



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



Suo Moto -

Versus

1. The State of Rajasthan through Chief Secretary, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
 2. Additional Chief Secretary-cum-Finance Secretary, Department of Finance, Secretariat, Jaipur (Rajasthan).
 3. Secretary, Department of Personnel, Government of Rajasthan.
 4. Principal Secretary, Law & Legal Affairs Department, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
 5. Member Secretary, Rajasthan State Legal Services Authority.
- Respondents



**HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MS. JUSTICE SANDEEP SHAH**

Order

13/05/2025

A report published in the daily newspaper '*Dainik Bhaskar*' dated 13th May 2025 flags a very serious issue concerning 'Access to Justice'. It is stated in this report that there are as many as 16 permanent *Lok Adalats* which are not functioning due to an order passed by the State Government on 09th April 2025. Raising a serious concern regarding settlement of dispute, this newspaper report indicates that about 972 cases are pending at Jodhpur. Quite apparently, there is a high probability that there may be about 10,000 cases pending settlement through the permanent *Lok Adalats*.

2. Stressing the importance of the right of the public at large to demand speedy justice, "*Brij Mohan Lal v. Union of India & Ors.*" 2012 6 SCC 502 makes very significant observations touching upon the jurisdiction of the Constitution Courts to interfere with



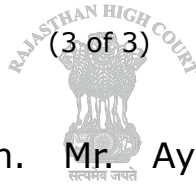
the policy decision. The Hon'ble Supreme Court held that it would fail in its duty if it declines to exercise its jurisdiction in such class of cases where a demand for speedy and fair trial is involved solely on the ground that it was a policy decision and, therefore, beyond the limits of the judicial review. "Brij Mohan Lal" the Hon'ble Supreme Court held as under :-

"...96. It is a settled principle of law that matters relating to framing and implementation of policy primarily fall in the domain of the Government. It is an established requirement of good governance that the Government should frame policies which are fair and beneficial to the public at large. The Government enjoys freedom in relation to framing of policies. It is for the Government to adopt any particular policy as it may deem fit and proper and the law gives it liberty and freedom in framing the same. Normally, the courts would decline to exercise the power of judicial review in relation to such matters. But this general rule is not free from exceptions. The courts have repeatedly taken the view that they would not refuse to adjudicate upon policy matters if the policy decisions are arbitrary, capricious or mala fide."

3. Having regard to the aforesaid consideration, the following respondents are added as party-respondents in this proceeding :-

- a. The State of Rajasthan through Chief Secretary, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
- b. Additional Chief Secretary-cum-Finance Secretary, Department of Finance, Secretariat, Jaipur (Rajasthan).
- c. Secretary to Government, Department of Personnel, Government of Rajasthan.
- d. Principal Secretary, Law & Legal Affairs Department, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
- e. Member Secretary, Rajasthan State Legal Services Authority.

4. Mr. Mahaveer Bishnoi, the learned Additional Advocate General takes notice for the Chief Secretary, Government of Rajasthan and Additional Chief Secretary-cum-Finance Secretary,



Government of Rajasthan. Mr. Ayush Gehlot, Assistant to Mr. Rajesh Panwar, the learned Additional Advocate General takes notice for the Principal Secretary, Law and Legal Affairs Department, Government of Rajasthan and the Secretary, Department of Personnel, Government of Rajasthan and Mr. Deepak Chandak, the learned counsel takes notice for the Member Secretary, Rajasthan Legal Services Authority.

5. The learned counsels appearing for the parties shall forthwith transmit a copy of this order to the authorities concerned who shall file their response positively by Thursday 15th May 2025.

6. Mr. Manish Sisodia, the learned senior counsel is requested to assist this Court as *Amicus Curiae* in this matter.

7. Let a copy of this order with the news paper report be supplied to the learned *Amicus*.

8. Post this matter on 15th May 2025 at 11:00 AM.

(SANDEEP SHAH),J

(SHREE CHANDRASHEKHAR),J

KshamaD/-