



सत्यमेव जयते

REPORT

OF THE

FIRST NATIONAL JUDICIAL PAY COMMISSION

BANGALORE

ON

**IMPROVEMENT OF SERVICE CONDITIONS OF
NON-JUDICIAL STAFF IN SUBORDINATE COURTS**

ASSAM

2003

**REPORT OF THE FIRST NATIONAL JUDICIAL PAY COMMISSION
ASSAM**



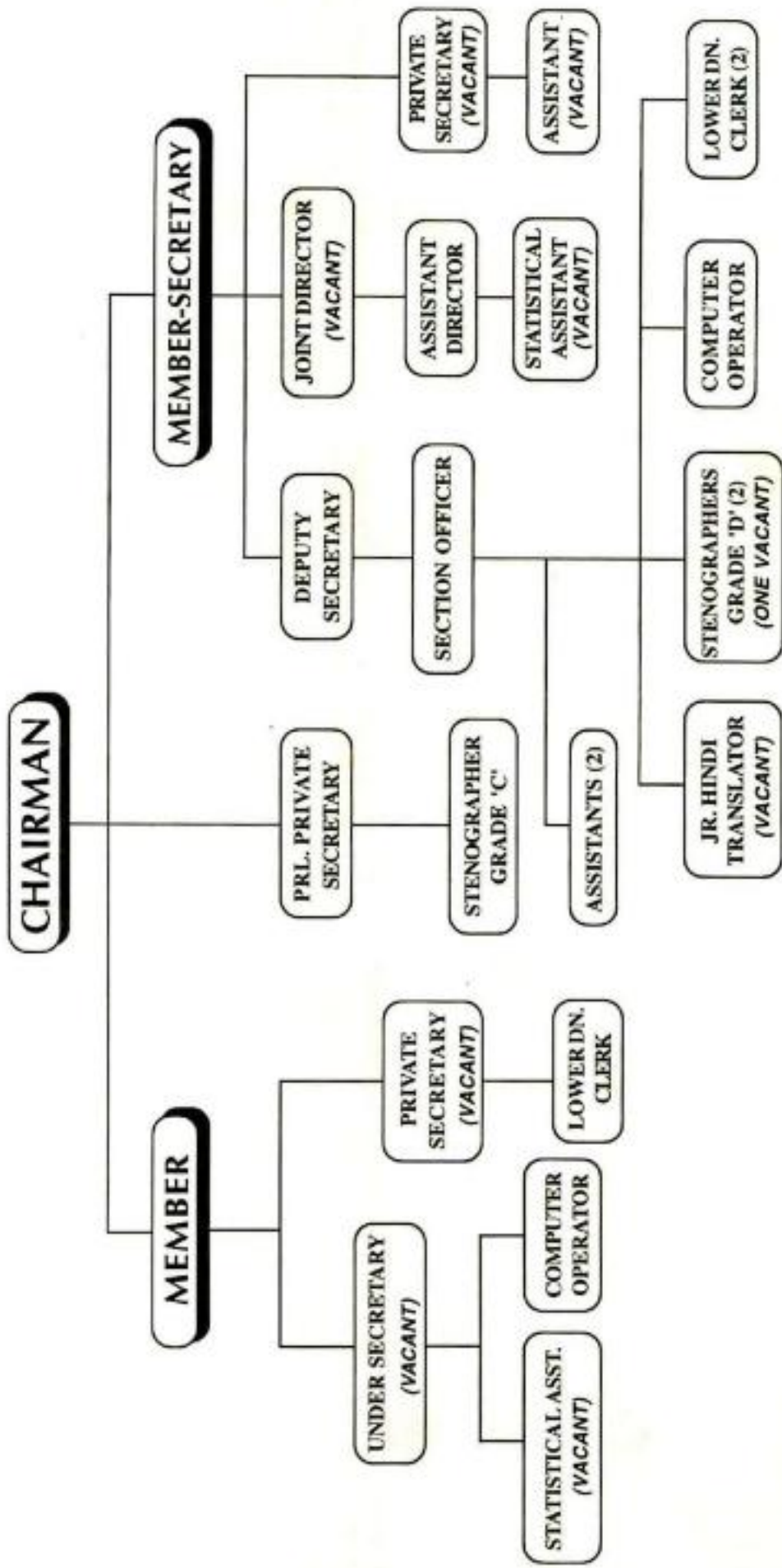
FIRST NATIONAL JUDICIAL PAY COMMISSION

Justice K. Jagannatha Shetty
Former Judge, Supreme Court of India
Chairman

Justice P.K. Bahri (Rtd.)
Judge, Delhi High Court
Member

Justice A.B. Murgod (Rtd.)
Judge, Karnataka High Court
Member-Secretary

FIRST NATIONAL JUDICIAL PAY COMMISSION



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PREFACE

We are concerned in this Report with the service conditions of the unsung heroes who work overtime but remain unnoticed and unrecognised. They are the staff who form a critical and important mass of our administration of justice in District Courts and Courts subordinate thereto.

When we refer to administration of justice, we think only of the judges of the Courts. The judge of a Court, no doubt, is indispensable to our notion of a Court. But, the judge alone cannot administer justice. The working of a Court does not depend only on the work of the Judicial Officer in taking evidence, hearing arguments and rendering judgment. These functions are necessarily to be supplemented by the staff of the Court. Their work extends to pre-trial, during trial and post-trial stages of a case. Without their contribution at all these stages, there cannot be prompt and satisfactory termination of any case.

The staff of the District Court and Courts subordinate thereto are under the direct control of the District Judge, but subject to the overall control of the High Court under Article 235 of the Constitution of India. Their service conditions are regulated by rules framed by the Government under proviso to Article 309 of the Constitution after consultation with the High Court. But the High Court cannot vary their service conditions without the concurrence of the State Government.

Over the last several years, the pendency of cases in all Courts is on the rise. But the staff strength in every Court is generally static. During this period, almost all the Government Departments have swelled to the brim with additional staff and multiple of top brass, but the Subordinate Judiciary languish with inadequate number of Courts and insufficient staff.

It is said and indeed cannot be disputed that the High Court in each State has been recommending to the State Government for more Courts, more staff and better conditions of service to the Court Staff. But the response of the Government is stated to be generally negative.

The Court staff all over the country, finding themselves without an alternative, moved the Supreme Court through their Confederation for improvement of their service conditions.

The Supreme Court by Order dated 7 January 1981 directed the Commission to examine the existing service conditions of the Court Staff in each State and Union Territory and to make a report to the Court about the steps, if any, to be taken for the improvement of such service conditions.

The Supreme Court, while making the aforesaid order, observed² that:

“..... The Service conditions of the Court Staff of the subordinate Courts is a significant factor having relevance in the functioning of the subordinate Courts. This question is, therefore, directly connected with the administration of justice and thereby with the rule of law.....”

Since there has been no scientific study of the Court management, the Commission engaged the services of the **MANAGEMENT EXPERTS** in Indian Institute of Technology, Delhi as **CONSULTANT**. The Consultant Team consisted of eminent Professors, viz., Prof. Prem Vrat, Prof. S.G. Deshmukh and Dr. Kanika T. Bhal. They were assisted by not less than 8 Research Assistants. They have made a

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1. Order dated 7 January 1981 made in I.A. filed in W.P. (Civil) No.1022 of 1989.
 2. Order dated 17 December 1997 made in I.A. filed in W.P. (Civil) No.1022 of 1989.

study of the working conditions of the Court Staff by a time tested methodology using a questionnaire-based survey. Different questionnaires for different stake-holders, viz., Staff, Judges, Lawyers and Litigants have been circulated and their views and comments were obtained. By proper analysis, the Consultant has determined the 'Employees Satisfaction Index' which was found to be 2.36, as against the average of 3 (scale of 1-5) in all States.

The questionnaires prepared by the Consultant and the analysis of the responses received from the stake-holders are set out in the **APPENDIX - I**.

The Commission on its own has also collected quite a lot of statistical information pertaining to the conditions of service of staff of Courts from all High Courts, State Governments, Staff Associations and some of the District Judges across the country.

The views of High Courts, District Courts and the Consultant may be summarised as follows:

- (i) that the Court Staff have too much work load;
- (ii) that they work overtime without any compensation;
- (iii) that there is disparity and inequality in terms of inter-alia job content; and
- (iv) that there is need to improve the service conditions and proper division in the administration.

It may be noticed that in some States, service conditions of the Court Staff are extremely poor and leave much to be desired. They suffer from either little promotional opportunity or want of adequate benefits.

These and other deficiencies seem to have affected the work culture and efficiency of the Court.

In a recent official release, the pending cases in the Supreme Court, High Courts and the District Courts etc., have been given. The figure given regarding the pendency of cases in the subordinate Courts all over the country is 2.03 crore cases, though some assert that it is nearing 3 crores. Be as it may, the fact remains that out of these cases, there are about 8.19 lakh cases of more than 10 years old.

Public blame the Courts for arrears and delay in disposal of cases. Some even complain about the ineffective justice delivery system. Their complaint is not without substance. Even the superior Courts, more often, make caustic comments on the tormenting plight of the average litigants.

But, in our opinion, there is no point in blaming the Courts or the justice delivery system. The culprit for the delay in disposal of cases is neither the Court nor the system of our administration. It is the apathy of the Government.

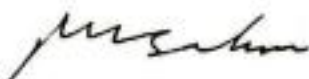
The administration of justice seems to be not in the priority list of any Government. No Government is willing to allocate funds to establish more Courts and create infrastructure. This is evident from the annual budget allocation to Subordinate Judiciary in each State / UT which has been set out in CHAPTER-II.

Suffice to state herein that all States and Union Territories, except NCT of Delhi, have been providing less than ONE PER CENT of their budget for the Subordinate Judiciary, while providing generous budget to other Departments.

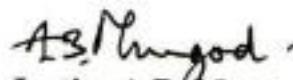
The Government seems to have not properly appreciated the judicial involvement and concern with the principles of good administration and rule of law. There may be delay in disposal of cases and there may be other deficiency in the administration of justice. In spite of all such delay and deficiency, it cannot be denied that the Court is one of the few Institutions which has kept our secular democracy with liberty and equality out of killer. The utility of the judiciary cannot be measured by market economic principles. The allotment of budget must be commensurate with the need and requirements of the Subordinate Judiciary, so that justice delivery system could come up to the expectations of the people and achieve the objectives enshrined in the Constitution.



Justice K. Jagannatha Shetty
Former Judge, Supreme Court of India
Chairman



Justice P.K. Bahri (Rtd.)
Judge, Delhi High Court
Member



Justice A.B. Murgod (Rtd.)
Judge, Karnataka High Court
Member-Secretary

ACKNOWLEDGEMENT

We owe a very special debt to the Karnataka High Court and in particular to the then Chief Justice Mr. Justice S. A. Hakeem (of revered memory) for providing free office accommodation to the Commission in the premises of the City Civil Court Complex and also we are grateful to the present Chief Justice Mr. Justice N.K.Jain and his predecessor Mr. Justice P. Venkatarama Reddy who is now the Judge of the Supreme Court for sparing the services of Miss Aishwarya, a competent Stenographer to the Commission.

We are immeasurably benefitted from the responses of the High Courts, State Governments and Administrations of UTs to our questionnaire. They have given us useful suggestions apart from the factual information, which are indeed the valuable inputs to our report.

We should like to thank the Indian Institute of Technology (IIT), Delhi and Prof. Prem Vrat, Prof. S. G. Deshmukh, and Dr. Kanika T. Bhal and their Assistants who have undertaken the study of the service conditions of the Court staff in Subordinate Courts and for holding the Workshop to work out the modalities to improve the working of Courts. The workshop was attended by certain District Judges across the States, representatives of the Court staff and their study team. They have submitted the report in four volumes containing wealth of information and fruitful suggestions for improvement of the service conditions of the Court Staff and to streamline the Court administration.

The Ministry of Law and Justice, Government of India and particularly Mr. Surendranath, Additional Secretary, Mr. P.K. Agrawal, Joint Secretary, Mr. P.N. Singh and his successor, the Pay and Accounts Officer and other staff have always provided their assistance whenever we needed, in financial matters to the Commission.

Mr. K. R. Chamayya, initially the Member Secretary of the Commission, even after he left the Commission has been kind enough to associate himself with the on-going work in the Commission and has prepared the model recruitment rules for the Court staff in every State for which we are highly obliged. We should also like to thank Mr. Ramapriya, Former Joint Director (E & S) of the Commission. He was constantly assisting in preparation of the report even after he was repatriated to the Government.

We must also like to thank the All India Judicial Employees' Confederation and other Associations of different States and Union Territories which have responded to our questionnaire and also participated in our personal hearing.

We would not have accomplished this task without the active involvement of every staff member of the Commission. However, we must record with appreciation the important roles played by Mr. K.Chandrashekaraiyah, Deputy Secretary, Mr. Vittal Sheregar, PPS to Chairman, Mr. L. V. Krishna Murthy, Sheristedar, City Civil Court, Bangalore who has been continuously working in this Commission and Mr. R. Venkataraman, PA to Chairman. They have put every considerable experience and wisdom at our disposal. They have also stimulated the reconsideration of many aspects.

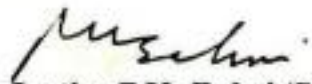
We must thank Mr. S. Krishna Murthy, Assistant Director (E & S) who has, with a meagre information, prepared the financial statements for each State / U.T. on our recommendations.

The central feature of the preparation of the report has been the in-house hard and sustained work by excellent Computer Programmes by Mr. Umesh. N, Computer Operator, Mrs. N. Subbalakshmi, Assistant and Miss Aishwarya. They have in fact worked overtime with a sense of dedication.

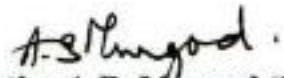
We also thank Mr. R. Panduranga, Proprietor, Five Star Impressions and Mr. K. Narayana, Proprietor, 'Span Print' for their co-ordination in bringing out the printed Report within the stipulated time-frame.



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Judge, Delhi High Court
Member



Justice A.B. Murgod (Rtd.)
Judge, Karnataka High Court
Member-Secretary

**FIRST NATIONAL JUDICIAL PAY COMMISSION
BANGALORE**

STAFF MEMBERS

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| <p>1. H.G. Srivara, K.A.S.,
Deputy Secretary
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Deputy Secretary
(w.e.f. 3-1-2000)</p> <p>3. R. Ramapriya
Joint Director
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Vacant from 1-1-2000</p> <p>4. K. Vittal Sheregar
PPS to Chairman</p> <p>5. R. Ramachandra
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(From 27-4-1998 to Aug. 2000 and
From 13-2-2001 to 15-4-2002)</p> <p>7. S. Krishnamurthy
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Statistical Assistant
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Assistant</p> <p>10. N. Prabhakar
Assistant
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(From 1-2-2001 to 30-4-2002)</p> | <p>12. S. Bhagawan Singh
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(From 11-12-2000)</p> <p>18. R. Vasanth Kumar
L.D.C.</p> <p>19. B.S. Manjunath
L.D.C.</p> |
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At Delhi Sub-Office

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(Upto 15-4-1998)</p> <p>2. S. Seetharam
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(Upto 31-3-2000)</p> <p>3. Arvind Kumar
Computer Operator</p> <p>4. Yog Raj Sharma
L.D.C.</p> |
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CHAPTER - I

INTRODUCTION

Administration of Justice, including constitution and organisation of all the Subordinate Courts, falls under Item 11-A List III - Concurrent List of the Seventh Schedule to the Constitution. Article 235 of the Constitution provides that complete and exclusive control over the District Courts and the Courts subordinate thereto is vested in the High Court. The control over the Ministerial personnel ("Court Staff") in the establishment of the Subordinate Courts is also vested in the High Court.

As on September 1999, there were about 12,771 District Courts and Courts subordinate thereto in the States and Union Territories. In these Courts, the supporting staff were nearly 1,50,000. Since-then, there may be marginal additions to Courts as well as to Staff.

The staff of the Courts in every State have manifold grievances. But, they cannot approach the Government directly since the High Court has complete control over them. The High Court is unable to give them any relief without approval of the State Government though their grievances are genuine and deserving. The State Governments are generally reluctant to give them any other reliefs which are not provided to the Government Servants.

Being unable to get redressal of their grievances either from the High Court or the State Government, the Court Staff have formed an Association styled as "All India Judicial Employees' Confederation" ("Confederation"). It has been registered as a society under the Societies Registration Act XXI of 1860 (as amended by Punjab

Amendment Act, 1957). The Confederation claims to be the representative body of all Staff working in the Subordinate Courts in every State and Union Territory.

When the Supreme Court was monitoring the steps taken by the States / Union Territories for implementing the judgment in "ALL INDIA JUDGES' ASSOCIATION Vs. UNION OF INDIA & OTHERS"¹ and "ALL INDIA JUDGES' ASSOCIATION & OTHERS etc., Vs. UNION OF INDIA AND OTHERS etc."², the Confederation submitted a Memorandum of demands dated 14 December 1996 to the Hon'ble Chief Justice of India, with a request to refer their demands to the First National Judicial Pay Commission ("Shetty Commission") for consideration and report.

But the Shetty Commission was constituted with specific terms, inter-alia, to examine the service conditions of the Judicial Officers in the Subordinate Judiciary of the States and Union Territories. Under the terms, the Commission has no authority to examine and report on the service conditions of the Staff of the Courts.

In view of the limited scope of the Shetty Commission, the Supreme Court, at one stage, was of the view that it would be better to enlarge the terms of the Commission covering also the revision of pay scales and other service conditions of the Staff attached to Courts. It was felt that the exercise before the Commission should not be confined merely to examining the matter relating to Judicial Officers, but the entire functioning of the Court system would be required to be taken care of properly. It seems the Supreme Court made such observations to learned Counsel appearing for the Central Government. In response thereto, learned Additional Solicitor General added that

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1. 1992 (1) SCC 119 (AIR 1992 SC 165)
 2. 1993 (4) SCC 288 (AIR 1993 SC 2493)

the question of enlargement of the terms of reference of Shetty Commission will be considered and appropriate steps are likely to be taken shortly. This is evident from the Order of the Supreme Court dated 29 September 1997, the relevant portion of which reads as follows:

“Learned Additional Solicitor General informs us pursuant to our observations made at the last hearing, the learned Solicitor General has suggested to the Central Government that the terms of reference of the Justice Shetty Commission will be enlarged to include therein the revision of pay scales and other service conditions of the staff attached to the subordinate Courts so that the exercise before the Commission is not confined merely to examining the matter relating to the subordinate Judges alone. This is appropriate because for the proper and effective functioning of the Subordinate Courts as well, not merely the Judges of those Courts but the entire staff associated with the functioning of the Subordinate Courts, is required to be taken care of properly. Learned Additional Solicitor General added that the question of enlargement of the terms of reference of the Shetty Commission will be considered in this light and appropriate steps are likely to be taken shortly. He added that the final action taken by the Central Government would be soon reported to the Court. We appreciate this action of the Central Government at the behest of the Additional Solicitor General since enlargement of the terms of reference of the Shetty Commission to cover this aspect relating to the staff of the Subordinate Courts would reduce the area required to be examined in this matter.”

On 13 November 1997, learned Counsel for the Central Government informed the Supreme Court that the consent of the States / Union Territories would be required

for enlargement of the terms of reference of Shetty Commission and the Central Government was awaiting the responses of the States / Union Territories.

It seems that the States were not favourable to the proposal of the Central Government and opposed the move of the Central Government for enlarging the terms of reference of Shetty Commission. The Central Government, accordingly, informed the Supreme Court about their inability to enlarge the terms of Shetty Commission.

The Confederation thereafter made an Application for intervention in W.P. (Civil) No.1022/1988: ALL INDIA JUDGES' ASSOCIATION Case.

On 17 December 1997, the Supreme Court permitted the intervention of the Confederation and directed that the Application for intervention should be taken on record as a substantive application. While so directing, the Supreme Court observed:

"We have no doubt that the service conditions of the staff of the subordinate Courts is a significant factor having relevance in the functioning of the subordinate Courts. This question is, therefore, directly connected with the administration of justice and thereby with the rule of law. It being so, the matter is within the ambit of this petition and it requires examination in exercise of the power of this Court under Article 32 of the Constitution of India. If necessary, with the aid of Article 142 of the Constitution of India, this Court can issue necessary directions to the State Governments / UTs for due compliance."
(underlining is ours)

It was added:

"We tried to avoid taking this step and to have the benefit of the Shetty Commission examining this matter in the first instance. But the stand taken by the State Governments leaves

us with no option except to adopt this procedure. We may, if necessary, at a later stage, for the purpose of having the relevant data, avail suitable expert assistance or request even the Shetty Commission to examine the matter and give its report so that this Court could formulate the necessary directions on that basis.

In view of the above, we permit intervention of All India Judicial Employees Confederation, District & Sessions Court and take this I.A. on record as a substantive application. Issue notice of the application to all State Governments / UTs. No separate notice of this application is required to be given to the States / UTs, as their Standing Counsel are present in Court and they accept the same. This is sufficient notice to each of them”

On 7 January 1998, the Supreme Court made further Order requesting Shetty Commission to examine the service conditions of the Staff of the Courts and to make a report about the steps to be taken in each State / Union Territory for improvement of the service conditions of the staff of the Courts. The Order of the Supreme Court runs as follows:

“ The response of the State Governments except the State of Sikkim remains the same as mentioned in the previous order dated 17th December 1997. Having heard learned Counsel for the States in addition to the learned amicus curiae and the learned Counsel for the Intervenor - All India Judicial Employees' Confederation District & Sessions Court, we make the order as indicated hereafter:

In order to avoid escalation of the existing discontent amongst the staff of the Subordinate Courts in the States and for the reasons indicated in the previous order, we request the Shetty

Commission to examine the matter and to make a report to this court about the steps, if any, required to be taken in each State / Union Territory for the improvement of service conditions of the supporting staff attached to the Courts and further to also suggest interim measures of relief in respect of such staff of the Subordinate Courts in particular States / Union Territories. In doing so, the Shetty Commission would take into account the facts and circumstances peculiar to any State / Union Territory placed before it by the concerned State / Union Territory. The points of distinction, if any, between the States / Union Territories which may be relevant for this purpose may also be taken note in making the report. This aspect of the matter would be considered by the Court on receipt of the report of the Shetty Commission”

From the aforesaid orders of the Supreme Court, it becomes clear that the Commission has to undertake the following:

- (i) To examine the service conditions of the Court Staff in each State / Union Territory and make a report (to the Supreme Court) about the steps, if any, required to be taken in each State / Union Territory for the improvement of their service conditions;
- (ii) To examine the facts and circumstances peculiar to any State / Union Territory placed before it by the concerned State / Union Territory;

And

- (iii) To take note of the points of distinction, if any, between the States / Union Territories which may be relevant for the purpose of making the report.

