Fluoride, Asbestos Soap Stone, Lime Stone, etc. In agriculture the region has small holdings and based on Kharif crops mainly Maize. Major tribal belt is yet to see Train i.e. Banswara, Pratapgarh and Dungarpur districts. Tribes are mainly agricultural labours and generally migrating to Gujrat for agriculture job. Drought is misfortune of the

Tribal belt and Famine works used to keep them half fed. The Nature is both bountiful and cruel for the Mewar Vagad Region. The farmer could not pay much dividend as the mineral wealth still lay deep in the bowels of the earth. However the frequent droughts have dried up the average earnings of the people of this region to the extent that it has become the lowest. Since generation the people of this area have been victim of backwardness, oppression, suppression and ignorance and so much so of poverty that they can not afford square meal a day and their living below poverty line is made further miserable by illiteracy, superstition and caste traditions. It is only the almighty God who looks after their homes & old family members during the droughts when they are constrained to migrate for Gujrat or ill afford themselves in illegal deforestation or other illegal acts for their survival.

39. The people of this region can afford to avail remedy under article 226 or 227 of the COI for vindication of their legitimate demands .Hearing in the High Court at Jodhpur takes place on the basis of monthly, weekly and daily cause list and no date is fixed for any case. Therefore, a person of this region is unaware of the date of hearing of his case, if pending in the High court even after borrowings funds at the cost of selling his small holdings.

40. The additional financial burden, if any, on account of establishment will be mitigated and neutralized through the reduction of the cost of to and fro frequent travel of the officers of the State Government and public sector undertaking on account of their TA & DA and Petrol Diesel car maintenance etc.

41. The NHW No. 8 partly covers Bichiwara (Dungarpur) Kherwara, Salumber-Sarada, Mavli (Udaipur) Rajsamand NHW No.76 Mavali- (Udaipur) NHW No.79 Kapasain, Begun, Chittorgarh (Part of Chittorgarh) and Bhilwara Districts. There is No Train functioning from Udaipur to Marwad Junction in the Jodhpur Region. Udaipur to Dungarpur- Ahemdabad via Ratanpur is connected by metre gauge. Mavli to Bari Sadri is connected by Metre gauge. Udaipur to Mavli- Kapasain- Chittorgarh- and Chittorgarh to Ajmer via Bhilwara- Hurda –Nasirabad is connected by Broad gauge Rail route. No rail in the entire District area of Banswara and Pratapgarh, 85% area of Udaipur and 95% area of Dungarpur so also and Rajsamand District for metre gauge rail Mavli to Marwar Jn. is non functional.

42. Major part of the state revenue is contributed by this region in terms of Royalty, Dead Rent from the Mines, Environment Tax, Land Tax, Sales Tax, Service Tax, Excise Revenue, Central Excise, Income Tax etc. over and above income from the Hotel- Tours Travel and Tourisms. Of the three Major Revenue earning Departments of the Government of Rajasthan Excise, Mines & Geology and Devasthan Departments are headquartered at Udaipur. Income Tax, Excise and Customs Department of the Government of India has its Commissioner office.

43. Mines & Geology Department's total Revenue for the Financial Year 2008-2009 has been Rs.1211.07 crore out of which Udaipur Division excluding Chittorgarh has been Rs.259.55 crore and for Chittorgarh Rs.38.39 Crore . Thus the total Revenue for the present Udaipur Division works out to be Rs.298.39 crore i.e. 36.13% of the whole of Rajasthan Revenue and upon adding the Income of Bhilwara District which Rs. 312.27 Crore and Sirohi District which is Rs.57.94 Crore and total of Rs.370.21 Crore the total Mining Royalty Revenue of the Udaipur Division plus Bhilwara and Sirohi District i.e.

Mewar Wagad Region works out to be Rs. 368.50 Crore which comes to 44.62% of the whole of Rajasthan Mines Department Revenue for the Year 2008-2009.

44. In the matter of Revenue arising out of collection of Land Tax which has been imposed by the State Government w.e.f. 1st April, 2006 by the Finance Act, 2006 has contributed to the state Exchequer a sum of Rs. 211 Crore from the Mewar Vagad Region of which Udaipur alone contribution is Rs.179 Crores and 32.24 Crore from Chittorgarh, Rajsamand and Bhilwara District. The Land Tax revenue of the Udaipur District alone has more than 50% of the whole of Rajasthan revenue under this item.

