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**AN EXEGETICAL AND PRACTICE ORIENTED STUDY OF THE
RULES OF THE HIGH COURT OF JUDICATURE FOR RAJASTHAN,
1952**

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Abstract

This research paper examines the Rules of the High Court of Judicature for Rajasthan, 1952 as an institutional and procedural framework. It analyses the relationship between the Rules and the Constitution of India, the Code of Civil Procedure, 1908, the criminal procedure regime, and the High Court's inherent and constitutional powers. Particular attention is given to judicial administration, filing and scrutiny, cause lists, judgments and decrees, service of notices and summons, original and extraordinary civil jurisdiction, civil appeals, criminal complaints, criminal appeals, and the procedure for instituting and prosecuting Public Interest Litigation. The paper argues that the Rules are best understood not as isolated technical provisions but as a system designed to reconcile access to justice with orderly adjudication, procedural fairness, institutional discipline and judicial independence.

Keywords: Rajasthan High Court, Practice Rules, Litigation, PIL, Rules of the High Court of Rajasthan, 1952.

Introduction

The High Court of Judicature for Rajasthan occupies a distinctive constitutional position. It is a court of record, a constitutional court, an appellate court, a court exercising supervisory jurisdiction over subordinate courts and tribunals, and an institution entrusted with important administrative responsibilities. The Rules of the High Court of Judicature for Rajasthan, 1952 provide the procedural architecture through which these functions are performed. Rule 1 records the source of the Rules in section 46 of the Rajasthan High Court Ordinance, 1949,

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Article 225 of the Constitution and other enabling powers. Rule 2 provides the short title, commencement and application. Rule 3 contains definitions, including “Bench,” “Code,” “Notice,” “Paper book,” “Registered Address,” “Registrar,” “Special appeal” and “Vakalatnama.” These provisions are foundational because they establish the vocabulary through which later procedural chapters operate.

The Rules cannot be read in isolation. Constitutional jurisdiction flows from the Constitution; civil procedure is substantially informed by the Code of Civil Procedure, 1908; criminal procedure is governed by the applicable criminal procedure legislation and transitional provisions; and special statutes may prescribe their own appellate or original procedures.

Constitutional & Institutional Setting

Article 214 establishes a High Court for each State. Article 215 declares every High Court to be a court of record with power to punish for contempt of itself. Article 226 empowers the High Court to issue writs, directions and orders for enforcement of fundamental rights and for other purposes. Article 227 confers superintendence over courts and tribunals within its territorial jurisdiction, while Article 235 places control over subordinate courts within the constitutional framework of the High Court.

The 1952 Rules operationalise this constitutional structure. The Chief Justice’s administrative authority is reflected in provisions dealing with benches, allocation of work, rosters and special constitution of benches. The Registry provides the institutional mechanism for receiving pleadings, scrutinising defects, registering cases, issuing notices, preparing lists and maintaining records. A central constitutional principle is that administrative convenience cannot defeat a fair hearing. Equally, procedural flexibility cannot become a licence for disregard of limitation, service, court fees, pleadings or the rights of opposite parties. The Rules should therefore be interpreted through a balance between efficiency and fairness.

Judicial Administration

Judicial administration includes constitution of benches, allocation of judicial business, filing and scrutiny, registration, listing, preservation of records, preparation of paper books, service of process, certification of orders, and supervision of subordinate courts. These functions are not merely clerical. They determine whether a matter reaches the correct bench, whether the opposite party receives notice, and whether the Court has a reliable record. The Registry’s

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scrutiny should be distinguished from adjudication on merits. Defects relating to pagination, missing annexures, illegible copies, inadequate court fee, defective authorisation or incomplete addresses may ordinarily be curable. Jurisdictional or statutory defects may, however, require judicial determination. Counsel should remove defects promptly and should not treat registration as proof of maintainability.

The cause list is the official public communication of the Court's business. Counsel must distinguish admission matters, final hearing matters, fresh matters, applications, connected matters, part-heard matters and supplementary matters. A listing does not guarantee that the matter will be reached. Advocates must be prepared for pass-overs, tagging, withdrawal from the list, adjournment or a direction to file additional material.