The task of the Commission is indeed difficult and complex. In fact, for the first time, such a study is undertaken without any background material.

It may be stated that there is no uniformity in the Court administration across the country. Each State / Union Territory has different staff pattern with a variety of pay scales. The grievance of the staff likewise varies from State to State. The Commission is required to examine such grievances and suggest remedial measures with due regard to the peculiar facts and circumstances in each State and Union Territory and the relevant points of distinction between the States / Union Territories.

As a preliminary to consideration of the problem, the Commission issued a Circular dated 11 March 1998 to High Courts, State Governments / Union Territories and to Staff Associations of all the States / Union Territories, requesting to furnish certain information regarding the existing service conditions of the staff of the Courts. Some replies were received, but they were fragmented and not up-to-date and hence not of much assistance. The Commission then could not pursue the matter since it was busily engaged in the preparation of the Report on the Service Conditions of the Judicial Officers.

On 9 June 1998, the Commission made a request to the Supreme Court that the matter pertaining to Staff would be taken up only after giving the Final Report regarding the Judicial Officers.

Since there has been no scientific study of the Court Management, the Commission thought that it would be better to have the assistance of the Management Experts. On 8 September 1999, the Commission appointed the Indian Institute of Technology, New Delhi (I.I.T.) - Management Division, as Consultant to make a study on the conditions of the Court Staff, and suggest measures for effective administration of the Courts.

On 11 November 1999, the Commission gave the Final Report relating to service conditions of the Judicial Officers. The Report was submitted to the Prime Minister of India.

Immediately thereafter, the Commission actively took up the matter pertaining to the Staff of the Courts.

For the purpose of finding out the genuine grievances of the Court Staff in different States / Union Territories, the Commission had several rounds of preliminary discussion with the representatives of the Court Staff at New Delhi, Hyderabad, and at one or two Cities in Karnataka, Tamil Nadu and the office-bearers of the Confederation.

The Consultant - IIT, Delhi - prepared a set of questionnaires for each stakeholder concerned with the Staff of the Courts. The Commission sent those questionnaires to the cross-section of stake-holders, viz., Staff, District Judges, Lawyers and Litigants in every State / UT. Replies received to the questionnaires were forwarded to the Consultant for consideration.

In the meantime, the Commission, taking note of the various and varied grievances of the Staff, prepared a comprehensive Questionnaire as at **APPENDIX - II**. In March 2000, the copies of the Questionnaire were sent to all High Courts, State Governments / Union Territories and Staff Associations and the Confederation, with a request to send their views and comments.

On 17 September 2000, the Consultant organised an Interim Workshop at New Delhi. It was attended, among others, by some of the District Judges and Law Secretaries of different States / UTs, Registrars of the High Courts, representatives of certain Staff Associations and Members of the Commission. The discussion in the Workshop concentrated on the information collected by the Consultant about the service conditions of the Court Staff and the need to improve their working conditions.

Taking note of the various observations and suggestions that emerged at the Interim Workshop and also after detailed discussion with the Commission, the Consultant submitted its report on 1 June 2001, at Bangalore.

For the Commission's Questionnaire, replies started trickling from the High Courts and State Governments. Out of 21 High Courts (including the three newly established High Courts), 9 High Courts viz., Calcutta, Gauhati, Himachal Pradesh, Kerala, Madras, Orissa, Patna, Punjab & Haryana and Sikkim sent their replies before December 2000. Five High Courts viz., Allahabad, Jammu & Kashmir, Karnataka, Madhya Pradesh and Rajasthan sent replies during January / February 2001. The remaining High Courts, viz., the High Court of Bombay sent their views on 28 March 2001, the Jharkhand High Court on 16 June 2001, the Andhra Pradesh High Court on 18 June 2001, the Gujarat High Court on 20 June 2001, the High Court of Uttaranchal on 23 July 2001, and Chhattisgarh High Court on 16 November 2001.

A special mention needs to be made here about the efforts made by the High Courts of Bombay and Gujarat. Both the High Courts, as they did in the case of the Judicial Officers, seem to have given their earnest consideration to every aspect of our Questionnaire. They have given certain valuable inputs for preparation of our Report.

The Delhi High Court is the only High Court which has not responded to our questionnaire in spite of repeated requests including the personal request by the Chairman of the Commission. In the communication dated 17 May 2001, the Delhi High Court has stated that it has no comments to offer on the Questionnaire.

So far as the State Governments / Administrations of Union Territories are concerned, they were lukewarm in sending their responses. Out of 28 States and 7 Union Territories, 6 States and 3 Union Territories viz., Jammu & Kashmir,

Maharashtra, Mizoram, Nagaland, Sikkim, West Bengal, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep furnished replies to the Questionnaire before December 2000; 3 States and one Union Territory viz., Arunachal Pradesh, Tripura, Uttaranchal and Chandigarh sent the replies during January 2001; Goa and Rajasthan in March 2001; Himachal Pradesh and Meghalaya in April 2001; Assam, Karnataka, Punjab and Union Territory of Pondicherry in May 2001; Kerala, Madhya Pradesh, Orissa and Tamil Nadu in June 2001; Bihar, Haryana, Uttar Pradesh and Union Territory of Andaman & Nicobar Islands in July 2001; NCT of Delhi in August 2001 and Gujarat in September 2001.

The remaining 4 States, viz., Andhra Pradesh, Chhattisgarh, Jharkhand and Manipur have not responded to the Questionnaire.

The All India Judicial Employees' Confederation, which is required to assist the Commission, furnished its reply only in January 2001.

The Commission afforded an opportunity of being heard to the representatives of the Associations, High Courts and State Governments / Union Territories. The hearing commenced on 18 June 2001 and concluded on 28 August 2001. The names of those who have been heard are set out in the **APPENDIX - III**.

At the fag end of 2001, Shri K.R. Chamayya, Former Secretary to the Government of Karnataka, Law and Parliamentary Affairs Department and Former Chairman, Karnataka Administrative Tribunal was requested to prepare the Model District Court Service Rules governing the recruitment procedure for appointment of Court Staff. He submitted the draft Model Rules during June 2002, which is set out in the **APPENDIX - IV**.

From the material collected, it could be seen that there is near unanimity among the High Courts on the need to improve the service conditions of the Court Staff, particularly in the Process Establishment, the Bench Clerks / Court Officer, Stenographers and common categories of posts etc.

Chapter-VI deals with Human Resource Management. Therein, we have considered the minimum qualification for Group-D / Grade-IV / Class-IV category of posts and their promotional benefits.

In **Chapter-VII**, we have considered the common category of posts and the benefits to be given to them.

In **Chapter-VIII**, we have examined the Process Establishment which is an important section in all the Courts. In some States, there is only one cadre while others have two or three cadres. In certain States, the Process Servers are included in Group-C, but given the pay scale admissible to Group-D. The qualification prescribed for the Process Servers / Amins is the same as that of the Peons, i.e. just reading alphabets.

In **Chapter-IX**, the duties and responsibilities of Bench Clerk / Court Officer have been set out. The Bench Clerk / Court Officer is pivotal in the Court Administration. But, he has not been given the proper position or pay scale in most of the States / UTs.

In **Chapter-X**, we have considered the Stenographers who are indispensable in our system of administration. Some States have only one grade while others have two or three and even four grades. In certain States, junior Judicial Officers are not provided with Stenographer.

In **Chapter-XI** we have dealt with Chief Ministerial Officers of the Courts of CJ (Sr. Divn.) and CJ (Jr. Divn.) in the decentralised system of administration.

Chapter-XII is about the Sheristedar who is the Chief Administrative Officer of the District Administration.

There are other Chapters in which we have examined budget grant to Subordinate Judiciary, the need for Protocol Officer, Assured Career Progression, Medical Benefits and Special Pay to staff working in Record Room / Property Room etc.

In the light of the principles enunciated in the said general Chapters, we have examined the service conditions of the Court Staff in each State / UT **except in Arunachal Pradesh, Mizoram and Nagaland, where the judiciary has not been fully separated from the Executive** and suggested certain improvements, wherever it is absolutely necessary, while bearing in mind the financial burden on the Exchequer.

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CHAPTER - II

**ADMINISTRATION OF JUSTICE AND
BUDGET GRANT TO
SUBORDINATE JUDICIARY
- A BIRD'S EYE VIEW**

CHAPTER - II

ADMINISTRATION OF JUSTICE AND BUDGET GRANT TO SUBORDINATE JUDICIARY - A BIRD'S-EYE VIEW

The High Court in each State is responsible for ensuring that the system by which justice is administered is efficient, impartial and serves the interests of litigant public by rendering speedy justice. It is the failure in this regard that has been the focus of public concern. But general public do not know the real cause for the delay in disposal of cases. They blame only the Courts and the system of Administration of Justice.

The Parliamentary Standing Committee on Home Affairs, in its Report dated 19 December 2001, has referred to the Law's Delays and Delays in Disposal of cases. The statistics of pending cases in different hierarchy of Courts have been given. It is said that there are about 2.03 crore cases pending in all the Subordinate Courts, 3.5 million cases pending in the High Courts and 21,995 cases pending in the Supreme Court.

The said Committee pertinently observes as follows:

“A large number of unfilled vacancies of Judges and a low Judge - population ratio across the board have caused a formidable accumulation of arrears and shockingly inordinate delays in the disposal of cases with the result that at the zenith of its many outstanding achievements in aid of Democracy and Rule of Law, the Indian judiciary is face to face with an incipient darkness at noon and with challenges which can only be met with constructive cooperation between the three branches of the Government, the fourth estate, and we, the people of India.”

In the said Report, there is reference to the pendency of a particular case which is disturbing even to mention. The case relates to the assassination of Sri L.N.Misra, the then Union Railway Minister in 1975 by bomb blast at Samasthipur in Bihar State. It is stated that the case has been pending for the last 27 years and it has passed through 9 Judicial Officers. Out of seven accused involved in the case, the statements of only two accused have been recorded so far. It is stated that L.N.Misra's widow died vainly waiting for justice.

One critic has pointed out that if the current impasse in the judicial system continues and if the Courts were to stop registering new cases and start disposing the cases already on hand, it may take 300 years for all cases as of to-day to be disposed of!¹. It may be a bit exaggeration; the fact, however, remains that the pendency in Subordinate Courts cannot be cleared with the present judge strength and the existing infrastructure of Courts.

It is common amongst the States, that the judge strength is inadequate with insufficient infrastructure of Courts. In **CHAPTER 16**, Vol. III of our earlier Report relating to Judicial Officers, we have referred to the conditions of the Court buildings in almost all States. It would be distressing to read the the comments of some of the High Courts on the Court buildings. We may begin with our National Capital.

The High Court of Delhi states that:

“Majority of the Courts in Delhi are housed in Courts Building at Tis Hazari. There are 138 proper Court rooms and 89 Courts are in improvised rooms which were set up after converting the office rooms to meet the acute shortage of Court accommodation.

1 See: ‘The Economic Times’ dated 2 February 2002, p.3, “Courting Judicial Reforms” by N. Vittal, Central Vigilance Commissioner.

The improvised Court rooms lack basic necessities of Chamber and toilets. As a result, a group of judicial officers have to share their toilet or use public / litigants' toilets. Even the lady judicial officers do not have chamber and toilet facility in these improvised rooms. Most of the rooms are without proper light and air and are unhygienic.

Nearly one lakh of litigants, lawyers and other public visit Tis Hazari Courts every day. Tis Hazari Court building which was built in 1956, for the use of few Courts, is now grossly inadequate for the present need. As a result, public conveniences are also inadequate to meet the demand of lakhs of daily visitors creating insanitary and unhygienic conditions in the building. The problem is aggravated by poor maintenance of the building by the PWD. The demand for more accommodation for making proper Court rooms, public conveniences etc., has fallen flat on the deaf ears of the Government."

This is what the High Court of Gujarat has to state:

"The Courts at district level as well as City level are not properly maintained nor adequately furnished. The Division Bench of Gujarat High Court had to pass orders directing the State Government to immediately provide necessary funds for the furniture, stationery, maintenance of the building etc. Even after directions of Court, no satisfactory steps have been taken by the Government to maintain Court buildings or to furnish them adequately. The Government is always reluctant to part with money for the maintenance of the building, furniture, stationery etc. of the Courts. Many of the Courts do not have even the place for dias for the Presiding Officers."

The Calcutta High Court has similar problems. It has stated:

“The buildings are neither properly maintained nor adequately furnished. Most of the buildings are worn out and some of them leak waters at the time of rainy season, as for example, in Alipore Criminal Court buildings, Court rooms are insufficient and stuffy. There is very scanty seating arrangement not only for the litigants but also for the lawyers in some of the Courts. Furniture are not at all sufficient. Some of the buildings are so much dilapidated as those are unfit for using as Court rooms although Courts have to run therein. There have been incidents of falling down of plasters of the ceiling missing the head of Judge.”

The Kerala High Court has no less problems.

“The Court buildings are not properly maintained nor adequately furnished. Most of such Court buildings are very old. Proposal for construction of buildings wherever found necessary is pending. Wherever land is readily available, administrative sanction has been recommended. Enough funds are not available and unless funds to the tune of a few hundred crores are immediately available, the proposals cannot be implemented. This is a major problem which has to be dealt with seriously.

The Courts are not adequately furnished. Old rickety chairs are a common sight in all the Courts.”

The Rajasthan High Court has no different version.

“All the Courts at Tehsil and in the District are not properly maintained and adequately furnished. The Courts are not provided with adequate budget for furniture to be provided in Chamber, Court room and staff room. At many places, sufficient space for chamber, Court room and staff room is not provided.”

In some of the Courts, even under-trials are not provided proper place in the Court premises. At so many places, litigant sheds are not constructed by the State Government.”

We have been told that in other States also, the condition of the Court buildings is no better. They are equally inadequate and in bad shape.

Even after the infrastructure of Courts has been made a planned item, by which the Central Government bears one half of the expenditure, there seems to be no appreciable improvement.

It is unfortunate that the administration of justice does not seem to receive adequate attention of any Government. Rather, the Government seems to have an indifferent attitude towards the administration of justice. This is evident from the fact that in our country, the expenditure on judiciary in terms of GNP is hardly 0.2 per cent, whereas in Singapore which is a tiny country, it is 1.2 per cent; in United Kingdom, it is 4.3 per cent and in United States of America, it is 1.4 per cent.²

The Commission has obtained the budget allocation to the Subordinate Judiciary in comparison to the budget allocations to other Departments like Health, Education and Social Welfare in each State / UT. That would give us a clear picture that the Administration of justice receives a step motherly treatment in every State.

TABLE-I gives the percentage of allocation of budget to Subordinate Judiciary vis-a-vis some other Departments for the year 2000 - 2001 in which it could be seen that the budget allocation to the judiciary is practically negligible.

TABLE-II gives the budget allocation for the last 10 years by each State.

2. See: "PREFACE" to the Report of FNJPC on Judicial Officers, Vol. I, p. viii.

It may be seen that every State / Union Territory, except National Capital Territory of Delhi, has been providing less than ONE PER CENT of budget for the Subordinate Judiciary while Departments of Health, Education and Social Welfare get, on an average, 4.76 per cent; 14.40 per cent and 2.58 per cent respectively. In the National Capital Territory of Delhi, the Subordinate Judiciary gets 1.03 per cent as against 9.20 per cent for Health, 22.10 per cent for Education and 1.62 per cent for Social Welfare.

In Gujarat, Kerala, Madhya Pradesh, Orissa, Tripura and the Union Territories of Chandigarh and Pondicherry, the budget allocation to Subordinate Judiciary is less than HALF A PER CENT.

Amongst the States, Assam allocates the least to the Subordinate Judiciary. It provides just 0.23 per cent, while 4.08 per cent to Health, 21.80 per cent to Education and 0.94 per cent to Social Welfare.

It may be stated that the States collect Court fees, stamp duty and recovery of fine etc., which ordinarily works out to one half of the expenditure required by the State for Administration of Justice.

One cannot find fault with the higher allocation of budget for Health and Education Departments, but one fails to understand why Subordinate Judiciary should be treated even inferior to Social Welfare Department.

The result is neither there is adequate judge strength nor proper Court buildings with furniture and other facilities.

It is, however, heartening to note that the Supreme Court has again come to the rescue of litigant public. In the recent judgment rendered on 21 March 2002 in Writ

Petition No.1022 of 1989, while examining and approving by and large the Report of Shetty Commission, the Supreme Court has directed the States as follows:

“ XX XX XX
 XX XX XX

An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of judges has adversely been commented upon. Not only have the Law Commission and Standing Committee of Parliament made observations in this regard, but even the Head of the Judiciary, namely, the Chief Justice of India has had more occasions than once to make observations in regard thereto. Under the circumstances, we feel it is our Constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the Judicial Officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional judges, not only will the posts have to be created but infrastructure required in the form of additional Court rooms, buildings, staff etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The increase in the Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up

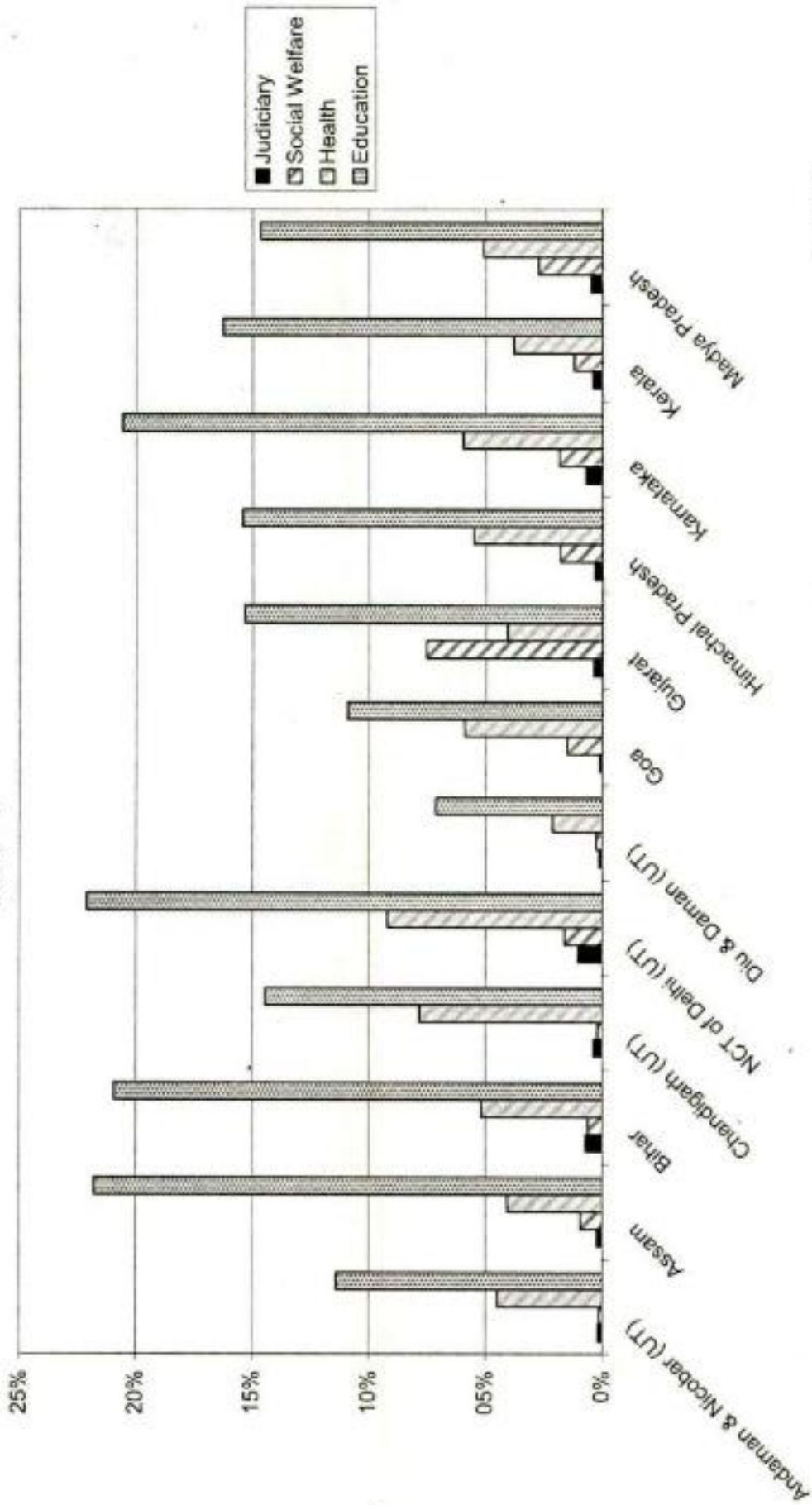
of the post in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.”

It is hoped that the first stage of expansion of judge strength with necessary staff and infrastructure would bring relief to the waiting litigants.