45. Rajasthan Excise Department's Revenue for the Financial Year 2008-2009 to the state Exchequer is Rs.2176.86 Crore out of which Udaipur Division revenue share is Rs.106.54 Crore and upon addition of the revenue of Bhilwara District which is the part of Mewar Region Rs.20.32 crore and Sirohi District Rs.26.51 Crore comes to Rs.153.37 Crore i.e. 7.05% of the whole of the Rajasthan State Excise revenue of the Mewar Vagad Region i.e. 8 districts revenue out of 33 district in the State of Rajasthan.

46. WHY A PERMANENT BENCH OF RAJASTHAN HIGH COURT SHOULD BE ESTABLISHED AT UDAIPUR:

- a. The Udaipur also known as the city of Lakes , is city, a municipal council and administrative headquarters of the Udaipur Division and Udaipur District in the state of Rajasthan in western India. Udaipur district is bounded on the north west by the Arawali range, across which lie the districts of Sirohi and Pali. It is bounded on the north by Rajsamand District, on the east Chittorgarh, Pratapgarh district, on the south east by Banswara District, on the south by Dungarpur District and on the south west by the State of Gujrat. The Udaipur City and the District is generally hilly.

- b. History – Udaipur remained unmolested from Mughal influence. In spite of much pressure its Maharana Fateh Singh was the only royalty who did not attend the Delhi Durbar for King George V in 1911. This fierce sense of independence earned them the highest gun salute in Rajasthan 19 against the 17 each of Jaipur, Jodhpur, etc. who passed this land during the decline of the British raj it as “ like no other place on earth”
- c. It is the historic capital of the former kingdom of Mewar in Rajputana Agency. Lake Pichola, Swroop Sagar, and Fateh Sagar, Badi and Udaisagar in this city are considered some of the beautiful Lakes. Udaipur, known as the Venice of the East, was voted the world’s best city for travellers in 2009.
- d. Geography: Udaipur is located at 24.58 “ N 73.68” E It has an average elevation of 598.00 metres .
- e. Demographics: As of 2001 India Census Udaipur had a population of 550 000. Udaipur has an average literacy rate of 77 percent.
- f. Climate- The climate of Udaipur is tropical with the mercury staying between a maximum of 42.3 o C and a minimum of 28.8 o C during summers. Winters are very cold with the maximum temperature rising to 28.8 o C and the minimum dipping to 2.5 o C.
- g. Udaipur had the principal seat of the High Court in the United States of Rajasthan with Bench at Kotah.
- h. Transport: Udaipur is well connected to the major cities in India through land, rail and air.
- i. Road- The Udaipur city lies on the Golden Quadrilateral, midway between Delhi and Mumbai National Highway (NH-8); it is around 700 Kilometres from either metro. The roads in this part of the Division are paved and fit for private vehicles. One can either drive from Jaipur (around 6 hours) or Surat (9 Hours) or take Rajasthan Tourism Bus from Rajasthan House, India Delhi.. The east west corridor which starts from Porbandar and ends at Silchar passes and is intersecting the Golden Quadrilateral and shares the common space from Udaipur to Chittorgarh.
- j. The Udaipur is the central place and heart of the entire Mewar- Vagad Region in the Southern Rajasthan. It's villages are most conveniently connected to all the neighboring Districts, Sub Divisions, Tehsils-

Panchayat Samitis and Panchayats including that of the Bhilwara and Sirohi District area part of Mewar region. The distance from Udaipur to Banswara, Dungarpur, Chittorgarrh, Pratapgarh, Rajsamand, Bhilwara and Sirohi are 165, 110, 110, 145, 68, 160 and 125 Kilo meters respectively.