Judgments & Decrees

Rule 6 provides that every judicial order, civil or criminal, issued from the office of the Court shall be in writing. This reflects the importance of an ascertainable judicial record. A judgment states the reasons and conclusions of the Court. An order may be interlocutory, procedural or final. A decree is the formal expression of an adjudication conclusively determining rights in a civil suit.

A well-structured judgment identifies the issues, summarises the material pleadings, records the applicable law, evaluates the evidence or record, gives reasons, and states a precise operative direction. A decree must correspond with the judgment and must be sufficiently clear for execution. In writ proceedings, the operative portion may take the form of a writ, direction or order rather than a civil decree. The advocate should examine the date of pronouncement, limitation for appeal or review, requirement of certified copies, stay of operation, correction of clerical errors, and whether the relief granted is executable or requires further administrative action.

Service Of Notice & Summons

Rule 3 defines "Notice" to include "summons."

Rule 96 provides that writs, summonses, precepts, rules, orders and other mandatory processes are to be sealed with the Court's seal.

Rule 98 permits service by registered post or publication where so ordered.

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Rule 99 recognises presumptions of service in specified registered-post situations.

Rule 172 applies the provisions of Order V of the Code of Civil Procedure to service of notice, subject to stated qualifications. Rule 172 also recognises service upon the advocate where a party is represented, unless the Court orders otherwise. It permits registered-post service in specified situations and requires compliance with any particular mode directed by the Registrar or Court.

The practical lesson is that service is order-specific: counsel should follow the mode directed in the order sheet and preserve proof of dispatch, delivery, refusal or publication. Defective service may invalidate ex-parte proceedings or justify recall. Conversely, deliberate evasion of service may lead to substituted service or other legally authorised measures. The guiding principle is effective notice and a real opportunity to participate.

Original & Extraordinary Civil Jurisdiction

Original civil jurisdiction means jurisdiction to entertain a civil proceeding at first instance. Its availability depends upon the constitutional and statutory framework applicable to the Rajasthan High Court, including legislation governing the High Court and subsequent amendments. It should not be assumed that every High Court has the same ordinary original civil jurisdiction. Chapter XV, including Rule 248, addresses institution of suits in the original and extraordinary original civil jurisdiction. Rule 248 provides for institution by presentation of the plaint to the designated officer and applies specified filing provisions with necessary adaptations. The plaint must disclose cause of action, jurisdiction, valuation, limitation, parties, relief and the documents relied upon. Extraordinary civil jurisdiction is principally associated with Articles 226 and 227. A writ petition is a public-law remedy and is not ordinarily a substitute for a civil suit involving disputed facts, private contractual rights or detailed evidence. Nevertheless, writ jurisdiction may be appropriate where the impugned action is public, statutory, jurisdictionally illegal, procedurally unfair or constitutionally arbitrary. The advocate must identify the public-law element and address alternative remedy, delay, disputed facts and availability of efficacious relief.

Public Interest Litigation InThe Rajasthan High Court

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Rule 385-A, states that the court may take up and deal with any matter relating to public cause or of public interest by way of a petition registered as “PIL Petition” in accordance with the provisions in the Chapter XXII-A.

Public Interest Litigation is an exceptional procedural form through which a person or organisation may invoke constitutional jurisdiction for protection of rights of persons unable to approach the Court or for enforcement of public duties. It is not a device for private disputes, publicity, political rivalry, service grievances or personal vendetta.

A responsible PIL should contain:

(i) the petitioner’s credentials and interest; (ii) the class or public affected; (iii) precise facts supported by documents; (iv) the public duty or constitutional/statutory obligation involved; (v) prior representations to the competent authority where appropriate; (vi) disclosure of personal interest, litigation history and funding; (vii) identification of alternative remedies; and (viii) narrowly tailored prayers.

The Court may insist on bona fides, verification, disclosure and responsible pleadings. It may call for a reply from the State, appoint an amicus, seek an inspection or report, constitute a committee, issue interim directions, or monitor compliance. The petitioner must avoid exaggerated allegations and must distinguish verified facts from apprehension. The Court’s power under Article 226 is broad, but the remedy remains discretionary and subject to institutional limits.

A PIL is best understood as a structured constitutional intervention. The advocate should formulate a justiciable issue, identify the legal source of the public duty, establish standing through public interest, provide credible material, and propose workable relief. The petition should not ask the Court to administer the entire subject in place of the executive; it should ask for enforcement of law, transparency, legality and constitutional accountability.