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Budget by percentage allocation to Subordinate Judiciary and some other Department in certain States / UTs for the year 2000-2001

Table - 1



.....contd 2

States / UTs

Budget by percentage allocation to Subordinate Judiciary and some other Departments in certain States / UTs for the year 2000-2001

Continued Table - 1

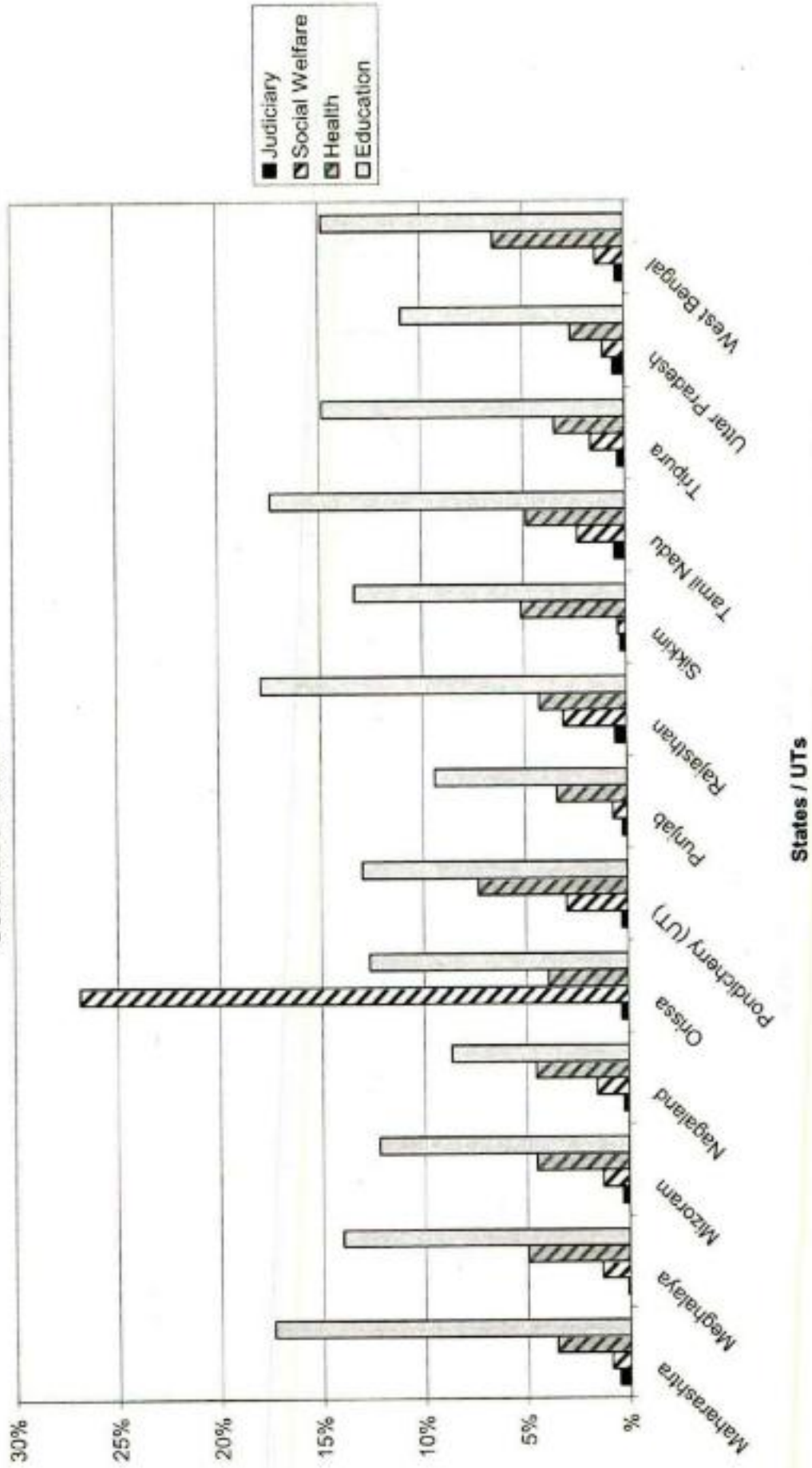


TABLE - II

Year-wise percentage allocation of Budget to Judiciary and few other major Departments in each State for the years 1991-92 to 2000-01

Assam

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.22	0.63	2.92	14.08
2	1992-93	0.27	0.73	2.93	16.20
3	1993-94	0.23	0.63	3.00	15.44
4	1994-95	0.27	0.94	3.96	16.15
5	1995-96	0.26	0.92	4.19	17.29
6	1996-97	0.27	0.73	3.65	18.29
7	1997-98	0.30	0.72	3.79	20.46
8	1998-99	0.31	0.72	4.61	22.18
9	1999-2000	0.34	0.75	4.16	23.04
10	2000-2001	0.23	0.94	4.08	21.80

Bihar

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.57	2.15	0.59	16.79
2	1992-93	0.60	2.16	3.73	15.74
3	1993-94	0.58	1.94	3.58	14.38
4	1994-95	0.58	2.26	3.52	16.03
5	1995-96	0.60	1.36	3.48	16.65
6	1996-97	0.58	2.39	3.79	20.19
7	1997-98	0.54	1.75	4.77	20.63
8	1998-99	0.74	1.61	4.87	21.30
9	1999-2000	0.71	0.65	4.86	20.10
10	2000-2001	0.71	0.60	5.18	20.93

Goa

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.00	1.58	8.23	6.99
2	1992-93	0.00	1.47	6.00	8.32
3	1993-94	0.00	1.48	6.53	8.80
4	1994-95	0.25	1.42	5.85	7.92
5	1995-96	0.13	1.14	5.64	8.48
6	1996-97	0.25	1.36	5.06	13.33
7	1997-98	0.35	1.44	5.20	10.97
8	1998-99	0.34	1.36	4.85	10.06
9	1999-2000	0.11	1.51	5.91	10.91
10	2000-2001	NF	NF	NF	NF

Gujarat

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.35	5.36	4.60	16.00
2	1992-93	0.38	5.66	4.70	14.70
3	1993-94	0.39	5.93	6.06	15.07
4	1994-95	0.39	6.17	6.51	16.47
5	1995-96	0.37	5.54	6.60	17.67
6	1996-97	0.35	5.55	5.31	17.87
7	1997-98	0.35	6.51	8.32	15.85
8	1998-99	0.45	5.27	4.67	16.27
9	1999-2000	0.37	6.98	4.33	15.45
10	2000-2001	0.37	7.54	4.07	15.35

Himachal Pradesh

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.29	1.64	6.23	16.82
2	1992-93	0.31	1.60	6.86	15.53
3	1993-94	0.30	1.56	6.63	17.76
4	1994-95	0.28	2.01	6.73	17.87
5	1995-96	0.27	1.98	5.96	15.68
6	1996-97	0.26	1.87	5.85	14.94
7	1997-98	0.26	1.96	5.61	13.79
8	1998-99	0.25	2.08	5.85	14.11
9	1999-2000	0.33	2.05	5.74	14.69
10	2000-2001	0.34	1.81	5.51	15.41

Karnataka

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.72	2.70	5.96	18.85
2	1992-93	0.68	2.86	6.44	19.07
3	1993-94	0.72	2.61	6.30	20.00
4	1994-95	0.69	2.38	6.30	19.37
5	1995-96	0.69	2.43	5.85	18.49
6	1996-97	0.64	2.16	5.15	18.16
7	1997-98	0.67	2.05	5.78	19.48
8	1998-99	0.68	2.17	5.69	20.10
9	1999-2000	0.71	1.88	5.70	19.26
10	2000-2001	0.72	1.84	5.96	20.58

Kerala

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.35	1.15	3.42	14.94
2	1992-93	0.34	1.08	3.27	14.97
3	1993-94	0.43	1.35	4.01	18.59
4	1994-95	0.52	1.56	4.87	22.14
5	1995-96	0.50	1.40	5.15	20.66
6	1996-97	0.49	1.48	4.82	20.01
7	1997-98	0.43	1.48	4.61	17.36
8	1998-99	0.39	1.27	3.88	15.27
9	1999-2000	0.41	0.99	3.77	15.32
10	2000-2001	0.41	1.20	3.79	16.27

Madhya Pradesh

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.42	1.40	5.97	18.10
2	1992-93	0.42	1.59	5.87	18.17
3	1993-94	0.43	1.36	5.65	17.05
4	1994-95	0.46	1.66	5.70	17.62
5	1995-96	0.54	1.62	5.40	16.96
6	1996-97	0.46	1.89	4.95	15.70
7	1997-98	0.49	2.20	5.64	16.08
8	1998-99	0.52	2.93	6.54	16.00
9	1999-2000	0.53	2.71	5.13	15.13
10	2000-2001	0.49	2.73	5.09	14.65

Maharashtra

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.47	0.87	3.36	13.10
2	1992-93	0.46	1.09	3.37	13.26
3	1993-94	0.49	1.06	3.38	13.77
4	1994-95	0.45	0.94	3.10	13.34
5	1995-96	0.42	0.95	3.18	14.14
6	1996-97	0.40	0.85	3.25	13.95
7	1997-98	0.42	0.76	3.31	14.52
8	1998-99	0.38	0.74	2.83	13.26
9	1999-2000	0.44	0.70	3.19	15.19
10	2000-2001	0.51	0.89	3.58	17.40

Meghalaya

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.08	0.90	4.22	12.00
2	1992-93	0.09	0.90	4.26	12.00
3	1993-94	0.07	1.00	4.35	13.00
4	1994-95	0.07	1.12	4.15	13.00
5	1995-96	0.07	1.03	3.82	13.00
6	1996-97	0.07	1.13	3.80	14.00
7	1997-98	0.08	0.97	4.19	15.00
8	1998-99	0.09	1.33	4.68	15.00
9	1999-2000	0.08	0.93	4.09	14.00
10	2000-2001	0.09	1.33	4.96	14.00

Mizoram

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.25	1.42	3.80	10.32
2	1992-93	0.28	1.34	4.10	10.36
3	1993-94	0.30	1.32	4.26	10.02
4	1994-95	0.32	1.28	4.10	9.05
5	1995-96	0.32	1.20	4.05	9.40
6	1996-97	0.48	1.22	5.19	11.41
7	1997-98	0.27	1.29	4.25	9.55
8	1998-99	0.36	1.24	4.69	10.37
9	1999-2000	0.34	1.40	4.99	11.29
10	2000-2001	0.30	1.27	4.50	12.21

Nagaland

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.16	1.71	4.22	8.24
2	1992-93	0.17	1.37	4.46	7.98
3	1993-94	0.15	1.17	3.17	7.35
4	1994-95	0.30	1.60	4.26	7.67
5	1995-96	0.30	1.37	5.13	8.99
6	1996-97	0.32	1.41	5.37	9.19
7	1997-98	0.31	1.29	5.68	9.56
8	1998-99	0.28	1.04	4.70	8.21
9	1999-2000	0.27	0.92	5.09	8.77
10	2000-2001	0.24	1.55	4.53	8.66

Orissa

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.29	25.54	1.72	12.62
2	1992-93	0.30	24.02	3.40	11.96
3	1993-94	0.30	25.51	3.57	12.62
4	1994-95	0.38	27.91	4.32	14.35
5	1995-96	0.41	31.41	4.41	15.46
6	1996-97	0.30	25.16	5.98	12.81
7	1997-98	0.29	24.18	3.26	12.66
8	1998-99	0.42	25.29	3.70	13.30
9	1999-2000	0.29	28.84	3.07	13.64
10	2000-2001	0.34	26.83	3.90	12.64

Punjab

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.20	0.78	2.80	8.71
2	1992-93	0.23	0.80	2.85	8.58
3	1993-94	0.25	0.74	2.94	9.37
4	1994-95	0.22	0.41	2.35	8.31
5	1995-96	0.18	0.31	2.29	6.05
6	1996-97	0.25	0.96	2.82	9.41
7	1997-98	0.28	0.61	2.95	10.28
8	1998-99	0.30	0.85	3.41	9.03
9	1999-2000	0.26	0.46	2.80	9.04
10	2000-2001	0.24	0.69	3.43	9.41

Rajasthan

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.39	3.33	4.44	16.88
2	1992-93	0.47	2.75	4.21	16.66
3	1993-94	0.44	2.79	4.16	15.98
4	1994-95	0.44	2.56	4.34	16.40
5	1995-96	0.42	2.70	4.35	15.67
6	1996-97	0.45	2.48	4.21	16.75
7	1997-98	0.44	2.40	4.66	17.62
8	1998-99	0.54	2.19	4.71	18.62
9	1999-2000	0.50	1.98	4.53	17.45
10	2000-2001	0.56	3.09	4.27	17.91

Sikkim

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.09	0.36	3.87	11.88
2	1992-93	0.18	0.33	3.92	11.57
3	1993-94	0.20	0.33	4.60	11.61
4	1994-95	0.22	0.29	4.98	11.60
5	1995-96	0.12	0.20	2.51	6.35
6	1996-97	0.23	0.12	4.45	12.17
7	1997-98	0.23	0.09	4.63	12.20
8	1998-99	0.29	0.41	4.72	14.16
9	1999-2000	0.27	0.36	5.21	14.83
10	2000-2001	0.27	0.39	5.13	13.31

Tamil Nadu

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.30	2.87	3.81	12.63
2	1992-93	0.39	3.44	4.70	14.47
3	1993-94	0.45	3.63	5.35	16.35
4	1994-95	0.48	4.12	5.53	16.52
5	1995-96	0.51	3.97	5.85	17.79
6	1996-97	0.50	3.49	5.30	16.56
7	1997-98	0.51	2.49	5.58	16.84
8	1998-99	0.59	2.73	5.78	19.01
9	1999-2000	0.47	2.23	4.49	16.06
10	2000-2001	0.53	2.35	4.84	17.41

Tripura

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.72	2.17	3.33	16.03
2	1992-93	0.65	2.08	3.73	16.24
3	1993-94	0.42	1.93	4.34	16.58
4	1994-95	0.52	2.03	4.07	16.27
5	1995-96	0.68	1.99	4.27	16.47
6	1996-97	0.42	2.02	4.33	14.22
7	1997-98	0.39	2.17	4.26	14.47
8	1998-99	0.44	1.97	3.87	13.42
9	1999-2000	0.42	1.90	4.22	16.34
10	2000-2001	0.36	1.68	3.44	14.83

Uttar Pradesh

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.45	1.18	3.07	12.74
2	1992-93	0.48	1.10	3.28	13.38
3	1993-94	0.50	1.03	3.42	13.85
4	1994-95	0.52	0.96	3.49	13.94
5	1995-96	0.49	1.22	3.08	13.05
6	1996-97	0.60	1.26	4.26	14.61
7	1997-98	0.57	1.41	3.49	13.90
8	1998-99	0.77	1.39	3.17	14.52
9	1999-2000	0.69	1.12	3.24	14.75
10	2000-2001	0.56	1.05	2.63	10.95

West Bengal

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.31	1.14	6.32	23.53
2	1992-93	0.31	1.21	6.57	23.22
3	1993-94	0.31	1.15	6.03	23.07
4	1994-95	0.30	1.17	5.92	22.65
5	1995-96	0.30	1.07	5.63	20.88
6	1996-97	0.31	1.12	5.64	18.54
7	1997-98	0.31	1.12	5.49	18.46
8	1998-99	0.32	1.16	5.90	17.71
9	1999-2000	0.33	1.07	5.71	21.46
10	2000-2001	0.41	1.39	6.41	14.83

Delhi

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	--	--	--	--
2	1992-93	--	--	--	--
3	1993-94	0.80	0.03	5.52	12.69
4	1994-95	1.12	0.56	7.66	20.18
5	1995-96	0.85	2.07	7.55	19.28
6	1996-97	1.11	2.12	8.36	19.91
7	1997-98	0.98	2.17	8.77	19.32
8	1998-99	1.48	2.04	8.58	19.34
9	1999-2000	1.14	1.67	9.12	22.69
10	2000-2001	1.03	1.62	9.20	22.10

Andaman & Nicobar

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.07	0.17	3.41	8.36
2	1992-93	0.08	0.08	4.90	9.13
3	1993-94	0.09	0.06	4.03	10.58
4	1994-95	0.08	0.08	4.07	10.00
5	1995-96	0.08	0.39	4.35	11.60
6	1996-97	0.12	0.17	4.89	12.02
7	1997-98	0.13	0.29	5.55	12.64
8	1998-99	0.16	0.17	5.01	12.44
9	1999-2000	0.14	0.45	4.59	10.98
10	2000-2001	0.18	0.14	4.49	11.39

Daman & Diu

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.24	0.77	4.68	16.35
2	1992-93	0.27	0.73	4.55	15.28
3	1993-94	0.22	0.56	4.41	12.97
4	1994-95	0.18	0.67	4.42	12.04
5	1995-96	0.16	0.62	3.57	13.08
6	1996-97	0.16	0.50	3.61	11.80
7	1997-98	0.14	0.41	3.06	11.29
8	1998-99	0.14	0.34	2.64	9.40
9	1999-2000	0.12	0.56	2.19	7.02
10	2000-2001	0.14	0.26	2.12	7.13

Chandigarh

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.22	0.33	4.09	15.29
2	1992-93	0.25	0.25	4.18	14.60
3	1993-94	0.28	0.25	5.23	14.48
4	1994-95	0.24	0.33	6.94	14.37
5	1995-96	0.23	0.34	7.50	14.86
6	1996-97	0.27	0.30	7.03	15.77
7	1997-98	0.29	0.27	8.23	14.12
8	1998-99	0.22	0.28	7.41	11.96
9	1999-2000	0.37	0.34	7.51	16.26
10	2000-2001	0.37	0.20	7.84	14.46

Pondicherry

Sl.No.	Year	Judiciary	Social Welfare	Health	Education
1	1991-92	0.30	1.78	6.92	14.53
2	1992-93	0.31	1.82	6.44	13.05
3	1993-94	0.29	1.87	6.38	12.00
4	1994-95	0.29	1.88	6.29	11.77
5	1995-96	0.36	2.53	7.07	11.54
6	1996-97	0.28	2.75	7.00	12.48
7	1997-98	0.30	3.33	7.08	13.13
8	1998-99	0.27	3.30	6.65	12.44
9	1999-2000	0.27	3.04	7.42	13.36
10	2000-2001	0.30	2.99	7.32	12.99

CHAPTER - III

**STRUCTURE OF
COURT ADMINISTRATION**

CHAPTER - III

STRUCTURE OF COURT ADMINISTRATION

The system of administration of the District Court and the Courts subordinate thereto in all States and Union Territories is neither same nor similar. It is of two types which are distinct and different. They may be termed as, (i) Centralised Administration and (ii) Decentralised Administration.

In States / Union Territories viz., Andaman & Nicobar Islands, Bihar, Chhattisgarh, Dadra & Nagar Haveli, Diu & Daman, Haryana, Jammu & Kashmir, Jharkhand, Lakshadweep, Madhya Pradesh, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, Uttar Pradesh, Uttaranchal, Chandigarh and NCT of Delhi, there is 'Centralised Administration'.

In States / Union Territories viz., Andhra Pradesh, Assam, Goa, Gujarat, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Tamilnadu, Tripura, West Bengal and Pondicherry, there is 'Decentralised Administration'.

CENTRALISED ADMINISTRATION :

In the Centralised Administration, as the name itself indicates, the Principal District Judge's office controls the administration of all Courts subordinate thereto. The Accounts Branch, the Administrative Branch, the Copying Branch, Nazareth or Central Process Branch of all the Courts are located in the District Judge's office.

Even the service records of all the Staff, although they work in different Courts, are maintained in the office of the District Judge. The records of the disposed of cases in all Courts are maintained in the Record Room of the District Court. If a party wants certified copy of the order or judgment made in any case disposed of by any Court, he

must approach only the Copying Branch of the District Court. The Head Copyist of the Copying Branch would secure the record and prepare and deliver the certified copy to the party.

The Principal District Judge is the appointing and disciplinary authority for Groups 'C' and 'D'. In some States, he has the power to appoint even Group-B employees. Administrative powers such as sanction of increments, grant of advances, fixation of pay of the Staff of all Courts are vested in the District Judge (Principal District Judge) of the District. The Nazareth Branch of all Courts is located in the District Judge's Office. The District Judge alone is the Drawing and Disbursing Officer of salaries to such Court staff.

The District Judge is assisted by Chief Administrative Officer / Superintendent Grade-I / Clerk of the Court / Registrar, as the case may be.

In Delhi, however, a Judicial Officer in the cadre of Civil Judge, who is styled as Administrative Civil Judge, looks after the Nazareth Branch of all the Courts.

The Court administration in the State of Bihar seems to be an exception. Here, there are two types of administration. The Districts in Bihar State consists of one or more Sub-Divisions. If the District consists of only one Sub-Division, the administration is looked after by the office of the Principal District Judge. If there is more than one Sub-Division, each Sub-Division has independent administrative set-up.

DECENTRALISED ADMINISTRATION :

In this type of administration, the District Judge, as in the Centralised Administration, is the appointing and disciplinary authority in respect of Staff in Groups 'C' and 'D' in all the Courts. In Andhra Pradesh, the District Judge has also the power to appoint Group 'B' Staff of the Court.

The Presiding Officer of each Court, unlike in the Centralised Administration, will be the administrative head of his Court. He has the power to fix pay, sanction increments or grant advances etc., to the staff working under him. He is the disciplinary authority over the Staff in respect of minor offences. He is the Drawing and Disbursing Officer also. He maintains the staff service records in his office. The Accounts Branch, Copying Branch and Record Room also form part of his Court. They are not located in the office of the District Judge.

But, where there are additional Courts and other categories of Courts located at the same centre of the Principal District Judge, the Process serving Branch of all the Courts would be only in the office of the Principal District Judge.

Generally, the Principal District Judge is assisted by the Chief Administrative Officer or Sheristedar of the District Court. In the Courts subordinate to the District Court, the Sheristedar or Superintendent is the administrative head.

ADVANTAGES / DISADVANTAGES :

It will be seen from the aforesaid that in the centralised administration, staff members of the Courts subordinate to the District Court are frequently required to visit the District Court for their service conditions like sanction of increments, fixation of pay, grant of advance etc.. No such problem would be there in the decentralised administration, since the Presiding Officer of each Court has the power to sanction increment, fix the pay, grant advances and control over the staff working in his Court.

Even the advocates and the litigant public have to more often go to the District Court in the centralised administration for their needs like certified copies of the judgments and orders and for examining the records of the disposed of cases. It would be, indeed, a hardship to the advocates and the litigant public, which will not be there in the decentralised administration.