- k. Air- Dabok airport also known as Maharana Pratap Airport, is 22 Kilometres from the Udaipur city centre. Airlines flights connect Udaipur with Jodhpur, Jaipur, Aurangabad, Mumbai, Delhi- Varansi- Kolkata. The air port as new terminal building with an additional 4 stands at Dabok known as Maharana Pratap Air Port Dabok with regular air flights to Mumbai- Ahemdabad- Jaipur Delhi. Jet, Indian Air lines and Kingfishers airlines are on operation. The Air port is of International standard and is likely to be upgraded for International flights by 2011.
- l. Train- Broad guage Train connectivity is established between Udaipur - Delhi, via Ajmer –Jaipur by Chetak Express and Udaipur Ahemdabad Presently Udaipur got connected with Delhi, Kota, Mathura with Mewar Express. Udaipur is connected to Kolkata by the Ananya Express and Mumbai Udaipur via Chittorgarrh, Ratlam and Baroda. South India can be reached either via Kota or Ahmedabad or Surat. Udaipur is also connected to Indore Train No.9658.
- m. Local Transport Taxies, Auto rikshaws, Tongas, City Bus and regular city bus service is available for Udaipur city main roads to Dabok air port, Badi Lake and Bedla etc.
- n. Boarding & Lodging- For Tourists Udaipur has all types of hotels and motels including Government and Social organised run Dharmashalas. Nandi Foundation with the collaboration of the Municipal Council and Urban Improvement Trust providing food/luch at a economical charges including @ affordable charge of Rs.4/- per diet. In winter the Municipal Council, Udaipur is also arranging Ren Basera shelter stay Facility for the poor visitors to the city free of cost.
- o. In the field of Education and Technical Education including that of Engineering, Science, Agriculture, Farming, Pharmacy and pharmaceuticals, Health & Medical- Dentistry- Ayurvedic- Homeopathies, Law, Management etc. the Mohan Lal Sukhadia University, Maharana Pratap Technical & Agricultural University and Campus of Rajasthan

Agriculture University of Bikaner are the statutory established Universities headquartered at Udaipur with its constituent colleges and udaipur based affiliated colleges of Maharana Bhupal Nobels College etc. Apart from these statutory Universities Udaipur has other Private University viz. Singhania University under the Act of Rajasthan and the Rajasthan Vidya Peeth a deemed University under the UGC Act. Campus of Kota Open University. And Colleges affiliated under the Technical University Kota for Engineering, Technologies management etc.. There are Government Meera Girls College, Aurvedic College and Sanskrit College, as also Homeopathic College of the Rajasthan Vidya Peeth University.

- p. Legal: In the field of Law a full fledged Law College is functioning with 3 Years and 5 years Law Degree college with LLM and other law diploma courses having excellent library as constituent college of the MLSU. Apart from Law College of the University it has Vardhman Law College and Law College under the Bupal . Nobels Law College, and Anuska Law College at udaipur affiliated to the MLSU Udaipur.
- q. Medical & Health-In the field of Medical and Health services and Education at Udaipur Ravindra Nath Medical College with Maharana Bhupal Medical General Hospital affiliated to the Rajasthan University, Aurvedic Hospitals, Geetanjli Medical College and Hospital and GBH American Hospital, Darshan Dental College, and Pacific Dental Colleges run in the private sector along with many Government and private managed Hospitals and clinics providing best treatment facilities for all ailments with advanced technologies. With the chain of new hospitals & Research Institutes established at udaipur with foreign tie up this place

has become a international medical treatment hub where foreign tourists are getting them treated.

- r. At Udaipur for Railway officers there is zonal Railway Training Institute, Asia's best Railway Training Institute. and Harishchandra Mathur State Institute of Public Administration formerly known as branch of Officers Training School.
- s. It has West Zone Culture Centre for Gujrat, Maharastra, Madhya Pradesh, Goa including Rajasthan.
- t. Hindustan Zinc Limited formerly Government of India Enterprise has its registered office at Udaipur. Rajasthan State Mines & Minerals Limited a Government of Rajasthan undertaking has its Corporate Head office.
- u. It has many export oriented industrial and manufacturing concerns and corporate office at Udaipur including Five star Hotels groups.