Civil Appeals &. Applications

Civil appellate practice requires identification of the source of appeal, limitation, court fee, certified copy, grounds, stay application and relief. A first appeal may involve facts and law; a second appeal under the Code of Civil Procedure is ordinarily confined to a substantial question of law. The memorandum must therefore distinguish factual disagreement from perversity, misapplication of law, non-consideration of material evidence or an erroneous

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burden of proof. Rule 97 concerns an application for declaration that a case is fit for appeal where a special appeal from a judgment of one Judge requires such declaration. The rule requires the application to be made orally before or at the time of judgment; a later application is not entertained. Rule 158 deals with issue of notice in specified first appeals and references. Rule 159 provides for hearing by the appropriate Bench and contains provisions relating to notice, ex parte hearing and caveats. A caveat is a valuable protective device. A person claiming a right to appear may lodge a caveat and thereby seek notice and copies of the proceeding. Where delay is condonation is sought, notice to the respondent is ordinarily important before delay is condoned. Counsel should therefore check limitation, caveat status and service before pressing interim relief.

Criminal Complaints, Criminal Applications & Criminal Appeals

Criminal proceedings before the High Court may arise through criminal appeals, revisions, bail applications, suspension of sentence applications, references, transfer petitions, petitions invoking inherent or constitutional jurisdiction, and challenges to orders of subordinate criminal courts. The applicable criminal procedure must be read with the Bharatiya Nagarik Suraksha Sanhita, 2023 and relevant saving or transitional provisions. A private criminal complaint is ordinarily initiated before the competent Magistrate under the governing statutory scheme. The High Court is not normally the forum for conducting a full complaint trial or recording evidence at first instance. High Court intervention may be sought where there is jurisdictional error, abuse of process, manifest illegality, breach of natural justice or a recognised case for inherent or constitutional relief. Criminal appeals require attention to maintainability, limitation, custody status, suspension of sentence, paper books, calling of records and the standard applicable to conviction or acquittal appeals.

The Court's approach to liberty is informed by constitutional values, but the seriousness of the accusation, the evidence, flight risk, witness intimidation, tampering and the stage of trial may be relevant. The advocate must separate an appeal against conviction, an appeal against acquittal, a revision, a bail application and a petition for quashing. Each has a different statutory foundation, scope of interference and evidentiary posture. A petition should identify the impugned order, the exact jurisdiction invoked, the procedural history and the relief sought.

Conclusion

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The 1952 Rules possess enduring value because they express basic procedural principles: written orders, formal service, defined records, controlled appeals, practice discipline and structured filing. Their age, however, creates interpretive challenges.

The solution is not to discard the Rules but to read them harmoniously with later amendments, notifications, practice directions, statutory changes and constitutional credos. Older expressions must be updated through legally valid adaptation; where a provision refers to repealed legislation, the current corresponding statute and transitional law must be checked.

Advocates should rely on the official consolidated text and current Registry directions rather than an unverified reproduction. Strict procedure promotes certainty, but excessive technicality can defeat substantive justice.

The proper method is principled flexibility: procedural requirements should be enforced according to their purpose and the prejudice caused by non-compliance.

The Rajasthan High Court Practice Rules, 1952 are best understood as the operating framework of a constitutional court. They regulate the journey of litigation from institution to final adjudication and provide the institutional vocabulary for benches, registry, notices, records, appeals, judgments and decrees.

For civil practitioners, the essential disciplines are correct jurisdiction, complete pleadings, limitation, service, paper-book preparation, precise grounds and executable relief. For criminal practitioners, the essentials are correct statutory route, custody and liberty analysis, record-based grounds, maintainability and careful distinction between appeal, revision, bail and inherent jurisdiction. For PIL practitioners, the essential disciplines are bona fides, public injury, credible material, disclosure, prior representation and workable constitutional relief.

The Rules remain effective only when read dynamically. Their procedural commands must serve the constitutional promise of fair, accessible and reasoned justice. An outstanding Advocate is therefore not the one who merely cites a rule number, but the one who understands the rule's purpose, identifies the governing jurisdiction, protects the opposite party's rights, and presents the case in a form that enables the Court to decide it efficiently and lawfully.

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