It seems to us that in the centralised administration, the number of supporting staff of the Courts, except in the cadre of Stenographers, is relatively less than the number of those working in the decentralised system of administration. This is perhaps one of the reasons for inadequate promotional avenues to the Court staff in the centralised administration.

We are, however, not recommending uniformity in the administration of Courts in all the States / Union Territories. We are only highlighting certain negative points in the centralised administration. It would be for each High Court to follow that type of administration which is considered to be convenient and efficient.

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CHAPTER - IV

**CLASSIFICATION OF SUPPORTING
STAFF OF THE SUBORDINATE COURTS
INTO GROUPS**

CHAPTER-IV

CLASSIFICATION OF SUPPORTING STAFF OF THE SUBORDINATE COURTS INTO GROUPS

The need to have a proper classification of the Civil Services was engaging the attention of different Central Pay Commissions from time to time. The division of the Civil Services into four Classes viz. Class-I, Class-II, Class-III, Class-IV was first adopted on the recommendations of the First Central Pay Commission. But this classification was found to be inappropriate by the Second Central Pay Commission. A number of Employees' Associations had urged before the Second Central Pay Commission that the scheme of classification promoted a 'Class consciousness' within the service and should, therefore, be done away with. That Commission recommended that the said classification should be given up and replaced by Group 'A', Group 'B', Group 'C' and Group 'D'. But the proposal was not accepted by the Government, since it was then felt that a mere change in the name was of no practical value.

The matter was again considered by the Third Central Pay Commission by eliciting the views of the Employees' Associations and also prominent individuals in the matter. It also considered the practice followed in the Commonwealth countries for classification of services. The Commission has stated that the term 'Class' for classifying the Government Servants has acquired overtones that could, with advantage be avoided, so as to create a healthy psychological climate. The Commission recommended that the existing Classes be named as "Groups". In other words, the Commission recommended to redesignate the existing Classes I, II, III and IV as Groups 'A', 'B', 'C' and 'D', having regard to different ranges of pay scales applicable to them. The Central Government accepted that recommendation and accordingly the Government employees were redesignated as Groups.

The Fourth Central Pay Commission also examined the matter and was of opinion that such classification enabled the Government to examine and decide matters of

common interest to the Group or Groups concerned. The Commission, therefore, favoured the continuance of the system of classification of services into Groups.

It was again the turn of the Fifth Central Pay Commission to examine the above issue in the light of the systems prevalent in other countries. The Fifth Central Pay Commission has expressed the view that the existing classification of Government Servants into 'Groups' serves no practical purpose and it is better to have a true representative of futuristic working environment in the Government by inculcating a feeling among civil servants that they all belong to an integrated administrative machinery. The Commission added that any system of classification or nomenclature, which is likely to hamper the growth of such a feeling, should go, unless it serves a definite practical end which cannot be achieved adequately otherwise. It recommended the division of Civil Services into Top Executives, Senior Executives and Executives and rest of Assistants be renamed as Supporting Staff, and Attendants be called Auxiliary Staff. But the Government of India did not approve of this recommendation and the Group-wise classification still continues.

It may be stated that the Civil Services and posts under the Central Government are, at present, classified under four Groups, viz.,

- (i) A central civil post carrying a pay or scale of pay of not less than Rs.13,500/- is GROUP 'A'.
- (ii) A central civil post carrying a pay or scale of pay of Rs.9,000/- and above but less than Rs.13,500/- is GROUP 'B'.
- (iii) A central civil post carrying a pay or scale of pay of Rs.4,000/- and above but less than Rs.9,000/- is GROUP 'C'.
- (iv) A central civil post carrying a pay or scale of pay of Rs.4,000/- or less is GROUP 'D'.

We have classified the supporting staff in the Subordinate Courts into Groups 'A', 'B', 'C' and 'D' while formulating the Questionnaire on the service conditions of the Court Staff. The Questionnaire had been sent to all High Courts, State Governments /

Union Territories and Staff Associations to elicit their views. Some State Governments, and High Courts too, have stated in their replies to the Questionnaire that they have not classified the Court Staff into Groups and they continue to maintain the nomenclature of Class I, Class II, Class III and Class IV in their relevant Civil Service Rules.

Eleven States out of the 28 States, viz., Goa, Karnataka, Kerala, Meghalaya, Mizoram, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttaranchal and West Bengal have categorised their Court Staff into Groups 'A', 'B', 'C' and 'D' replacing the nomenclature of Classes I, II, III and IV. Four Union Territories out of 6, viz., Andaman & Nicobar Islands, Pondicherry, Lakshadweep and Daman & Diu and NCT of Delhi have also switched over to the new nomenclature for the Court staff as Groups 'A', 'B', 'C' and 'D'.

Fourteen States and one Union Territory still continue the old nomenclature of Classes I, II, III and IV. They are: Assam, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan and Chandigarh (U.T.).

The position of the Court Staff in Jammu & Kashmir is not clear. They are said to be still continuing with the old system of classifications i.e. Gazetted and non-gazetted. However, for purpose of regulation of TA. they have classified the staff into five classes viz., Class-I, Class-II, Class-III, Class-IV and Class-V.

In Nagaland, Arunachal Pradesh, Dadra & Nagar Haveli (U.T.), Courts are given the supporting staff on transfer from their Collectorates.

Names of the States / Union Territories where the staff have been classified as 'GROUPS' are set out in the accompanying **ANNEXURE-A** herein.

Names of the States / Union Territories where the classification of the staff of the Courts still continues as 'CLASSES' are set out in the accompanying **ANNEXURE-B** herein.

OUR RECOMMENDATIONS

In our opinion, it is necessary and also advisable to get rid of the classification of the supporting staff of the Subordinate Courts into Classes I, II, III and IV. Equally, the classification of Grades should be abandoned. These types of classifications not only bring out 'class consciousness' within the service, but are also likely to hurt the feelings of the employees in the lower category.

In service, there should not be any class consciousness. They must form a homogeneous unit in whatever cadre they serve.

We, therefore, strongly recommend that the existing Classes I, II, III and IV or the Grades be replaced by Groups 'A', 'B', 'C' and 'D' in conformity with the revised pay structure adopted by each State / Union Territory.

Change over from Classes to Groups is also necessary, since the Commission has framed the "DRAFT RULES OF RECRUITMENT" which could be commonly used by all States and Union Territories.

The classification of supporting staff in Courts into Groups should also be in conformity with the classification of civil services in the Central Government. In every State and Union Territory, the Central Government employees are classified as Groups 'A', 'B', 'C' and 'D'. They are generally working almost in the building adjacent to the premises in which the State Government employees are working. They meet and co-ordinate with each other. Indeed, it would be odd to have different classifications for Central and State Services. They are all civil servants. It is proper to have a common yardstick for their classification.

For a healthy atmosphere, we recommend to all the High Courts and States / Union Territories to redesignate their existing Classes I, II, III and IV services or other grading systems into Groups 'A', 'B', 'C' and 'D'.

* * * * *

**NAMES OF STATES / UNION TERRITORIES WHERE COURT
STAFF ARE CLASSIFIED AS GROUPS 'A', 'B', 'C' 'D'.**

In **GOA**, Supervisory cadres are classified as Group 'B'; Ministerial cadres, Stenographers, and Drivers are classified as Group 'C' and the Process Establishment and sub-staff are classified as Group 'D'.

In **KARNATAKA**, Supervisory cadre is Group 'B'; Ministerial cadres, Stenographers, Typists, Process Establishment and Drivers are Group 'C'. Sub-Staff are classified as Group 'D'.

In **KERALA**, Supervisory cadres, Ministerial cadres, Stenographers / Typists, Drivers and Process Establishment (only Amins), both in the Civil Courts as well as the Criminal Courts, are Group 'C' and Process Servers and the Sub-Staff are Group 'D'.

In **MIZORAM**, Supervisory cadre is classified as Group 'B'; the Ministerial cadres, Stenographers, Drivers and Process Establishment are Group 'C'; and the Sub-Staff are Group 'D'.

In **MEGHALAYA**, Supervisory and Ministerial cadres are classified as Group 'C' and Process Servers and Sub-staff are classified as Group 'D'.

In **SIKKIM**, Supervisory and Ministerial cadres are classified as Group 'C' and Process Servers and Sub-staff are classified as Group 'D'.

In **TAMIL NADU**, Supervisory cadres are categorised as Group 'B'. The Ministerial cadres, Stenographers / Typists / Copyists, Drivers and Process Establishment are Group 'C'. The Sub-Staff are Group 'D'.

In **TRIPURA**, Supervisory cadres have been classified as Group 'B'. Ministerial cadres, Stenographers and Drivers are Group 'C'. Process Establishment and Sub-Staff are Group 'D'.

In **UTTAR PRADESH** and **UTTARANCHAL**, Supervisory cadre is Group 'B'; the Ministerial cadres and Stenographers are classified as Group 'C'; Drivers, Process Servers and Sub-Staff are classified as Group 'D'.

In **WEST BENGAL**, Supervisory cadres and Stenographers Grade 'A', 'B' & 'C' have been classified as Group 'A' and Group 'B'. Ministerial cadres and Drivers have been classified as Group 'C' - Process Servers and Sub-Staff have been classified as Group 'D'.

In **NCT of DELHI**, Supervisory cadres and the Senior Personal Assistant (in the cadre of Stenographers) have been classified as Group 'A' and Group 'B'. Ministerial cadres, Stenographers Grade I to Grade III and Drivers are categorised as Group 'C'. Process Servers and Sub-Staff are classified as Group 'D'.

In **PONDICHERRY (UT)**, Supervisory cadre is classified as Group 'B', the Ministerial cadres, Stenographers and Drivers are Group 'C' and Sub-Staff are Group 'D'.

In **LAKSHADWEEP (UT)**, Supervisory cadre is Group 'B'; Ministerial cadres, Stenographers and Drivers are Group 'C' and the Process Server and Sub-Staff are Group 'D'.

In **DAMAN & DIU (UT)**, Supervisory cadre is Group 'B'; Ministerial cadre is Group 'C' and Sub-Staff are Group 'D' as in Central Government.

In **ANDAMAN & NICOBAR ISLANDS**, Superintendent and Ministerial cadres are Group 'C' and Sub-Staff are Group 'D'.

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**NAMES OF STATES / UNION TERRITORIES WHERE THE
COURT STAFF ARE CLASSIFIED AS CLASS I, CLASS II,
CLASS III, CLASS IV**

- | | | |
|----|-------------------------------|---|
| 1. | Assam | Both in Civil Courts and Criminal Courts, all Ministerial cadres are Class III and Jarikarak and Sub-Staff are Class IV. |
| 2. | Andhra Pradesh | Administrative Officer is Class II, other Ministerial cadres are Class III and Process Servers and Sub-Staff are Class IV. |
| 3. | Bihar & Jharkhand | Sheristedar of District Court and Ministerial cadres are Class III and Sub-Staff are Class IV. |
| 4. | Gujarat | Stenographer Grade I is Class II. Ministerial and other cadres are Class III; and Sub-Staff are Class IV. |
| 5. | Himachal Pradesh | Superintendent, Superintendent Grade-II and Ministerial cadres are Class III; Bailiffs, Process Servers and Sub-Staff are Class IV. |
| 6. | Haryana | Superintendent to Dist. Judge is Class II; Suptd. Grade II, Ministerial and other cadres are Class III; and Process Servers and Sub-Staff are Class IV. |
| 7. | Madhya Pradesh & Chhattisgarh | Clerk of the Court and Ministerial cadres are Class III; Process Servers, Drivers and Sub-Staff are Class IV. |
| 8. | Maharashtra | In Mofussil Court, the cadre of Registrar is Class II. Ministerial and other cadres are Class III; and Sub-Staff are Class IV. |

9. Manipur Administrative Officer and Sheristedar are Class II; Ministerial staff is Class III; Bailiff, Process Server and Sub-Staff are Class IV.
10. Orissa Sheristedar of District Court and PA to District Judge are Class-II; Ministerial cadres, including Sale Amin and Driver, are Class III; and Sub-Staff are Class IV.
11. Punjab Superintendent to District & Sessions Judge is Class II, Superintendent Gr.II and other Ministerial cadres, including Process Servers and Drivers, are Class-III. Sub-Staff are Class IV.
12. Rajasthan Senior Munsarim and Ministerial cadres including Drivers are Class III and Sub-Staff are Class IV.
13. Chandigarh (U.T.) Superintendent to District & Sessions Judge is Class II. Superintendent Gr.II and other Ministerial cadres including Bailiff, are Class III. Process Servers and Sub-Staff are Class IV.

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CHAPTER - V

**CHANGE OF NOMENCLATURE OF THE
SUPPORTING STAFF OF THE
SUBORDINATE COURTS**

CHAPTER - V

CHANGE OF NOMENCLATURE OF THE SUPPORTING STAFF OF THE SUBORDINATE COURTS

In our Report on the service conditions of the Judicial Officers of the Subordinate Courts, we have in Vol. I, Chapter 5, stated that the Judicial Officers should not be called as "Subordinate Judicial Officers" or belonging to "Subordinate judicial Service", but be termed as belonging to "Judicial Service" prefixed by the name of their respective State like Delhi Judicial Service, Maharashtra Judicial Service, Karnataka Judicial Service, Andhra Pradesh Judicial Service etc.

In support of the aforesaid change of nomenclature, we have stated that the word "Subordinate" is likely to give rise to a feeling of inferiority complex, position and status and it would not create a healthy atmosphere in the judicial set-up. Since the Judicial Officers are as independent as the Judges of the High Court in performing their judicial functions, it is not proper to address them as Subordinate Judicial Officers or belonging to Subordinate Judicial Service.

The aforesaid recommendation has been widely appreciated by all the Judicial Officers of the States / Union Territories. It has been since approved by the Supreme Court also.

There is now a demand from the Ministerial Staff of the Courts that they may also be given a better name consistent with the work they perform.

Presently, the Ministerial Staff in the Subordinate Courts have been given different names in different States / Union Territories. They are as under :

<u>Names of the State/UT</u>	<u>Nomenclature of the Court Staff</u>
i. Andhra Pradesh	: Judicial Ministerial Service
ii. Assam	: District and Sessions Judges' Establishment (Ministerial) Service
iii. Bihar	: Bihar Civil Court Staff
iv. Delhi	: Delhi Courts Establishment
v. Goa	} : Subordinate Courts Group 'C'
vi. Daman and Diu	
vii. Gujarat	: Class III and Class IV Services in Subordinate Courts
viii. Haryana	: Subordinate Courts Establishment
ix. Himachal Pradesh	: The Subordinate Courts Staff
x. Jammu and Kashmir	: Ministerial Officers of the Subordinate Courts
xi. Karnataka	: Subordinate Courts Ministerial Posts
xii. Kerala	: Judicial Ministerial Subordinate Service
xiii. Maharashtra	: Staff of Subordinate Court
xiv. Manipur	: Subordinate Civil Courts Ministerial Establishment
xv. Orissa	: District and Subordinate Courts Ministerial Services
xvi. Punjab	: Subordinate Courts Establishment
xvii. Rajasthan	: Subordinate Courts Ministerial Establishment

<u>Names of the State/UT</u>	<u>Nomenclature of the Court Staff</u>
xviii. Sikkim	: Subordinate (Ministerial and Executive) Service
xix. Uttar Pradesh	: Subordinate Civil Courts Ministerial Establishment
xx. West Bengal	: Civil Courts Clerical & Inferior Service
xxi. Chandigarh	: Subordinate Courts Establishment
xxii. Lakshadweep	: Judicial Service (Group 'C' & 'D' Posts)
xxiii. Pondicherry	: Judicial Subordinate Service
xxiv. Tamilnadu	: Judicial Ministerial Service
xxv. Andaman & Nicobar Islands	: Dist. & Sessions Judge & Subordinate Courts Clerical & Class IV Service
xxvi. Tripura	: Subordinate Civil Courts Ministerial Establishment

Some Court Staff Associations have suggested that their services may be regarded as "Court Service" to distinguish them from other Ministerial Service of the Government Departments.

We have invited the views and comments from all concerned by formulating the following question in our questionnaire:

"Some Staff Associations of the District Judiciary have suggested that they be termed as "Court Service" instead of "Ministerial Staff". Whether this nomenclature would be appropriate? If so, please give reasons in support thereof."

In response to the question, most of the High Courts and Staff Associations have agreed with the proposed nomenclature as "Court Service". Some High Courts have suggested different names, while the State Governments have given varied views. We may briefly summarise their views hereunder :

HIGH COURTS

The High Courts of ANDHRA PRADESH, MADRAS, BOMBAY, RAJASTHAN, KERALA, PATNA, PUNJAB & HARYANA, KARNATAKA and ALLAHABAD have indicated that it is appropriate to call the Ministerial Staff of the Courts as "Court Service". They have, inter-alia, stated that the duties and responsibilities of the Court Staff are quite different from the Ministerial Staff of the Government. The posts like Sheristedars, Nazirs, Bailiffs etc., which are in the Judicial Department, are not available in the Departments of the Government. They are not interchangeable with the Ministerial Staff of the Departments of Government. They have added that the Staff of the Court must have distinct name, since they are required to be familiar with the Laws, Rules and Regulations that are being administered by the Courts.

The following HIGH COURTS have, however, suggested different names :

- (i) GUJARAT HIGH COURT :
"Court Ministerial Service"
- (ii) HIGH COURTS OF HIMACHAL PRADESH AND UTTARANCHAL:
"Court Staff" or "Court Officials"
- (iii) GUWAHATI HIGH COURT :
"District Court Staff"

(iv) **ORISSA HIGH COURT :**

“Ministerial Staff of the Court”

(v) **MADHYA PRADESH HIGH COURT :**

The expression “Court Service” may create problems in view of the fact that there are two categories of staff in the Court (i) Staff attached to the Courts; and (ii) Staff working in the Office of the Courts. The expression “Court Service” may create many administrative problems and, therefore, they be called as “Court Staff”.

(vi) **ALLAHABAD HIGH COURT :**

High Court is commonly known as Court. If the Ministerial Staff is termed as “Court Service”, people may confuse it with the High Court Staff.

(vii) **JAMMU AND KASHMIR HIGH COURT :**

“Court Service”, for Ministerial Staff is not appropriate and being exhaustive includes the Presiding Officers of the Court.

STATE GOVERNMENTS

The State Governments of KARNATAKA, MAHARASHTRA, TAMILNADU, GOA, SIKKIM, NAGALAND, MIZORAM and the Administrations of Union Territories of LAKSHADWEEP, DAMAN & DIU, DADRA & NAGAR HAVELI and CHANDIGARH have agreed to change the nomenclature as “COURT SERVICE”.

The following States have, however, suggested different names :

(i) **Government of UTTAR PRADESH :**

“District Court Service”

(ii) Government of MADHYA PRADESH :

“Court Staff”

(iii) Government of ASSAM :

“District Court Staff”

The rest of the Governments are not in favour of any change in the existing nomenclature. It is urged that the existing name “Ministerial Staff” should remain, since the duties and responsibilities of the Ministerial Staff in the Courts are purely clerical in nature and similar to those of the Staff working in the Departments of the Government.

ASSOCIATIONS

There are innumerable Associations of the Court Staff. In some States, each category of Staff has formed an Association of its own. Without referring to them individually, we may state that most of the Associations have preferred that their service may be called “Court Service”.

The following Associations, however, have indicated different nomenclature:

- | | | |
|-------|---|-------------------------|
| (i) | Maharashtra State Judicial
Employees' Confederation | } “Judicial
Staff” |
| (ii) | Andhra Pradesh State Judicial
Administrative Officers' Association | |
| (iii) | Gujarat State Judicial Stenographers /
P.As Association | } “Judicial
Service” |
| | And | |
| (iv) | Tripura Government Employees'
Association, Tripura | |

OUR RECOMMENDATIONS

While giving a new nomenclature to the Court Staff, it would be useful to recall the nomenclature given by the Commission to the Subordinate Judiciary. In Chapter V of our Report relating to Judicial Officers under the heading "Rechristening the Subordinate Judiciary", the Commission has suggested that instead of using 'Subordinate Court Service', it should be "Judicial Service" prefixed by the name of the concerned State.

Consistent with that nomenclature, the existing nomenclature like Subordinate Court Staff, Subordinate Court Establishment, Judicial Ministerial Subordinate Service, Staff of Subordinate Court or Judicial Service etc., should give place to a new nomenclature since the existing names are likely to belittle the Court staff. The Court staff must feel that they too belong to the integrated justice delivery system of the District.

Almost all the High Courts and most of the Staff Associations have favoured the term "COURT SERVICE". But some High Courts have suggested that the term "COURT SERVICE" may seem to include the High Court Service also and it may create confusion. We have taken note of that caution.

In order to distinguish the staff of the High Court from the staff of the District Court, we recommend that the Court staff of the Subordinate Courts may be termed as "DISTRICT COURT SERVICE".

We request all the High Courts, State Governments and Union Territories to amend their Rules accordingly.

* * * * *

CHAPTER - VI

HUMAN RESOURCE MANAGEMENT

CHAPTER - VI

HUMAN RESOURCE MANAGEMENT

INTRODUCTION :

The old system of management in any organisation had little consideration for human aspects of the people employed. It was wholly a bureaucratic style of functioning. This system, all over the world, is giving place to a new principle of management - styled as "HUMAN RESOURCE MANAGEMENT" (HRM). HRM concerns the management of persons in an organisation, wherein people are considered as valued assets. "The organisational culture and capabilities are derived from how people are managed". This is true even more in a service organisation like the Courts, as the entire onus of operation lies on the persons with little or no role of technology.¹

In this Chapter, we focus on the recruitment of and promotional opportunity to Group 'D' and certain categories of Group 'C' employees.