47. It may be respectfully submitted that despite our best efforts we have not been in a position to obtain stastics/ data in respect of number of cases which were pending on the date of cessation of the high court bench at udaipur i.e. 22nd May, 1950 in respect of Mewar- Wagad Region- erstwhile Udaipur Division from year to year since 1950 in respect of institution- disposal and pendency with specific reference to civil- criminal and other matters including writs and election petitions pertaining to this Southern Rajasthan Region in particular contrast to all such type of cases which were pending- instituted and disposed of district wise and region wise so as to ascertain the position of Jaipur Bench after Presidential Order of 1976 so that Inclusive data for residuary Jodhpur Principal seat as compared to Jaipur Bench and specific data for Udaipur region can be analysed keeping in view of the fact that Udaipur region has been non

accessible to Jodhpur Bench because of the factors above mentioned. Such an opportunity would also have us able to submit the analysis in this regard.

48. It may also be submitted that we had no opportunity to see the earlier decision of the Hon'ble Chief Justice of the Rajasthan High Court dated 14.02.1997 and that of the latest communication said to have been addressed to the State Government expressing inability of the Hon'ble High Court by the Registrar General of the High Court vide No.518 dated 22nd April, 2008 not initiate the process of establishment of a Permanent or Circuit High Court Bench at Udaipur. We also met Hon'ble Chief Justice Rajasthan in August, 2009 and 16 September, 2009 and submitted detailed memorandum but we failed find favour and heard only "Not Possible" We also met Hon'ble Law Minister at Delhi on 17th September, 2009 and he was kind enough to consider our demand and informed us that he is in the process of getting a panel of Retired CJI for consideration of Bench demand in the light of Law commission August, 2009 recommendation.

49. In view of the aforementioned and the constrains the Region has faced and is facing , we have to humbly submit that this Region has a strong prima facie case for the establishment of permanent Bench of the Rajasthan High Court at Udaipur in the light of parameters/yard sticks as suggested/recommended by the Hon'ble Jaswant Singh Commission and under section 51(2) and/or Bench under section 51(3) of the State Reorganisation Act, 1956 as also under Article 244(1) R/w Vth Schedule clause 5 of the Constitution of the India and as such the matter deserves to be considered by your Excellency objectively and sympathetically in the interest of the people of the Region for ensuring them due justice enshrined under the law of the land.

50. We also humbly submit that in case our colleagues of Jodhpur principal seat has any submissions contrary to our prayer, we may also be provided opportunity of being heard We also submit that we have other grounds and justification in support of our submissions herein above mentioned.

We, therefore, most respectfully pray that:

a. Your Lordships may be graciously be pleased to consider the genuine long pending of the Mewar Vagad Region in the Southern Rajasthan for establishment of Permanent Bench of the Rajasthan High Court at Udaipur and initiate the process for the same under section 51(2) of the State Reorganization Act, 1956 r/w Schedule v of the Constitution of India with the His/Her Excellency the President of the India; and Governor of the Rajasthan

b. Pending initiation of the consultation by the His/Her Excellency the President of India and the Governor of the State of Rajasthan under section 51(2) of the SRA and completion/conclusion thereof as also issuance of notification and the Presidential Order in that behalf directing to establish a Permanent Bench of the Rajasthan High Court at Udaipur, Your Lordships may be graciously be pleased to initiate and complete the process for consultation/ approval as may be requisite and/or justified for the establishment of a Bench/Circuit Bench of the Rajasthan High Court at Udaipur under section 51(3) of the SRA and be pleased to direct the Hon'ble Judges of the Rajasthan High Court of Rajasthan to sit in the Division Bench of the High Court at Udaipur; and

c. Pending completion/conclusion/notification in respect of the Bench at Udaipur, Your Lordships may also be graciously pleased to direct the Registry and the State Government to initiate the process for the shorting of the cases related to the Mewar Vagad Region acquisition/provision of the adequate of

funds and other related in fractures including that of registry etc. for proper functioning of the Bench of the Rajasthan High Court at Udaipur;

d. And for such appropriate measures/steps/relief as may be just and/or required for the establishment of the Bench at Udaipur and effective functioning thereof as this Hon'ble Ministry may deem just, reasonable, necessities and appropriate in furtherance of the relief/s in clause a to c abovementioned.;

With profound regards.

THE HUMBLE PETITIONERS:
FOR AND ON BEHALF OF
MEWAR VAGAD HIGH COURT BENCH UDAIPUR ESTABLISHMENT
SANGARSH SAMITI

(B. L. Gupta)

Convener

Mewad Wagad High Court Bench Sangarsh Samiti, Udaipur

blgupta@bsnl.in

94141 67034