RECRUITMENT :

Group 'D'/Class IV :

STATES/U.Ts

Assam, Andhra Pradesh, Bihar, Chhattisgarh, Delhi, Goa, Haryana, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa, Punjab, Tamilnadu, Tripura, Uttar Pradesh, Uttaranchal, West Bengal, Chandigarh & Andaman and Nicobar Islands

AGENCY/AUTHORITY FOR RECRUITMENT

The Principal District
and Sessions Judge

1. Report on Restructuring of Non-Judicial Cadre by IIT, Delhi, V.I, p.109 (Chapter 6)

**Gujarat
Maharashtra**

Advisory Committee consisting of :

- | | |
|---|----------------------|
| 1. District & Sessions Judge | For District Court |
| 2. Assistant Judge | |
| 3. Civil Judge (Sr. Dn.) | |
| 1. Principle Judge | For City Civil Court |
| 2. Two Senior most City Civil Judges | |
| 1. Chief Metropolitan Magistrate | For CMM Court |
| 2. Two Senior most Metropolitan Magistrates | |

Himachal Pradesh

Selection Committee consisting of District and Sessions Judge & Two Judicial Officers

Pondicherry

Selection Committee consisting of :

1. Head of Judicial Department - Chairman
2. Deputy Secretary, Chief Administration Department - Member
3. Deputy Secretary, Law & Labour Department - Member
4. One Head of the Office designated by the Head of the Department - Member

Rajasthan

Selection Committee consisting of :

1. Head of the Department.
2. District Collector.
3. District Level Officer of the District/Regional Level Officer.

Sikkim

Selection Committee consisting of :

1. Registrar General, High Court.
2. District and Sessions Judge (East and North)
3. District and Sessions Judge (West and South)

Meghalaya

District Selection Committee - to be appointed by District Judge.

Lakshadweep

U.T. Administration.

From the aforesaid, it could be seen that in most of the States and UTs, the Principal District & Sessions Judge alone is the Recruiting Authority for Group 'D' Employees.

In Bihar, Goa, Gujarat, Himachal Pradesh, Maharashtra, Pondicherry, Sikkim, Meghalaya and Nagaland, there are Selection Committees headed by the Unit Head like District & Sessions Judge.

QUALIFICATION :

The minimum educational qualification prescribed for recruitment to Group 'D' posts varies from State to State/U.T. A couple of States have prescribed "just literate" and others have prescribed III Std., IV Std., pass in V Std., VII Std., VIII Std., or Non-Matric.

The names of the States/U.Ts and the qualification prescribed for recruitment to Group 'D' posts are as under :

<u>States/Union Territories</u>	<u>Minimum Educational Qualification</u>	
Assam Meghalaya Daman & Diu (U.T)	Non-Matriculation	
Goa Haryana, Jammu and Kashmir Manipur Punjab Tamilnadu Tripura West Bengal Chandigarh (U.T) Dadra & Nagar Haveli (U.T)		Middle School Examination which is equivalent to pass in VIII Standard examination

Pondicherry (U.T.)		Studied up to VIII Standard
Andhra Pradesh	}	Pass in VII Standard examination
Maharashtra City Civil Courts		
Lakshadweep (U.T.)		
Himachal Pradesh	}	Pass in V Standard examination
Madhya Pradesh		
Chhattisgarh		
Rajasthan		
Andaman & Nicobar Islands(U.T.)		
Karnataka	}	Pass in IV Standard examination
Maharashtra Mofussil Courts		
Gujarat	}	Studied up to Class IV Primary School
Sikkim		
Delhi		No qualification is prescribed
Bihar	}	Literates who know reading and writing
Jharkhand		
Kerala		
Orissa		
Uttar Pradesh		
Uttaranchal		

Group 'C'/ Class III :

Selection to the entry level posts like Lower Division Clerk, Junior Assistant, Typist and Stenographer is made either by the District & Sessions Judge or Selection Committee / Advisory Committee or State Public Service Commission, as indicated below:

<u>STATES/U.Ts</u>	<u>AGENCY/AUTHORITY</u>
Assam, Chhattisgarh, Delhi, Haryana, Madhya Pradesh, Manipur, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, Uttaranchal, West Bengal, Chandigarh, Andaman & Nicobar Islands and Daman & Diu	} District and Sessions Judge
Andhra Pradesh, Karnataka, Kerala, Tamilnadu and West Bengal (for Stenographers)	} State Public Service Commission.
Bihar, Goa, Himachal Pradesh, Jharkhand, Jammu & Kashmir, Maharashtra, Sikkim, Meghalaya & Pondicherry	} Selection Committee / Central Coordination Committee / Advisory Committee
Gujarat	- Advisory Committee, but the list of selection has to be approved by the High Court.

JAMMU & KASHMIR :

This is the only State, which has not given clear-cut information. In response to our Questionnaire, it is stated that the District Judge is the selecting authority for Class-III and Class IV Staff. But during the personal hearing, Mr. Kochak, Special Secretary (Law) stated that there are no rules of recruitment hitherto framed for recruitment of the Court Staff. The High Court alone makes appointment to all categories of posts in the Subordinate Courts. This is also the submission made by the Staff Association.

QUALIFICATION FOR GROUP 'C' :

Even for recruitment to entry level posts in Group 'C', different States / U.Ts have prescribed different qualifications. We have set out below in laconic details the minimum educational qualification prescribed by the different States/U.Ts:

States/Union Territories**Minimum Educational Qualification
For entry level posts**

Bihar	}	Graduate
Haryana		
Jharkhand		
Punjab		
Chandigarh		
Uttar Pradesh	}	Intermediate
Uttaranchal		
Assam	}	S.S.L.C or equivalent
Andhra Pradesh		
Chhattisgarh		
Delhi, (NCT)		
Goa		
Gujarat		
Himachal Pradesh		
Jammu and Kashmir		
Karnataka		
Kerala		
Madhya Pradesh		
Maharashtra		
Manipur		
Meghalaya		
Orissa		
Rajasthan		
Sikkim		
Tamilnadu		
West Bengal		
Andaman & Nicobar Islands (U.T.)		
Lakshadweep (U.T.)		
Pondicherry (U.T.)		
Daman and Diu (U.T.)		
Dadra & Nagar Haveli (U.T.)		
Tripura	- Pass in Madhyamik Examination/HS or Equivalent.	

In addition to the general academic qualification, Typists, Copyists and Typist-Copyists are required to acquire additional qualification in typing, as prescribed.

It may be noted that in Bihar, Jharkhand, Haryana, Punjab and Chandigarh, the minimum qualification for appointment to the posts of Lower Division Clerk, Junior Assistant, Typist and Stenographer is graduation.

In Uttar Pradesh & Uttaranchal, it is Intermediate.

In the remaining States and Union Territories, the minimum educational qualification is only S.S.L.C or equivalent, except in Tripura, where pass in Madhyamik Examination / HS or equivalent has been prescribed.

VIEWS OF THE HIGH COURTS FOR RETAINING OR CHANGING THE AUTHORITY FOR RECRUITMENT :

High Courts of ANDHRA PRADESH, KARNATAKA, KERALA and TAMIL NADU have stated that the Public Service Commission is not able to sponsor candidates for several years and it is better to empower the District Judges or Unit Heads to make direct recruitment to all categories of posts in the Courts.

The remaining High Courts are in favour of continuing the existing authority for recruitment.

BOMBAY High Court has suggested a novel method of recruitment. It has stated that, -

“Only one advertisement should be published every three years at a fixed time in daily newspapers in all districts containing a prescribed format of application. The format may provide for candidates giving options for being considered for post in various Districts in order of

preference. Candidates may be instructed to submit only one application for the post in all Districts. The application may be submitted in any District Court by registered post. The process of registration of application should be computerised and such computerised data may be ultimately centralised. Uniform method of shortlisting may be adopted. Written or typing test may be held on the same date throughout the State as per uniform test material. The evaluation of papers may, however, take place in the District Courts. Interviews may be held by one panel for the whole State so that there is uniformity in assessment. A single list according to merit/reservations may be prepared for the whole State and candidates selected, may be allotted to districts of their choice according to their merit. Final District-wise list, thus prepared, may be approved and sent to each District Judge to enable him to make appointments within the next three years."

VIEWS OF THE STATE GOVERNMENTS :

Some State Governments have concurred with the views expressed by their respective High Courts and others have not expressed any view with regard to the authority for selection and recruitment.

The State Government of KERALA, however, is forthright in stating that there is inordinate delay in the selection of candidates by the Public Service Commission.

The KARNATAKA State Government has also stated that the Public Service Commission is not conducting separate examination for selecting FDA/SDA to work in Courts and there is inordinate delay in selection of candidates by the PSC. Therefore, it is necessary that the District & Sessions Judges may be empowered with the power of selection of candidates for FDA / SDA.

VIEWS OF THE STAFF ASSOCIATIONS :

The views expressed by the Staff Associations are various and varied, though they are unanimous in stating that the Public Service Commission should not be the recruiting agency.

Gujarat State Judicial Department (Class III) Employees' Federation has suggested that the practice of obtaining approval of the High Court for the selection made by the Advisory Committee should be discontinued.

The All India Judicial Employees' Confederation, while favouring full powers to the Dist. & Sessions Judge to recruit candidates as and when vacancies arise has, however, stated that a proper mechanism should be devised to avoid interference by higher-ups.

Some Staff Associations want us to understand that the "interference by higher-ups" means only by the High Court Judges. Some of them are candid in pointing out that the Judges of the High Court more often replace the select list prepared by the District Judge with their own candidates. It is said that the selection by the District Judge is only in the Rules of Recruitment and High Court Judges direct the District Judges to select their nominees. In this context, the U.P. Group 'D' Employees' Association remarks may be noted. It has stated thus:

"The District Judge of the District appoints the personnel of Group 'D' in U.P. The appointments in the district are strictly made under the influence and compulsion of the Hon'ble Judges of the High Court in U.P. as the Hon'ble Judges send the list of their favourites to be appointed in Group 'D' along with the favourites of some broker type of Government servants who also reap the advantage of their family members in Group 'D' in U.P. though the selection committee of the District invites the application from

the public of the District. So, this is the only drama to complete the formalities and ultimately the candidates sent by the High Court are selected. This is economic loss and betrayal of public confidence.”

Our experience also confirms the allegations made by the Staff Associations. It is, in our opinion, not only illegal but also improper for the High Court Judges to interfere with the selection and appointment of Group 'D' employees by the District Judges. To minimise such interference, we recommend a Selecting Authority of Judicial Officers as herein below.

VIEWS OF THE DISTRICT JUDGES :

In response to our Questionnaire, 309 replies have come from District & Sessions Judges. Some have, inter-alia, stated that the recruitment work has become onerous for them and they need to spend considerable time to hold interviews. They are getting thousands of applications even for a couple of posts. The processing of applications has to be done by the Court Staff in addition to their regular work which is otherwise heavy. They have suggested to provide additional staff to attend to the recruitment of staff.

VIEWS EXPRESSED BY INDIAN INSTITUTE OF TECHNOLOGY, NEW DELHI (IIT, DELHI) :

IIT, Delhi, our Consultant, has examined this matter. It has advised that the recruitment has to be done at the District level. State level recruitment would cause unnecessary delay. The recruitment process may take considerable time to get the vacancies filled up and the Court having more number of vacancies would suffer more.

For a comprehensive picture and easy reference, we have set out in the enclosed ANNEXURE, the existing Authority for recruitment in each State/U.T and the views expressed by the High Courts / State Governments / U.Ts as to its retention / modification or replacement.

OUR RECOMMENDATIONS

I. SELECTING AUTHORITY :

We are of the opinion that the powers of the Public Service Commission to recruit staff to the Subordinate Courts should be taken away and the District Recruitment Committee shall be empowered to make all such recruitments. We accordingly make the following recommendations:

(i) District Recruitment Committee

The District Recruitment Committee for the District Courts shall consist of :

- | | | |
|---|------|----------|
| i) Principal District & Sessions Judge | | Chairman |
| ii) Senior-most Addl. District & Sessions Judge | | Member |
| iii) Civil Judge (Sr.Dn.) / CJM / CMM | | Member |

The Recruitment Committee for Cities with City Civil Courts shall consist of :

- | | | |
|---|------|----------|
| i) Principal City Civil & Sessions Judge | | Chairman |
| ii) Senior-most Judge in the City Civil Court /
Metropolitan City | | Member |
| iii) Chief Metropolitan Magistrate / Chief Judge,
Small Causes Court | | Member |

(ii) The Recruitment Committee shall make recruitment to all categories of posts, excluding the posts for which High Court is the appointing authority.

(iii) Recruitment Cell:

There shall be a Recruitment Cell established in each District Court or the City Civil Court / or in other cities for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. This Cell shall assist the Recruitment Committee, including processing of applications received for the posts, and short-listing them as per the guidelines of the Recruitment Committee. The creation of such Cell with adequate staff has become necessary in view of the fact that applications are received in thousands even for 5 to 6 posts.

(iv) The recruitment shall take place every year well in advance before the vacancies arise.

II. QUALIFICATION FOR GROUP 'D'

For Group 'D' post, we consider that it is necessary that the incumbent should have sufficient educational qualification and not just being a literate or III Standard or IV Standard. In these days of unemployment of a large number of educated persons, it is not advisable to appoint those who are just literate or III or IV Standard, when primary education has become compulsory in all States.

Apart from that, our experience is that even for few posts of Peons or similar posts, thousands of candidates with qualification from Matriculation to Graduation are forthcoming. Secondly, the Group 'D' employees are eligible for promotion to the posts of Process Server and Lower Division Clerk / Junior Assistant and therefore, they must have adequate knowledge of the Court procedure for which being a mere literate or having III or IV Standard is not sufficient.

OUR RECOMMENDATION

“The minimum qualification for recruitment to Group ‘D’ posts shall be VII Standard.”

If any State / U.T has already prescribed higher qualification, we recommend that such qualification may prevail.

III OUR RECOMMENDATIONS AS TO QUALIFICATION FOR DIRECT RECRUITMENT TO GROUP ‘C’

Quite naturally, for the entry level posts in Group ‘C’, it should be above VII Standard.

Having regard to the nature of the Court work, we recommend, -

“that the minimum qualification for entry level post in Group ‘C’ should be SSLC / Matriculation. In addition to the qualification, the experience / knowledge in typing should be insisted upon, as the Lower Division Clerk / Junior Assistant will also have to type since the Courts are being computerised.”

We do not propose to recommend Graduation as the minimum qualification, since it would be unfair to those who cannot afford to graduate themselves for economic reasons.

However, Bihar, Jharkhand, Haryana, Punjab and Chandigarh have prescribed graduation as minimum qualification for entry level post in Group ‘C’. We leave it to their discretion to retain it or to change it in conformity with our above recommendation.

IV. PROMOTION :

This takes us to the next aspect in human resource management, that is promotion.

There cannot be any modern management much less any career planning, manpower development, which is not related to a system of promotions.

Every management must provide realistic opportunities for promising employees to move upward. The organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administrative cost, misallocation of personnel, and low morale etc..

In RAGHUNATH PRASAD SINGH Vs. SECRETARY, HOME (POLICE) DEPARTMENT, Govt. of BIHAR & OTHERS², the Supreme Court observed:

“Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly.”

In Dr. Ms. O.Z.HUSSAIN Vs. UNION OF INDIA AND OTHERS³, the Supreme Court observed:

“This Court, has on more than one occasion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus a normal incidence of service.”

2. AIR 1988 SC 1033

3. AIR 1990 SC 311

The most important grievance of the Court Staff is that they have little promotional opportunity. That is their general complaint. It is said that most of the Court employees retire from the same post to which they entered service.

During the hearing of the representatives of the Associations, and in particular, the All India Judicial Employees' Confederation, it was pointed out that in some States, employees in the Government Departments joining service as Clerks usually become Gazetted Officers before they retire, but no such opportunity is available in the Judicial Department.

The Indian Institute of Technology, New Delhi, has examined the promotional opportunities available to the Court Staff.⁴ Their study has brought to light startling information. The study reveals that in Assam, Bihar, Haryana and Madhya Pradesh, the Court Staff in certain cadres have to serve for 40 years, 33 years, 30 years and 22½ years respectively to earn one promotion.

In States like Delhi, Uttar Pradesh and Tamilnadu, to earn promotion, minimum of 13½ years, 14 years and 10½ years respectively are required.

The position is relatively better but not attractive in the rest of the States.

IIT has suggested to improve promotional avenues in addition to providing the Assured Career Progressions (ACP) at suitable intervals.

Some of the States have stated that since the State Governments have introduced Time Bound Promotion Scheme or ACP, securing the employees 3 or 4 higher scales at reasonable intervals, there should be absolutely no ground for any discontentment among the employees.

4. IIT Report Volume I Page 59

It may be noted that the Time Bound Promotion Scheme may bring certain financial benefit to the employees. But, it does not secure them higher status or work satisfaction. What brings satisfaction to an employee is status linked with higher duty and responsibility in the eyes of the public.

We have carefully examined the promotional benefits available to Group 'D' employees in all States/U.Ts and found some States/U.Ts have one pay scale, some have two pay scales and others have three pay scales. They are as follows:

States / UTs with single Pay Scale :

	<u>Name of the State/UT</u>	<u>Pay Scale</u>
1.	Kerala (Criminal Court Establishment)	- Rs.2610-3680
2.	Tamilnadu	- Rs.2550-3200
3.	West Bengal	- Rs.2600-4175
4.	Daman & Diu	- Rs.2550-3200
5.	Dadra & Nagar Haveli	- Rs.2440-3200
6.	Sikkim	- Rs.2850-4170

States / UTs with two Pay Scales :

	<u>Name of the State/UT</u>	<u>Pay Scale</u>
1.	Assam	- 1. Rs.2450-3670 2. Rs.2530-4390
2.	Andhra Pradesh	- 1. Rs.2550-4550 2. Rs.2870-5470
3.	Chhattisgarh	- 1. Rs.2550-3200 2. Rs.2610-3540*

* This scale is promotional scale to (1)

4.	Haryana	-	1.	Rs.2550-3200
			2.	Rs.2650-4000*
5.	Himachal Pradesh	-	1.	Rs.2520-4140
				(Minimum start at Rs.2620)
			2.	Rs.2720-4260*
6.	Kerala (Civil Courts Establishments)	-	1.	Rs.2610-3680
			2.	Rs.2650-4150*
7.	Madhya Pradesh	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
8.	Meghalaya	-	1.	Rs.2440-3680
			2.	Rs.2650-4130*
9.	Punjab	-	1.	Rs.2520-4140
			2.	Rs.2720-4260
10	Rajasthan	-	1.	Rs.2550-3200
			2.	Rs.2610-3540
11.	Tripura	-	1.	Rs.2600-3545
			2.	Rs.2750-4925*
12.	Uttar Pradesh	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
13.	Uttaranchal	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*

* This scale is promotional scale to (1)

14.	Jammu & Kashmir	-	1.	Rs.2550-3200
			2.	Rs.2610-3540
15.	Manipur	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
16.	Mizoram	-	1.	Rs.2650-4000
			2.	Rs.3050-4590]
17.	Andaman & Nicobar Islands	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
18.	Chandigarh	-	1.	Rs.2520-4140
			2.	Rs.2720-4260*
19.	Lakshadweep	-	1.	Rs.2550-3200
			2.	Rs.2650-4000*

States / UTs with three Pay Scales :

<u>Name of the State/UT</u>			<u>Pay Scale</u>	
1.	Bihar	-	1.	Rs.2550-3200
			2.	Rs.2610-3540
			3.	Rs.2650-4000
2.	Goa	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
			3.	Rs.2650-4000**

* This scale is promotional scale to (1)

** This scale is promotional scale to (2)

3.	Gujarat	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
			3.	Rs.2650-4000**
4.	Jharkhand	-	1.	Rs.2550-3200
			2.	Rs.2610-3540
			3.	Rs.2650-4000
5.	Karnataka	-	1.	Rs.2500-3850
			2.	Rs.2600-4350
			3.	Rs.2775-4950
6.	Maharashtra	-	1.	Rs.2550-3200
			2.	Rs.2610-4000*
			3.	Rs.2750-4400
7.	Orissa	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
			3.	Rs.2650-4000**
8.	Pondicherry	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
			3.	Rs.2650-4000**
9.	Delhi	-	1.	Rs.2550-3200
			2.	Rs.2610-3540*
			3.	Rs.2650-4000**

The Group 'D' employees in many States / U.Ts are eligible for promotion to Group 'C' post. But the percentage of such promotion varies from State to State and Union Territory to Union Territory.

* This scale is promotional scale to (i)

** This scale is promotional scale to (ii)

The States / U.Ts having different percentage of promotion from Group 'D' to Group 'C' are furnished hereunder :

<u>Name of the State / U.T</u>	<u>Percentage</u>
I. Assam, Delhi, Haryana, Manipur, Mizoram, West Bengal, Punjab, Chandigarh and Andaman & Nicobar Islands	10%
II. Tripura, Bihar & Jharkhand	20%
III. Goa	12.5%
IV. Jammu & Kashmir, Karnataka, Madhya Pradesh, Chhattisgarh, Rajasthan, Uttar Pradesh and Uttaranchal	15%
V. Himachal Pradesh	25%

In Tamilnadu and Pondicherry recruitment to the entry level posts in Group 'C' is made by promotion of Group 'D' employees and by direct recruitment in the ratio of 2 : 2 (which means 50% by promotion and 50% by direct recruitment).

We have examined the general pay scales available to Group 'D' and Group 'C' employees in respect of which we will discuss in detail when we come to the service conditions in each State / U.T.

We are proposing in separate Chapter elsewhere that the Process Servers who fall under Group 'D' in most of the States and Group 'C' in certain States must be made promotional post to Group 'D' employees and the Process Servers must be further eligible for promotion as Bailiffs.

OUR RECOMMENDATIONS

In the light of the aforesaid discussion and taking into consideration all aspects, we recommend that, -

- 1) (i) The States / UTs having only one scale of pay to Group-D / Class IV employees or if promotional posts are inadequate, must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Standard and must have put in a minimum service of ten years.
 - (ii) The States / UTs having two pay scales out of which one is promotional scale to Group-D / Class-IV employees and to whom there is no adequate further promotion must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Standard and must have put in a minimum service of five years in the first promotional scale.
 - (iii) The High Court may identify such Class-IV officials who may be given this promotional scale.
 - (iv) The benefit of promotional scale may not be given in case any ACP Scale is available at or about that level of service.
- 2) So far as Process Servers are concerned, if they are in Group-D / Class-IV,

they must be given the highest pay scale available for Group-D / Class-IV employees in the respective States.

- 3) There shall be reservation of 25% posts in Group 'C' for promotion to Group 'D' employees.

** ** *

ANNEXURE TO CHAPTER - VI

Sl. No.	State / U.T.	Existing Position	Views of High Court	Views of Govt.
1	2	3	4	5
1.	ANDHRA PRADESH	PSC makes recruitment to the posts of LDC, Typist and Steno-Typist. D & SJ makes recruitment to other posts.	PSC is not able to sponsor candidates for several years. Hence suggested to exclude these posts from the purview of PSC and allow DJs/ Unit Heads to make appointments to these posts.	Not yet received.
2.	ASSAM	D & SJs and CJMs are the selecting authorities of their respective establishments.	Performance of the authorities is satisfactory.	Same views as expressed by High Court.
3.	BIHAR	DJ is the selecting authority for Class IV posts. Zonal Selection Committee is the selecting authority for Class III posts in the Courts of various Districts in the zone. The District Judges of each District in the zone are members of the Committee. The senior-most District Judge is the Chairman.	No Comments	No Views
4.	CHATTISGARH	As in Madhya Pradesh	Satisfied with the performance of the Authority.	No Views
5.	DELHI	Presently, the D & SJ, Admn. Civil Judge and the Judge, SCC, Delhi, are the selecting	No Views	No Views

authority for Court Staff. HC is the appointing authority for the post of Supdt. recently, Draft Rules for recruitment have been framed and it is yet to be finalised. According to the Draft Rules, selection to the categories of posts in Group 'D' and Group 'C' is made by a Selection Committee.

6.	GOA	<p>There is a Dept. Selection Committee consisting of :</p> <p>D & SJ ... Chairman</p> <p>Sr. most Addl. D & SJ ... Member</p> <p>Under Secy., Law Dept. ... Member</p>	<p>Satisfied with the functioning</p>
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7.	GUJARAT	<p>There are separate Staff Advisory Committees for different establishments, as indicated below. These Committees make selection to Class III and Class IV posts. The selection made by these Committees have to be approved by the High Court.</p>	No Views	No Views
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1. Advisory Committee for Dists. :
 - a) Dist. Judge -Chairman
 - b) Asst. Judge - Member
 - c) Civil Judge - Member (SD)

2. Advisory Committee for City Civil Court, Ahmedabad :
 a) Prl. Judge -Chairman No Views No Views
 b) Sr. most Judges (Two)- Members
3. Advisory Committee for Small Causes Court, Ahmedabad :
 a) Chief Judge-Chairman
 b) Sr. most Judges (Two)- Members
4. Advisory Committee for Chief Metropolitan Magistrate Courts, Ahmedabad :
 a) CMM -Chairman
 b) Sr. most Metropolitan Magistrates (Two) - Members
8. HARYANA Recruitment to the post of Supdt. is made by HC on the recommendations of the respective D & SJs. For all other posts, D & SJ is the selecting authority. He invites applications in consultation with CJ or the nominated Judge. Performance is satisfactory. Suggested to constitute District Selection Committee which should include a representative of State Govt.
9. HIMACHAL PRADESH D & SJ is the appointing authority. Selection is made on the basis of the System is working satisfactorily. Suggested to constitute a Selection

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		recommendation of the Selection Committee which is constituted by D & SJ. Selection Committee consists of minimum two Judicial Officers posted in the District.		Board to bring about objective and transparent selection.
10.	JAMMU & KASHMIR	D & SJ is the Recruiting Authority. But there are no rules of recruitment hitherto framed. The High Court only appoints persons for all categories of posts.	Recruitment is done under the supervision of High Court.	No comments
11.	JHARKHAND	As in Bihar.	No comments	Views not furnished
12.	KARNATAKA	Prl. D & SJ / Prl. City Civil & Sessions Judge is the selecting authority for the posts of Stenographer, Typist, Typist-Copyist, Process Server, Attender and Peons. PSC makes selection to the posts of FDA & SDA.	Selection by PSC takes time. Hence suggested that the Prl. D & SJs may also be empowered to make recruitment to the posts of FDA & SDA also.	KPSC is not conducting separate examination for selecting FDA/SDA to work in Courts and there is inordinate delay in the selection of candidates. Hence, D & SJ may be delegated with powers to make selection to FDAs/SDAs also.

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13.	KERALA	PSC is the selecting authority for Group-C posts and the D & S Judge is the Selecting Authority for Group-D posts.	Performance is satisfactory, except that the process of selection is slow and takes time.	Performance is satisfactory, except that the process of selection is very slow and even takes years.
14.	MADHYA PRADESH	D & SJ is the selecting authority for Court Staff.	H.C is satisfied with the performance of the authority.	The arrangement is working satisfactorily. There is no need for any alternative authority.
15.	MAHARASHTRA	<p>There are separate Advisory Committees for different establishments as indicated below:</p> <ol style="list-style-type: none"> 1. <u>For Districts</u> : <ol style="list-style-type: none"> a) Dist. Judge -Chairman b) Asst.Judge - Member c) CJ (SD) - Member 2. <u>For City Civil Court, Mumbai</u> : <ol style="list-style-type: none"> a) Prl. Judge -Chairman b) Two Sr. most Judges - Members 3. <u>For Small Causes Court, Mumbai</u> : <ol style="list-style-type: none"> a) Chief Judge-Chairman b) Two Sr. most Judges - Members 	S u g g e s t e d constitution of a Panel at the State level which will make selection after holding interview.	Same view as given by the High Court.

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4. For CMM Court,

Mumbai:

a) CMM -Chairman

b) Two Sr. most
Metropolitan
Magistrates - Members

16. ORISSA	DJ is the selecting authority	Performance of the authority is satisfactory. However, to simplify the process, some amendments are being considered.	Same view as given by the High Court.
17. PUNJAB	High Court is the selecting authority for Superintendent, (Admn.), and District & Sessions Judge is the selecting authority for other posts.	Performance is satisfactory.	Suggested to constitute District Selection Committee which should include a representative of Govt.
18. CHANDIGARH	- do -		No Suggestion
19. PONDICHERRY	There is a selection Committee with the following : a) Head of Judl. Dept. (Chief Judge) -Chairman b) Dy. Secy., General Admn. Dept. - Member		No Suggestion

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c) Dy. Secy., Law &
Labour Dept. - Member

d) One Head of Office
of Judl. Dept. - Member

20. RAJASTHAN D & SJ is the Selecting Authority for all Class-III posts. Recruitment is made by holding competitive examination. There is a Selection Committee which makes recruitment to Class-IV posts. It consists of the following:
1. Head of the Dept.,
 2. Dist. Collector & Dist. Level Officer of the Dept., / Reg. Level Officer.
- Satisfied with the existing system. However, suggested to constitute a Cell under the High Court.
- Performance is satisfactory. No change or other alternative is required.
21. SIKKIM There is a selection committee headed by Registrar General of High Court. The other Members of the Committee are: D & SJ (E & N) and D & SJ (S & W).
- No Comments
- Selecting authority is functioning effectively.
22. TAMILNADU TNPSC is the Selecting authority for Jr.Asst., Asst. Nazir, Jr. Supdt. of Copyists, Steno-Typist and Typist.
- Though there is delay in the allotment of candidates, the overall performance is satisfactory.
- Dist. & Sessions Judge / CJM is the selecting authority for Asst. Supdt. of
- For entry level common post TNPSC is the recruiting authority. The overall performance of the authority

1	2	3	4	5
		Copyists, Examiners, Readers, Amins and Copyists.		is satisfactory. For other entry level posts like Process Server, Bailiff, Reader,
23.	UTTAR PRADESH	DJ is the selecting authority	No change is called for.	No change is required.
24.	WEST BENGAL	DJ is the selecting authority, except for Stenographers. PSC is the selecting authority for Stenographers.	Satisfied with the performance.	No change is required.
25.	MEGHALAYA	District Selection Committee		
26.	MANIPUR	D & SJ is the selecting authority.		
27.	MIZORAM	DC makes selection through DPC / SC. (No separate Court Staff)		
28.	NAGALAND	District Selection Committee		
29.	ANDAMAN & NICOBAR ISLANDS	Committee constituted by D & SJ makes selection.		
30.	UTTARANCHAL	District & Sessions Judge is the selecting authority.	No comments	No comments
31.	TRIPURA	Dist. & Sessions Judge is the selecting authority.		
32.	LAKSHADWEEP	U.T. Administration is Selecting Authority for Group-C and Group-D.		

CHAPTER - VII

COMMON CATEGORY / CADRE POSTS

CHAPTER-VII

COMMON CATEGORY / CADRE POSTS

In this Chapter, we are concerned with the claim of the Court Staff who are occupying what is termed as common category posts. They are demanding higher pay scale than that of their counterparts in the Government. The State Governments are vociferously opposing the claim on the ground that if higher pay scale is given to the Court Staff, it would be obligatory for the Government to give the same pay scale to their counterparts in other Departments. The Court Staff, however, urge that their duties, responsibilities and the workload are quite different and they are entitled to be adequately compensated.

Since the matter is of general importance, the Commission formulated the following questions in the general questionnaire seeking the views of all the High Courts, State Governments and Staff Associations.

Question No.7 :

"The common objection of all the State Governments is that there should not be hike in the pay scale of the Ministerial Staff in the District Judiciary since they are of common cadre posts in the Government Departments. Please set out such common cadre posts with their pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE-VI."

Question No. 8 :

"For common cadre posts in the District Judiciary, how do you justify higher pay scales? What are the compelling reasons for upward revision of pay scales or for any other benefits? Please amplify your reasons."

We have received a good response from all the concerned. The views and comments received will be presently analysed, but before that, it may be useful to understand as to what constitutes the common category posts. And what are those posts existing in the Subordinate Courts.

There are certain functionaries, which are common in the service cadre of most of the departments. They generally share common attributes like designation, qualification, nature of work and promotional avenues. Their positions in the hierarchy of posts and level of responsibility are comparatively similar. They are, therefore, given the same scale of pay. Such posts are conveniently termed as “**Common Category Posts**”.

It follows, as a corollary, that the posts having different workload and higher level of responsibility, though termed as Common Category, are entitled to different pay scales or additional benefits.

From the replies received from the High Courts and Governments, it could be seen that the Common Category posts are not similar in all States, as seen hereunder:

- (a) The CALCUTTA High Court in the reply has classified all grades of Stenographers as common category and all other posts as non-common category;
- (b) The SIKKIM High Court has included the post of Head Peon under non-common category;
- (c) The GAUHATI High Court has grouped the post of Head Assistant both in common and non-common categories;
- (d) The High Court of ORISSA has categorised Bench Clerk and Process Server under Common Category and the post of Sheristedar under non-common category;
- (e) The High Court of HIMACHAL PRADESH has classified Ahlmad (Pending Clerk), Execution Clerk and Clerk-cum-Typist under non-common Category;
- (f) The High Court of PATNA has included Sheristedar, Head Clerk, Accountant, Cashier, Typist-cum-Clerk etc., under non-common categories;

- (g) The High Court of JAMMU & KASHMIR has included the Process Server under both the category;
- (h) The High Court of MADHYA PRADESH has classified the Process Server as common category post but ANDHRA PRADESH High Court has included it in the common category as well as in non-common category;
- (i) The KARNATAKA High Court has classified Sheristedar, Typist, Typist-Copyist under the non-common category and the remaining posts as common category.

To steer clear, we may broadly identify the following posts as common category posts in the Subordinate Courts.

Group-D / Class IV Posts

In all States/UTs, those who are occupying the lower rung in the hierarchical ladder are the Group-D / Class IV employees. They may carry different nomenclature from State to State, like Peon, Sweeper, Gardener, Watchman, Cleaner, Water man, Attender, Book Binder, Daftry, Farrash etc. Their functions generally veer around a narrow range of activities with emphasis on rendering physical assistance to their superiors. They may be termed as Common Category posts since similar / or identical posts are also in the Government Departments.

Assistant / Sheristedar / Superintendent / Stenographer etc.

The posts which are in clerical cadre like Lower Division Clerk / Second Division Assistants, First Division Clerk / Upper Division Clerk / First Division Assistants, Clerk-cum-Typist/ Typist-cum-Clerks, also fall into the Common Category. Likewise, Sheristedar / Dy.Sheristedars, Superintendent / Dy. Superintendent, Librarian and Stenographer do find their counterparts in the Government Departments and hence they could be termed as Common Category.

These are only illustrative, not exhaustive. There may be other posts in some States, which are in the Common Category, which will be considered when we take up the staff structure in each State/UT.

This takes us to the responses received to aforesaid Question No.8

ANALYSIS OF THE VIEWS RECEIVED TO QUESTION NO. 8

VIEWS OF THE HIGH COURTS :

All High Courts have responded to the aforesaid question. Out of the Governments of Twenty-Eight States and Seven UTs, Twenty States and Six UTs have given their comments. Added to that, about 309 District Judges across the country and as many as 55 Staff Associations have furnished their views in the matter.

The following High Courts have favoured higher pay scales or more emoluments to the Common Category of posts in the Subordinate Courts.

HIGH COURTS

- | | |
|-----------------------|---------------------|
| (i) Andhra Pradesh | (x) Madhya Pradesh |
| (ii) Gauhati | (xi) Orissa |
| (iii) Patna | (xii) Rajasthan |
| (iv) Gujarat | (xiii) Sikkim |
| (v) Punjab & Haryana | (xiv) Allahabad |
| (vi) Himachal Pradesh | (xv) Calcutta |
| (vii) Jammu & Kashmir | (xvi) Uttranchal |
| (viii) Karnataka | (xvii) Chhattisgarh |
| (ix) Kerala | |

It is the common case of all these High Courts that the duties and responsibilities of the common category posts in the Subordinate Courts are not

comparable with their counterparts in the Government. They are required to familiarise themselves with all the Acts, Rules and Regulations of the Central and State Governments. They have back-breaking workload in view of the ever increasing pendency in Courts. They have a higher responsibility to implement faithfully the judicial orders of Courts. They have to keep the Courts functioning on time bound basis for which they are often forced to work beyond office hours and sometimes even on Holidays.

To be more specific, we may set out the reasons as stated by some of the High Courts:

High Court of RAJASTHAN :

Having regard to the complicated nature of work, duties and responsibilities performed by the Subordinate Court staff, there must be upward revision of their pay scales on par with the pay scales in RAJASTHAN High Court, State Government Secretariat, State Assembly Secretariat, Governor's Secretariat, Lok Ayukta Secretariat.

High Court of UTTARANCHAL :

The nature of job of Group 'C' and 'D' is absolutely different. It not only requires knowledge of administrative and procedural rules but also basic knowledge of Law as well. Working hours are irregular. Working late in the night is almost regular in the Courts and hence higher pay scales than their counterparts in the other Departments are needed.

High Court of BOMBAY :

The BOMBAY High Court has recommended higher pay scale only to Personal Assistant / Stenographer and Sheristedar in the District Court. For the remaining posts, the High Court says, higher pay scale is not called for.

High Court of ALLAHABAD :

“The District Judiciary is distinctive in the eyes of common people. When people suffer from the hands of the officials working in different Government Deptt. or other organisation, they come to judiciary for redressal of their grievances. The ministerial staff has to remain detached from other organisations and Govt. Deptts. They have to maintain top secrecy and have to be of a very high standard in intellectual and moral fields. Some times they have to work much beyond working hours to complete day’s work as every application-case is fixed for a date and the work has to be completed on that particular date. For doing this sort of specialised working there has to be a different and higher pay scale for the ministerial staff of the District Judiciary.”

High Court of ANDHRA PRADESH :

“Even though the posts in District Judiciary are on common cadre with the posts in Government Departments / Secretariat, they are not comparable with each other. The duties and responsibilities undertaken by the Judicial employees are onerous and quite different compared to similar posts in other departments. The employees working in other departments are required to be conversant only with their departmental Code and Rules. But the Court employees besides being conversant with departmental Rules, are also required to be thorough with all Central and State Acts and Rules. The staff working in Judicial Department will deal with valuable documents and files, since the public impose confidence on the system for the proper maintenance of valuable documents. The staff in judiciary are compelled to work throughout the day, some times late in the night and one hour early to get ready on the Bench to enable them to complete the work for that day. The staff of the Courts play major part in implementation of the Judicial proceedings / orders passed by the Courts in its true nature. So far as Bench Clerks are concerned they are required to assist the Judges on the Bench in recording evidence, marking

exhibits, drafting of decrees, custody of records and preparation of inspection notes etc. The Stenographers in the Departments undertake still more onerous duties. They have to attend Judge's Bungalow even on Sundays and other public holidays."

High Court of KARNATAKA :

"The duties and responsibilities of the Court staff are onerous when compared to their counterparts in other Departments. They are required to do work beyond the Court hours. During Court hours, they rarely get sufficient break."

High Court of GUJARAT :

The High Court has stated that the Judicial Institution, unlike other organisations, or even the other Government Departments possesses a unique feature, where not only the Judicial Officer, but also the ministerial cadre, practically at every stage is required to know the provisions of law. The staff of the Judiciary have to carry out greater responsibilities i.e. to examine complaints, chargesheets, to administer oath to the deponent, to receive and handle muddemal, to draw decrees etc. The staff members have to pass the departmental examinations etc. Thus, looking to the duties carried out by each person in different cadres in the Judicial Department, these members are carrying out higher responsibility than those carried out by the employees of other Departments of the Government. Therefore, the pay scales of the employees of the Judicial Department should be higher than those of the employees of other Departments of the Government.

VIEWS OF THE STATE GOVERNMENTS :

When we turn to the replies of the State Governments, we find surprisingly that as many as six State Governments / UT have come to the rescue of Court Staff by suggesting higher pay scales to the common category of posts. They are (i) Goa, (ii) Jammu & Kashmir, (iii) Karnataka, (iv) Nagaland, (v) Sikkim and (vi) UT of

Chandigarh. These Governments agree that the work performed by the Court Staff is specialised and time bound, and it is altogether different from the work of their counterparts in Government departments. It is conceded that the Court Staff have to work beyond office hours.

But the other State Governments/UTs are against any higher pay scale to the Court employees. The main ground for their opposition is, that if higher pay scales are given to the Court employees, the persons in similar cadres in other departments would agitate for parity and it would not be possible to meet such demand in view of the difficult financial conditions.

VIEWS OF THE DISTRICT AND SESSIONS JUDGES :

As earlier stated, the Commission has received about 309 replies from the District Judges from different States/UTs. Almost all of them agree that the Court Staff, even of Common Category, deserve higher emoluments. If we may say so, the District Judges are the best eye-witnesses to certify the work load of their staff. The staff work under the watchful eyes of the District Judges or other Presiding Officers of the Courts. They have uniformly stated that the Court Staff has higher responsibility, they work beyond office hours almost every day and they have additional responsibility to maintain Muddemal Properties (Material Objects), and original documents of the case.

VIEWS OF STAFF ASSOCIATIONS :

About 55 Associations of the Court Staff have replied to the aforesaid question demanding higher scale of pay. The relevant reasons given by them may be summarised as follows:

- (i) They have to be familiar with the procedural laws, Civil/ Criminal Rules of practice, Limitation Act, Registration Act etc.

- (ii) Court work is time bound and no work could be postponed even to the next day.
- (iii) Staff who are the custodian of records and valuable case properties, have to preserve them with great care and caution.
- (iv) The accountability attached to the Court employees is far greater than that of their counterparts in other departments.
- (v) They have to pass departmental tests prescribed by the High Courts in addition to the departmental tests prescribed for the common cadre posts. These departmental tests are there only in some States.
- (vi) The promotional avenues available to them are wholly inadequate, as a result, they stagnate sometimes in the entry level cadre itself.

THE INDIAN INSTITUTE OF TECHNOLOGY, NEW DELHI :

IIT, Delhi, who is our Consultant, has collected a lot of material on the working conditions of the Court Staff. The Consultant Team consisted of eminent Professors, viz., Prof. Prem Vrat, Prof. S.G.Deshmukh and Dr.Kanika T.Bhal. They were assisted by not less than 8 Research Assistants, viz., Mr.Suchit Ramteke, Mr.S.B.Patra, Mr.V.Lenin Babu, Mr. G.Natarajan, Mr.Rupesh Gaur, Mr.C.S.Bhartiya, Mr.Amit Tak and Mr.Ashutosh.

These Research Assistants have gone to almost every Court in Delhi to study the workload and working conditions of the Court Staff.

IIT had developed a Questionnaire based on scientific design for eliciting response from (i) Court Staff, (ii) Judges, (iii) Lawyers and (iv) Litigants. The Questionnaire was mailed across the country by the Commission and the responses received thereto, were studied and analysed by IIT.

IIT, by using the recognised management tools, has analysed the material received and reached the conclusion that the effectiveness and efficiency of the legal system

does not depend entirely on Judicial Officers but also depends on the manner in which the system is allowed to operate and how Judges are supported. The role of the Court Staff is not perceived in totality, nor it is given due importance, which it deserves. The service conditions of the Court Staff are deplorable and they have to work under strained conditions in a poor infrastructure and with no motivation.

In sum, IIT has concluded that improving the service conditions of the Court Staff is not in the interest of the staff alone, but in the interest of the sound and efficient administration of justice as well. This ultimately would not only benefit all the stakeholders in the process, but also the society at large.

The IIT in the Report has emphasised the following :

(a) Non judicial cadre (NJC) is an integral part of Judicial System. It helps to perform the judicial process efficiently and effectively. NJC plays an important role in the process of delivering justice. The work of NJC can be broadly classified into three categories viz., Pre-hearing process, during the hearing process and Post-hearing process.¹

(b) It is generally perceived that the work of the NJC in the Courts is a routine type of work and the productive work is only by the Judicial Officers. But some of the duties of the NJC are "Productive" in content, in the sense that they are to be discharged in due time, at proper stages of the litigation and with due application of mind. They affect the productivity of the presiding Judicial Officer, e.g. examination of Plaint by the Clerk of the Court. If the Clerk of the Court does not examine the Plaint with due attention, the omission ultimately extends the life of the litigation.

1 IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1, Chapter 1, Page 4, Para 1.2

Court activity being absolutely labour intensive and service oriented, the NJC forms a critical and important mass of the judicial system.²

(c) There is an extensive involvement of NJC in supporting various Court processes. NJC is more or less involved in every step of the Court proceedings, which could be broadly classified as Application Process, Court Proceedings, Adjourments, Record Room, Retrieval and maintenance of old files, Process Serving, Decree Branch, Copying Branch etc.³

(d) These and other such activities are interconnected with each other which could be visualised as a supply chain with the flow of information and documents at various levels while interacting with various stakeholders in the judicial process. For effective functioning, each link in the supply chain must work effectively.⁴

(e) It can be said that ineffective support by NJC may result in delays. These delays can cost (may be in intangible terms) various stakeholders including the individuals, society and nation at large.⁵

(f) A number of sets of accounts are required to be maintained in each Court unlike in the Government departments: for instance, accounts of Govt. money, accounts on civil side / criminal side, accounts required to be maintained under Special Acts etc. Several registers are prescribed

2. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1 Chapter 1 Page 5
Para 1.2

3. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1, Chapter 1, Page 9

4. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1 Chapter 1 Page 10
Para 1.3

5. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1, Chapter 1, Page 11,
Para 1.4

for each set of account and additional duties are cast on the persons maintaining the accounts.⁶

(g) NJC's entry into the services may be in equivalence to the minimum prescribed qualifications as in other departments, but the functioning differs substantially. As raw entrants, they are unaware about the Law or its implications. However, their services and the experiences they encounter not only make them abreast with the various legal provisions and procedures to be followed, but adherence to them while serving, remains a necessity. The specialisation, which the judicial employees inherit, is not properly appreciated and they are compared with staff of other Government departments. Considering the expertise they gain, the stress they undertake, the upkeep they gather, the concentration they require, the hick-ups they suffer, all require to be aptly recognised and compensated for.⁷

From the aforesaid, it is clear that almost all the High Courts and even some State Governments are for giving higher pay scale to the Court Staff including those who are in the Common Category. They have stated that the quality and quantity of work performed by them with the accountability attached are quite higher and different from those of their counterparts in the Government Departments. It is undeniable that the Court Staff are compelled to work throughout the day, sometimes till night and they come one hour early everyday to get ready for the Bench to begin work.

The Indian Institute of Technology, New Delhi, has strongly recommended that the Court Staff should be adequately compensated in the shape of better pay structure and other incentives.

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6. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1, Chapter 1, Page 33, Para 2.5.2
 7. IIT Report on Restructuring of Non-Judicial Cadre, Vol. 1, Chapter 1, Page 73, Para 4.1.(2)

We cannot brush aside or ignore the views of such High Authorities, like the High Courts, IIT Delhi, and District Judges across the country.

The State Governments/UTs have not justified their assertion that the Common Category of posts have similar duties and responsibilities wherever they are working.

However, the Commission wrote to all the Chief Secretaries of the States and Administrators of the UTs, to furnish the job charts of the posts in the Departments of : (i) Revenue (ii) Agriculture (iii) Health (iv) Education (v) Public Works and (vi) Commercial Taxes, particularly with reference to the post of Superintendent / Sheristedar, Assistant Superintendent / Dy. Sheristedar, Senior Assistant, Manager, Assistant Manager, UDC / Senior Assistant, LDC / Junior Assistant, Translator, Stenographer and Typist.

The following State Governments / UTs have responded to our request, but not with relevant material:

GOVERNMENT OF ASSAM has sent the extract of the manual of the Office procedure in the Secretariat stating that there is no specific job chart in their State.

GOVERNMENT OF CHHATTISGARH has forwarded the job chart of certain posts in the Stamps and Registration Department.

GOVERNMENT OF HIMACHAL PRADESH : The Director of Agriculture of HIMACHAL PRADESH State has sent a copy of the Office Manual containing the duties and functions entrusted to the ministerial staff of the Agricultural Department.

GOVERNMENT OF KARNATAKA : Dy. Commissioners of Bangalore Rural District and Urban District, Bangalore, have furnished information regarding the distribution of work amongst the staff members working in the District Offices.

GOVERNMENT OF MEGHALAYA has sent the general information regarding the Department of Taxation, Agriculture and Public Works Department and in particular the duties of the posts of the Superintendent, UD Assistant / LD Assistant, Typist and Peons.

GOVERNMENT OF TAMILNADU : Additional Director of Agriculture, Govt. of TAMILNADU has forwarded the job chart of the Ministerial posts in the Agriculture Department.

GOVERNMENT OF TRIPURA : Deputy Secretary, Public Works Department, Govt. of TRIPURA, has sent the extract of Manual of Office Procedure containing the duties of certain posts in the Department.

NCT OF DELHI has given us the job chart of the members of the Staff of Directorate of Education.

GOVERNMENT OF PONDICHERRY has sent the duties and responsibilities entrusted to the staff members of Public Works Department.

At the time of the personal hearing, the Commission asked Staff Associations to secure the job charts of their counterparts in the Government Departments and submit the same with comparative charts.

The following Associations have responded to our request.

ANDHRA PRADESH JUDICIAL EMPLOYEES' ASSOCIATION has furnished a statement showing the duties of the common cadre posts in the Judicial Department and other Departments with the additional duties of the Court Staff.

THE KARNATAKA STATE JUDICIAL DEPARTMENT EMPLOYEES' ASSOCIATION appears to have made a detailed study. They have made available to us the Manual of Co-operative Department, extract of the Manual of Revenue Department, extract of Karnataka Commercial Taxes Manual containing the job description of the various categories of posts as against the handbook on administration and inspection of Civil and Criminal Courts in the Judicial Department and the comparative work chart of certain posts vis-à-vis the corresponding Court Staff.

ORISSA JUDICIAL EMPLOYEES' ASSOCIATION has submitted a circular issued by the General Administration Department to all Departments.

THE WEST BENGAL COURTS EMPLOYEES' ASSOCIATION has submitted the duties and responsibilities of only the post of Superintendent in the Collectorate.

It is the case of the State Governments that the principle of equal pay for equal work would be applicable in respect of the common category posts in the Subordinate Judiciary, since they are having similar duties and responsibilities as their counterparts in Government Departments. But the material furnished by the Governments are of little use to evaluate the duties and responsibilities of common category posts between the Court Staff and in the Departments of the Government.

DOCTRINE OF EQUAL PAY FOR EQUAL WORK :

The doctrine of equal pay for equal work would be applicable where employees are equal in every respect performing same or similar functions or having same or similar duties and responsibilities. But if certain officials of the common category perform dissimilar functions and are having varying responsibilities, the doctrine of equal pay for equal work cannot be called into aid. (See: SAVITHA & OTHERS VS. UNION OF INDIA & OTHERS)⁸.

8. AIR 1985 SC 1124 at 1127, para 12

In *FEDERATION OF ALL INDIA CUSTOMS AND CENTRAL EXCISE STENOGRAPHERS (RECOGISED) AND OTHERS Vs. UNION OF INDIA AND OTHERS*⁹, the Supreme Court observed as follows :

“7. Equal pay for equal work is a fundamental right. But equal pay must depend upon the nature of the work done, it cannot be judged by the mere volume of work, there may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities make a difference. One cannot deny that often the difference is a matter of degree and that there is an element of value judgment by those who are charged with the administration in fixing the scales of pay and other conditions of service. So long as such value judgment is made bona fide, reasonably on an intelligible criterion which has a rational nexus with the object of differentiation, such differentiation will not amount to discrimination. It is important to emphasise that equal pay for equal work is a concomitant of Article 14 of the Constitution. But it follows naturally that equal pay for unequal work will be a negation of that right.”

It was also observed at para 11, p.1300B :

“11. The same amount of physical work may entail different quality of work, some more sensitive, some requiring more tact, some less - it varies from nature and culture of employment. The problem about equal pay cannot always be translated into a mathematical formula. If it has a rational nexus with the object to be sought for, as reiterated before a certain amount of value judgment of the administrative authorities who are charged with fixing the pay scale has to be left with them and it cannot be interfered with by the Court unless it is demonstrated that either it is irrational or based on no basis or arrived at mala fide either in law or in fact.”

9. AIR 1988 SC 1291 at 1297, para 7

In MEWARANKANOJIA Vs. ALL INDIA INSTITUTE OF MEDICAL SCIENCE AND OTHERS¹⁰, it was observed :

"5. While considering the question of application of principle of 'Equal Pay for Equal Work' it has to be borne in mind that it is open to the State to classify employees on the basis of qualifications, duties and responsibilities of the posts concerned. If the classification has reasonable nexus with the objective sought to be achieved, efficiency in the administration, the State would be justified in prescribing different pay scale but if the classification does not stand the test of reasonable nexus and the classification is founded on unreal, and unreasonable basis it would be violative of Arts. 14 and 16 of the Constitution. Equality must be among the equals. Unequals cannot claim equality.

In STATE OF U.P AND OTHERS Vs. J.P. CHAURASIA AND OTHERS¹¹, the Supreme Court observed :

"17. The first question regarding entitlement to the pay scale admissible to Section Officers should not detain us longer. The answer to the question depends upon several factors. It does not just depend upon either the nature of work or volume of work done by Bench Secretaries. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different..."

10. AIR 1989 SC 1256 at 1259 para 5

11. AIR 1989 SC 19 at 25, para 17

Some of the Staff Associations have produced comparative job charts of the common category posts in the Subordinate Judiciary and in the Government Departments. We have carefully perused the said job charts. They are not supported by acceptable documents. The acceptance of the job charts prepared by the Staff Associations may be open to a lot of flak. We, therefore, reject the material produced by the Staff Associations.

Some of the Staff Associations have indicated their choice of pay scales. The All India Judicial Employees' Confederation has suggested uniform pay scales for Court employees in all States / UTs. The Confederation is relying upon the principle which we have adopted in the case of the Judicial Officers in our earlier Report. The Confederation, in the alternative, has suggested a minimum pay of Rs.3,100/- and a maximum pay of Rs.16,350/- for the Court employees. The Karnataka State Judicial Department Employees' Association and the Rajasthan Judicial Employees' Association have also suggested evolving separate pay scales for the Court employees.

We do not agree with the suggestions made by the Confederation or Associations. We certainly cannot evolve uniform pay scales for the Court employees in all States / UTs. It is neither possible nor desirable. Each State has a different pattern of staff structure and pay scales. Within such staff structure and pay scales, we have to consider whether any injustice has been done to the Court Staff and any relief could be given on any accepted principle.

Turning to the common category posts and to their claim for higher pay scale, the views and comments from the High Courts and District Judges, coupled with the views of IIT, Delhi, are relevant for consideration. All of them have stated that holders of the common category posts in the Courts perform arduous work and have greater responsibility than their counterparts in Government.

The High Courts know the performance of the staff in the Subordinate Courts. The District Judges are directly in touch with the day-to-day work of Court Staff. We cannot doubt or discard their views merely on the ground that they are common category posts as contended by the State Governments.

There is also one additional factor in their favour.

In our report relating to judicial officers, we have made the following recommendations with a view to bring down the pendency of cases:

- i) that in all States there shall be a minimum 36 hours of judicial work per week;
- ii) that the number of declared holidays for Courts should not exceed 12 in a year; and
- iii) that till such period the arrears are brought down to manageable limits, the Court vacation period should be cut down by 15 days in a year.

The Supreme Court in the judgment dated 21st March, 2002 in W.P(C)No.1022 of 1989, inter alia, has observed that subject to the various modifications in the judgment, all other recommendations of the Shetty Commission are accepted. It has directed the State Governments to submit their compliance report by 30 September, 2002.

Needless to State that the aforesaid recommendations have to be implemented by all States and some States have already implemented them. The increased judicial work will necessarily add more work to the staff who inevitably have to shoulder higher burden and work still longer hours.

OUR RECOMMENDATIONS

The common category posts are mostly found in Group-D / Class-IV employees and Group-C / Class-III employees. The first type of common categories are found in

Group-D / Class-IV, generally in the cadre of Peons, Orderlies, Process Servers, Bailiffs etc.

In other Chapters, we have already considered their service conditions and recommended certain reliefs like promotional benefits, Time-Bound Promotion, Assured Career Progression, medical allowance etc..

The second type of common categories are in the ministerial cadres.

In view of the fact that they perform arduous work and take greater responsibility than their counterparts in the Government, they deserve certain reliefs.

I Taking into consideration the aforesaid views of the High Courts, District Judges and IIT, Delhi, we make the following recommendations :

- (a) All ministerial staff, other than those to whom we have recommended higher pay scales elsewhere, be granted one increment at the initial rate of the existing pay scale admissible to the respective post and / or time bound promotion pay scale, if any.
- (b) The new entrants shall be started at one stage above the minimum of the pay scale admissible to the post.
- (c) Those employees who have reached stagnation shall be granted similar benefit i.e. one increment at the initial rate of the pay scale admissible to the post he / she is holding, even though it is outside the upper limit of the pay scale.

II Grant of one increment at the initial rate of the existing pay scale to Stenographers whose pay scale has not been revised :

In the succeeding Chapter we have made recommendations regarding grant of higher pay scale to Stenographers and creation of more grades to improve promotional

avenues. But in some States, we have not recommended higher pay scale to certain grades of Stenographers.

We have examined whether such category of Stenographers, to whom the existing pay scale is retained, should be given the benefit of one increment at the initial rate, as has been given to other common category staff.

The Stenographers are similar to the ministerial staff and whatever we have said above must apply to Stenographers whose pay scale has not been revised.

As mentioned elsewhere, the Stenographers are the primary work force of the Judges. It is undisputed that they have to work at the beck and call of judges. Now a days, there would be increase of judicial working hours per week and may be reduction of holidays. Even otherwise, they generally work even after judges leave the Court.

In view of these considerations, we recommend that in States/UTs where we have retained the existing pay scale to Stenographers, such Stenographers shall be granted one increment at the initial rate of the pay scale admissible to them.

III. Grant of Special Allowance of Rs.150/- to Drivers :

In almost all States / UTs., drivers have been given the pay scale admissible to SDA / SDC, with the exception of one or two States / UTs.

In Karnataka, it is understood that Drivers are eligible for promotion as Senior Drivers. But this has not made any impact, especially in the Judicial Department, as there could be only one senior post for every 5 posts of Drivers.

The representatives of Delhi Drivers' Association who appeared before us, requested to create four grades as per OM No.F43019 / 54 / 96 / EST (D) dated 15/2/01 of the Ministry of Personnel and Public Grievances, Government of India. They also

requested for grant of overtime allowance, medical allowance, risk allowance and enhancement of travelling allowance. They also urged that accidental insurance scheme should be extended to them.

We do not think that it is possible for all States to accept those suggestions even if we recommend. Hence, we reject them.

But there are no two opinions that Court Drivers are subjected to severe strain. Apart from being punctual, they should be highly disciplined. The Drivers of the pool cars / vehicles have much more work to do.

These Drivers have to invariably come quite early in the day and stay until they are relieved by the Judges. Sometimes, they are retained for longer hours.

We, therefore, consider that the Drivers of Judges / Courts should be given some compensation for their arduous nature of work. Accordingly, we recommend that the Drivers shall be paid not less than Rs.150/- per month as Special Allowance.

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CHAPTER - VIII

PROCESS ESTABLISHMENT

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PROCESS ESTABLISHMENT

The Process Establishment in the Court is indispensable to our justice delivery system. The Process Servers and Bailiffs generally belong to this Establishment. But both these names do not figure in the Code of Civil procedure. The Civil procedure Code refers only to the "Proper Officer" of the Court to whom the process is entrusted for service or execution. These two words are, however, used in the Rules of practice framed by certain High Courts and also in the rules of recruitment.

Normally, summons and notices issued by the Court are served by officers who are termed as Process Servers, that is, one who serves the Court orders. The delivery warrant, attachment warrant, and sale proclamation are required to be executed. They are also called "Process" of the Court, but they need to be executed. The Officers who execute such process are called Bailiffs. But this nomenclature is not conclusive. Different States / UTs have different names to such posts.

In some States, there is only one cadre of posts in the Process Establishment. The incumbents in such posts perform the duties of both the Process Server and Bailiff. They are either called as "Process Servers" or "Bailiffs". The duties of the Process Server and the duties of the Bailiff are rolled into one.

There are States having two cadres in the Process Establishment; (i) Process Server; and (ii) Bailiff.

There are three States viz., Rajasthan, Uttar Pradesh and Uttaranchal having three cadres in the Process Establishment.

We will now examine the service conditions of the Process Servers in those States/U.Ts where there are two cadres or three cadres in the Process Establishment.

PROCESS SERVERS :

This cadre of Process Servers are distinct and different from the Bailiffs. They are only entrusted with the Court notices and summons for service to the parties and witnesses. They are not required to perform the duties of the Bailiffs.

Different States have got different names.

In Assam, the Process Servers are called as Jarikaraks. In Tamilnadu, they are called as Junior Bailiffs.

In West Bengal in the City Civil Court, the Process Server is termed as Bailiff. In Small Causes Court, he is termed as Summons Bailiff; and in Mofussil Court, he is called as Process Server. But as per the recent judgment of the Calcutta High Court, which will be presently considered, the Process Server in Mofussil Court not only serves notice and summons, but also executes warrants issued in execution of decrees and orders and all other work which the Bailiff is required to do.

In Lakshadweep, Attendant does the work of Process Server.

In the rest of the States / UTs viz., Andhra Pradesh, Chhattisgarh Delhi, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, Uttaranchal and Chadigarh, they are called as Process Servers.

CLASSIFICATION

The nomenclature and classification of the Process Servers vary from State to State/U.T. For immediate reference, it is set out in the following chart :

Sl. No.	Name of the State	Designation	Classification
1.	Assam	Jarikarak	Class IV
2.	Andhra Pradesh, Chhattisgarh, Delhi, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Rajasthan, Uttar Pradesh, Uttaranchal, Chandigarh, Manipur and Tripura	Process Server	Group 'D' / Class IV
3.	Karnataka and Punjab	Process Server	Group 'C' / Class III /
4.	Orissa	Process Server / Peon	Class IV
5.	Lakshadweep	Process Server/ Attendant	Group 'D'
6.	Tamil Nadu	Junior Bailiff	Group 'C'
7.	West Bengal		
	(i) City Civil Court	Bailiff	Group 'D'
	(ii) Small Causes Court	Summon Bailiff	Group 'C'

QUALIFICATION:

The minimum qualification prescribed for direct recruitment of Process Servers also varies from State to State/U.T. It is from V Standard, VI Standard, middle Standard / VIII Standard, Non-Matric to Matriculation. In a couple of States like Orissa and Bihar, being a literate is sufficient.

PAY SCALE :

The pay scale of the Process Servers and similar other posts like Jarikarak and Junior Bailiff also varies from State to State.

In Assam, Jarikarak gets the pay scale of Rs.2490-4120, with non-matric as the minimum qualification. This appears to be the lowest pay scale admissible to the Process Servers amongst the States. The highest pay scale to this post of Process Server is in Tripura, with Rs. 2750-4925, with VIII Standard as the minimum qualification for direct recruitment.

The State-wise pay scales of the posts of Process Server / Jarikarak / Junior Bailiff, in different States / U.T are set out in the following chart :-

Sl. No.	Name of the State	Name of the Post	Pay Scale assigned	Qualification prescribed
1.	Assam	Jarikarak	2490-4120	Non-Matric
2.	Andhra Pradesh	Process Server	2550-4550	Pass in VII Std.
3.	Chhattisgarh	- do -	2550-3200 (Plus Rs.150 Spl. Pay)	V Std. Pass
4.	Delhi	- do -	2550-3200	Lower Middle Std. equivalent to VI Std.
5.	Haryana	- do -	2650-4000	Matriculation
6.	Himachal Pradesh	- do -	2720-4260	Middle Std.
7.	Karnataka	- do -	2600-4350	VII Std.
8.	Kerala	- do -	2650-4150	SSLC
9.	Madhya Pradesh	- do -	2550-3200 (Plus Rs.150 Spl. Pay)	V Std. Pass
10.	Manipur	- do -	2610-3540	VIII Std.
11.	Orissa	- do -	2550-3200	Literate

Sl. No.	Name of the State	Name of the Post	Pay Scale assigned	Qualification prescribed
12.	Punjab	- do -	2720-4260	Matriculation
13.	Rajasthan	- do -	2550-3200	V Std.
14.	Tamil Nadu	Junior Bailiff	2650-4000	VIII Std.
15.	Tripura	Process Server	2750-4925	- do -
16.	Uttar Pradesh	- do -	2550-3200	- do -
17.	Uttaranchal	- do -	2550-3200	- do -
18.	West Bengal			
	1. City Civil Court	Bailiff	Basic Grade 2600-4175 Grade-I 2700-4400	VIII Std.
	2. Small Causes Court	Summon Bailiff	2850-4680	VIII Std.
19.	Chandigarh	Process Server	2720-4260	Matriculation
20.	Lakshadweep	Process Server / Attendant	2650-4000	VII Std.

RECRUITMENT :

In Assam, Andhra Pradesh, Delhi, Rajasthan, Sikkim, Uttar Pradesh, Uttaranchal and Jammu & Kashmir, the Process Servers are directly recruited.

In Haryana, Himachal Pradesh, Karnataka, Punjab and Chandigarh, there is direct recruitment as well as promotion. Recruitment to 50% of the posts of Process Servers is made by direct recruitment and remaining 50% by promotion from Peons / Orderly etc.

In Tamil Nadu, Kerala, Madhya Pradesh, Chhattisgarh, Tripura and Lakshadweep, there is no specific percentage reserved either for direct recruitment or promotion.

PROMOTIONAL BENEFITS :

In Assam, Andhra Pradesh, Delhi, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Chhattisgarh, Manipur, Punjab, Tamilnadu, West Bengal and Chandigarh, the Process Servers are promoted to the cadre of Bailiffs or similar posts to the extent of 100% in the promotional cadre.

In Orissa, there are two cadres in the Process Establishment: (i) Process Server and (ii) Sale Amin. The Process Server is not eligible for promotion to the cadre of Sale Amin. The Process Server, however, would be eligible for promotion to the clerical cadre if he possesses the qualification prescribed for the clerical cadre.

In Rajasthan, the Process Establishment consists of three cadres: (i) Process Server, (ii) Asst. Nazir in the rank of LDC and (iii) Sale Amin in the rank of UDC. The Process Servers are not promoted to the cadre of Asst. Nazir or as Sale Amin. However, they would be eligible for promotion to the clerical cadre if they possess the prescribed qualification for the clerical cadre.

In Uttar Pradesh and Uttaranchal also, there are three cadres: (i) Process Server, (ii) Amin Gr. II and (iii) Amin Gr. I. Here also, the Process Servers are not directly promoted to the cadre of Amin Gr. II or Amin Gr. I. Amin Gr. II and Amin Gr. I are directly recruited or promoted from lower cadres. The Process Servers are promoted to the clerical cadre if they possess the qualification prescribed for clerical cadre.

VIEWS OF THE HIGH COURTS, STATE GOVERNMENTS AND ASSOCIATIONS : **HIGH COURTS :**

The High Courts of Kerala, Patna, Jharkhand, Andhra Pradesh, Rajasthan, Karnataka, Gauhati, Shillong Bench, Punjab and Haryana have stated that the Process Servers may be given the pay scale of the Constables.

But, High Courts of Allahabad, Madhya Pradesh, Chhattisgarh, Uttaranchal, Himachal Pradesh, Sikkim and Gauhati are not in favour of providing such pay scale to the Process Servers.

STATE GOVERNMENTS :

The State Governments of Goa, Karnataka, Nagaland, Mizoram, Daman & Diu, Dadra and Nagar Haveli, Chandigarh and Andaman & Nicobar Islands are in favour of allowing the pay scale of Constables to the Process Servers. But the other States are against such benefit.

In Tamilnadu, the Process Server is classified as Group 'C', with the pay scale of Rs.2650-4000. It is a Group 'C' pay scale in that State as per the recent classification of posts based on pay scales as per the G.O.Ms NO.280 dated 28.11.1998.

In Karnataka also, the Process Server is in Group 'C'. But it is only for mental satisfaction. The post is not given the pay scale of Group 'C'. It carries the pay scale of Rs. 2600-4350 admissible to the Group 'D' employees.

ASSOCIATIONS :

The Staff Associations of all States/UTs have pleaded for granting a higher pay scale to Process Servers if not that of the Police Constable, having regard to their onerous duties and responsibilities.

DUTIES AND RESPONSIBILITIES OF THE PROCESS SERVERS :

The duties and Responsibilities of the Process Servers or of similar posts, among others, are to serve summons and notice issued by Courts. It is provided under Order V Rules 10 to 20 of the Code of Civil Procedure and by the Rules, if any, made by the High Courts.

The Service of Summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf and sealed with the seal of the Court (Rule 10). Where there are more Defendants than one, service of summons shall be made on each defendant (Rule 11).

Wherever it is practicable, service shall be made on the defendant in person, unless he has an agent to accept service, in which case, service has to be effected on such agent (Rule 12).

In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court, service of process has to be effected on any manager or agent, who, at the time of service, personally carries on such business or works for such persons within such limit (Rule 13).

In a suit to obtain relief respecting, or compensation for wrong to, immovable property, where service cannot be made on the defendant in person, it may be made on any agent of the defendant in charge of the property (Rule 14).

If the defendant is absent from his residence at the time when the service of summons is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent empowered to accept service of summons on his behalf, service may be made on any adult member of the family, whether male or female, who is residing with him (Rule 15).

The Process Server who delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, shall obtain the signature of the person to whom the copy is so delivered to an acknowledgement of service endorsed on the original summons (Rule 16).

Where the defendant or his agent or such other person on his behalf, refuses to sign the acknowledgement, or where the Process Server, after using all due and reasonable diligence, cannot find the defendant, shall affix a copy of the summons on the outer door or some other conspicuous part of the house in which the defendant ordinarily resides or carries on business or works for gain, and shall return the original to the Court from which it was issued, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed (Rule 17).

The Process Server shall, in all cases in which the summons have been served personally, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when and the manner in which the summons was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons (Rule 18).

Substituted Service : If Court orders for substituted service of summons, the Process Server shall affix a copy of summons in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Court directs (Rule 20).

Process Servers have to effect the service of orders of Temporary Injunction and Prohibitory orders on Defendants/Respondents/Garnishee.

OUR RECOMMENDATIONS

In certain States, the Process Servers are included in Group 'C' or Class III. In some States, they have been classified as Group 'D' or Class IV. We do not want to recommend that those who are entrusted with the duties of serving the notice and

summons should be uniformly classified as Group 'C' / Class III or Group 'D' / Class IV. The existing classification in the States may continue since each State has different yardstick for classification of the posts.

However, with regard to minimum qualification, pay scale, method of recruitment, and promotional benefits, we recommend as follows :

1. Qualification

Having regard to the nature of the duties required to be performed by the Process Servers, it must be stated that they must be fairly familiar with the State language and English. They have to record the manner of service and sufficiency of service in English, when the notice is issued by the High Court or Supreme Court. We, therefore, recommend that the minimum qualification to Process Servers and others, who are required to serve only Court notice and summons **should be VIII Standard or equivalent qualification.**

2. Pay Scale

We have carefully considered the various views and comments offered by different High Courts. In our opinion, it is not possible to give the pay scale of the Constables to the Process Servers where there is a separate cadre of Bailiffs. The Constables are trained not only to serve the summons and execute the warrants, but also to maintain law and order and to assist investigation, which the Process Servers are not required to do.

Elsewhere, we have suggested that the Process Servers should be made eligible for promotion to the cadre of Bailiffs. We have also suggested that the pay scale of the Bailiffs should be the same as that of the LDC / LDA. Therefore, the pay scale of the Process Server should be lower than that of the Bailiffs.

Taking all the facts and circumstances of the case, we consider that the pay scale of the Process Server in each State where there is a separate cadre of Bailiffs **should be the highest pay scale available for Group 'D' / Class-IV / Grade IV employees in the respective State or the scale which is immediately below the pay scale of LDC/ LDA.**

3. *Method of Recruitment*

To afford an opportunity for promotion to the cadre of Peons etc., we suggest that the Process Servers cadre should be a mixed cadre. It should be a promotional cadre for Peons and like posts with certain minimum years of experience. We recommend that appointment to 50% of the posts of Process Servers be made by Direct Recruitment and 50% by promotion from Peons, Orderlies etc., having the minimum qualification of VIII Std.

4. *Promotional Benefits*

(i) In the earlier chapter dealing with the "Human Resource Management", we have recommended that there shall be reservation of 25% posts in Group 'C', clerical cadre for promotion of Group 'D' employees. Consistent with that principle, we recommend that the Process Servers who fall under the Group 'D' / Class IV be considered for promotion along with the other categories of posts in Group 'D' / Class IV, to the extent of 25% posts in the clerical cadre in the ratio of 1:2. It is left to each State and Union Territory to prescribe the minimum service in Group 'D' for eligibility for consideration for such promotion.

(ii) In Karnataka, Tamilnadu and Punjab, the Process Servers are in Group 'C' / Class III. But their pay scale is very much lower than the pay scale of clerical cadres who are ordinarily in Group 'C' / Class III. Particularly in Karnataka, the Process Servers are

included in Group 'C' without the entitlement of the pay scale provided to the Group 'C' employees. They are, in fact, getting the pay scale of the Group 'D'.

In these three States, we recommend that to the extent of 25% posts in the Clerical cadre, the Process Servers be considered for promotion along with the other Group 'D' / Class IV employees **in the ratio of 1:2.**

(iii) We further recommend that in each State/UT, there should be at least TWO CADRES in the Process Establishment: (i) cadre of "Process Servers" and (ii) cadre of "Bailiffs".

Thus, the Process Servers may be provided with two-fold promotional avenues.

- (i) to the clerical cadre of Group 'C'/Class III
- AND
- (ii) to the cadre of Bailiffs.

BAILIFFS :

We have examined the service conditions of the "Process Server" in the Process Establishment in the Courts where there are two or three cadres like Process Servers and Bailiffs/Amins etc. We now proceed to consider the service conditions of the Officer commonly known as "Bailiff" or "Amin".

The word "**Bailiff**" is not used in the Code of Civil Procedure.

The meaning of the word "**Bailiff**", as given in the Concise Oxford Dictionary, is as follows :

"A sheriff's Officer who executes writs and processes and carries out distraints and arrests."

In the Encyclopaedia (BRITANNICA, VOL. 2, p.1047), the following meaning of the word "Bailiff" is found :

"BAILIFF AND BAILIE" - A Bailiff is usually a minor Court official with police authority to protect the Court and with the power to serve and execute legal process. In earlier times it was a title of more dignity and power. The vestiges of the earlier meaning may be found in the use of the word in England to mean the Chief Magistrate of a village and in Scotland to denote an Official appointed to exercise a local delegated jurisdiction, civil or criminal ("Bailie"). In France, the word "bailli" once had the same meaning as seneschal, the primary representative of the feudal lord, who often exercised judicial functions."

THE DUTIES OF BAILIFF/AMIN AS PROVIDED UNDER ORDER XXI & ORDER XXXVIII OF CPC

Where the property to be attached is movable property, other than agricultural produce, in the possession of the judgment debtor, the Serving Officer has to execute the warrant of attachment by actual seizure and shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof, provided that when the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.(Order XXI Rule 43)

Where the property to be attached is agricultural produce, Serving Officer shall affix a copy of attachment warrant -

- (a) on the land on which such crop is grown or
- (b) on the threshing floor or place for treading out grain.

(Order XXI Rule 44)

Where the property to be attached is immovable property, Serving Officer shall take necessary steps to proclaim at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also in the office of the Collector of the District.(Order XXI Rule 54)

Proclamation for sale of immovable property shall be made in the same manner of attachment of immovable property. (Order XXI Rule 67)

While executing the delivery warrants ordered by the Court, if there are movables in the house to which the Decree holder has no claim and judgement Debtor is absent or if present does not immediately remove the same, the Serving Officer shall make an inventory of the articles so found with their probable value in the presence of respectable persons on the spot and attested by them and leaving the articles in the custody of Decree Holder after taking a bond from him for keeping the articles in safe custody pending order of the Court (Order XXI Rule 95).

Attachment before judgment of property under Order XXXVIII has to be effected in the manner provided for attachment of property in execution of a decree. (Order XXXVIII Rule 7)

It will be seen from the aforesaid that the Bailiff has relatively higher duties and responsibilities with more powers than that of the Process Server simplicitor. The Bailiff has the powers to attach property, publish proclamations thereto, execute delivery warrants, making inventory of the articles and entrusting of the articles for safe custody etc.

The following chart gives the State-wise nomenclature, minimum qualification for recruitment, method of recruitment and the pay scale of the "BAILIFF", where the Process Establishment consists of two cadres; (i) Process Servers and (ii) Bailiffs / Amins.

Sl. No.	Name of the State	Name of the Post	Pay Scale assigned	Qualification prescribed	Method of Recruitment
1	2	3	4	5	6
1.	Assam	Head Jarikarak	2610-4840	Non-Matric	By promotion from Jarikaraks
2.	Andhra Pradesh	Amin / Bailiff	3130-6150	VIII Std., (SSC for D.R.)	By Promotion from P.S. / Peon / Attender or by D.R. or by Transfer.
3.	Chhattisgarh	Sale Amin	3050-4590 (Plus Rs.150 Spl.Pay)	Higher Secondary	By D.R. or promotion. (% not fixed)
4.	Delhi	Bailiff	2650-4000	VIII Class Pass	By promotion from Process Servers
5.	Haryana	Bailiff	2650-4000 Spl. Pay Rs.40/-	Matriculation	By promotion from Process Servers
6.	Himachal Pradesh	- do -	3120-5160	Middle Std.	By promotion from Process Servers
7.	Karnataka	- do -	3000-5450	VII Std.	By promotion from Process Servers
8.	Kerala	Amin	3050-5230	SSLC	By promotion from Attenders or by transfer from Kerala Last Grade Service/or by DR.
9.	Maharashtra	Bailiff / Head Bailiff	3050-4590	Pass in VII Std. for D.R. (In Court of Small Causes - SCC for D.R.)	By D.R. or promotion. (% not fixed)

1	2	3	4	5	6
10.	Madhya Pradesh	Sale Amin (Plus Rs.150 Spl.Pay)	3050-4590	Higher Secondary	By D.R. or promotion. (% not fixed)
11.	Manipur	Bailiff	2750-4400	VIII Std.	By promotion from Process Servers.
12.	Orissa	Salaried Amin	3200-4900	Matriculation with Revenue Inspector's Training.	By D.R.
13.	Punjab	Bailiff	3120-5160	Matriculation	By Promotion from Jr.Bailiff.
14.	Rajasthan	Asst. Nazir (in the Rank of LDC)	3050-4590	Pass in Secondary Examination	
		Sale Amin (in the Rank of UDC)	4000-6000	- do -	
15.	Tamil Nadu	Sr.Bailiff	3200-4900	Matriculation	By promotion from Lower cadres or by D.R. or by Transfer.
16.	Tripura	LD Clerk attends to the duties of Bailiffs			
17.	Uttar Pradesh	Amin Gr.II	3050-4590	Knowledge of Urdu, Hindi, Arithmetic, Land Surveying	By promotion from Lower Cadres or by D.R.
18.	Uttaranchal				
		Adin Gr.I	4000-6000	- do -	- do -
19.	West Bengal				
	1. City Civil Court	Seal Bailiff	3350-6325	Matriculation	By Transfer from LD Asst.
	2. Small Causes Court	Seal Bailiff	3350-6325	Matriculation	- do -
	3. *Mofussil Court	Process Server	3350-6325	VIII Std.	By Promotion from Group 'D'

1	2	3	4	5	6
20.	Chandigarh	Bailiff	3120-5160	Matriculation	By Promotion from Process Servers
21.	Lakshadweep	Services of Amins of Revenue Department are utilised.			

* In view of the judgment in Writ Petition No.Civil Rule 5139(w) of 1981 dt. 24.9.1986 passed by the High Court of Calcutta, Process Servers working in Mofussil Courts of West Bengal are entitled to the same pay scale as applicable to the Seal Bailiffs of City Civil Court, Calcutta and Presidency Small Causes Court, Calcutta.

It will be seen from the aforesaid Chart that the minimum qualification prescribed for the post of the Bailiff / Amin / Head Jarikarak / Sale Amin / Seal Bailiff varies from VII Standard, VIII Standard, Middle Standard, Non-Matric to Matriculation and Higher Secondary.

It may also be seen that the pay scale varies from State to State.

So far as the posts of Bailiffs are concerned, as seen from the Chart elsewhere set out, they are fully promotional cadre from the cadre of Process Servers, in as many as nine States, viz., (1) Assam; (2) Delhi; (3) Haryana; (4) Himachal Pradesh (5) Karnataka; (6) Kerala; (7) Manipur; (8) Punjab and (9) Chandigarh.

In the remaining States viz., Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Rajasthan, Tamilnadu, Uttar Pradesh, Uttaranchal and West Bengal, there is direct recruitment as well as promotion. It is by different percentage.

In Orissa, the post of Sale-Amin is filled only by direct recruitment.

The Process Establishment in States which are having only one cadre of posts.

There are eleven such States / UTs having only one cadre in the Process Establishment. They carry different nomenclatures, different pay scales and different modes of recruitment.

They are set out in the following Table :

Sl. No.	Name of the State	Name of the Post	Pay Scale assigned	Qualification prescribed	Method of Recruitment
1.	Bihar	Process Server / Attendant	2550-3200	Literate	By D.R.
2.	Goa	Bailiff	2650-4000	Middle Class or VIII Std.	50% by D.R. 50% by promotion from Peon/ Havildar
3.	Gujarat	Bailiff	3050-4590	VII Std.	25% by D.R. 75% by promotion from Group 'D'
4.	Jharkhand	Process Server	2550-3200	Literate	By D.R.
5.	Jammu & Kashmir	Process Server	3050-4910	Middle Pass	By D.R.
6.	Meghalaya	Process Server	2440-3680	Non-Matric	By DR (Preference given to Peons)
7.	Sikkim	Process Server	2850-4170	IV Std.	By D.R.
8.	West Bengal (Mofussil Court)	Process Server	Basic Gr. 2700 -4400 Grade I 3350 -6325	Pass in School Final or Equivalent exam	By Promotion from Group-D
9.	Pondicherry	Amin	2650-4000	VIII Std.	By promotion from Peons.
10.	Daman & Diu	Bailiff	2650-4000	Non-SSC	-
11.	Dadra & Nagar Haveli	- do -	2650-4000	VII Std.	-

It will be seen from the aforesaid that the pay scale of the above categories of posts ranges from Rs.2440-3680 to Rs.3050-4910.

In Gujarat, Maharashtra and Jammu & Kashmir, the post carries the pay scale which is admissible to the Lower Division Assistant in those States. In other States, the pay scale given to the post is very much lower than the pay scale of the Lower Division Assistant in those States.

We have received lot of representations from the Staff Associations requesting to recommend the creation of two cadres in the Process Establishment with higher pay scales, more promotional avenues and more travel expenses.

We have ascertained the views of all the High Courts and State Governments in this regard. They are as under:

KERALA High Court has stated that the demand of the Bailiffs (Amins) in the State is genuine. Creation of more posts is also essential to execute the Court orders. Travelling Allowance provided to them is not at all sufficient. Due to the increase in the transportation expenses, it is desirable to pay them actual travelling allowance or Rs.500/- p.m. whichever is less.

CALCUTTA High Court has Stated that higher pay scale should be introduced for Senior Bailiffs / Process Servers and they should be provided with more promotional benefits. Travelling Allowance also should be enhanced.

PATNA High Court has stated that they do not have any post of Bailiff. Nevertheless, adequate posts of Senior and Junior Bailiffs in each Court should be there. They should be given promotional benefits with higher pay scale as their duties and responsibilities are very important. They may also be allowed more Travelling Allowance keeping in view the expenses on travelling.

High Court of JHARKHAND has agreed with the views of Patna High Court with a rider that the demand of the Bailiffs for creation of adequate posts of Senior Bailiffs with higher pay scale is justified.

ALLAHABAD High Court has stated that creation of more posts of Senior Bailiff may not be of much help, but they should, however, be paid more Travelling Allowance to meet the higher travelling expenses.

High Court of UTTARANCHAL has stated that there are no posts of Bailiffs in the Districts of that State, but it is essential to provide adequate posts of Bailiffs and also adequate posts of Senior Bailiffs with higher pay scale. The High Court is also of the view that higher TA and DA should be provided.

ANDHRA PRADESH High Court is also of the view that it is desirable to have a Senior Bailiff in the cadre of Junior Assistant for each Court. It has further stated that the TA paid to the Amins and Process Servers is low and needs upward revision, in view of the abnormal increase in the bus fares.

BOMBAY High Court has stated that there are posts of Senior Bailiffs / Head Bailiffs in the State which are considered to be the promotional posts. But in the revision of pay scales by the V Pay Commission, both the posts, i.e., Bailiff and Head Bailiff have been given one and the same scale of Rs.3050-4590 and the Head Bailiff is given a special pay of Rs.150/-. High Court suggests that this special pay of Rs.150/- may be added to the basic pay of the Head Bailiff to enable him to get other corresponding allowances and the consequential pensionary benefits. With regard to Travelling Allowance, the High Court has stated that the Bailiffs are getting TA as per usual rate which is adequate.

High Court of RAJASTHAN has stated that the work of the Bailiff is performed by Lower Division Clerk rank officially designated as Assistant Nazir (in outline Courts)

and Sale Amin (of UDC Cadre) at the District Judge head quarters. They have got enough promotional avenues. But general revision of the travelling allowance shall meet the grievance of the Bailiffs.

ORISSA High Court has stated that the nature of duties of the Process Servers does not justify any post of Senior Process Server. But the demand for more Travelling Allowance to meet the higher travelling expenses may be considered favourably.

High Court of GUJARAT is not in favour of creating the cadre of Senior Bailiffs.

High Court of HIMACHAL PRADESH has stated that since Assured Career Progression Scheme is also applicable to the Bailiffs, there is no need for creation of Senior Bailiff posts. However, they could be paid more Travelling Allowance.

KARNATAKA High Court is also not in favour of creating the post of Senior Bailiff. However, it has agreed that enhancing the Travelling Allowance to meet the higher travelling expenses deserves consideration. It has suggested to step up the TA upto Rs.250/- subject to periodical revision.

GAUHATI High Court is of the view that the post of Senior Bailiff with higher pay scale may be created at selected places where the workload demands. TA may be paid to them at the same rate as given to other employees.

PUNJAB & HARYANA High Court has stated that under the Rules, the Bailiffs are shown in Group 'C' but they are being paid the pay scale of Group 'D' like Process Servers. The duties of Bailiffs are very important and are responsible in nature as they have to execute the warrant of attachment, warrant of possession etc. They may, therefore, be given a higher pay scale keeping in view the nature of their duties and responsibilities.

MADRAS High Court has stated that the Bailiffs are considered for promotion to the posts of Copyists, Examiners and Readers in addition to the post of Senior Bailiff and creation of more number of posts of Senior Bailiff should be in relation to the workload. The High Court, however, has no objection to enhance the Travelling Allowance.

As regards the views of the State Governments, it may be stated that some State Governments are agreeable with the views expressed by their respective High Courts, but many State Governments are against creation of the cadre of Senior Bailiff.

In 16 States, the Process Establishment in Subordinate Courts consists of two cadres: (i) Process Servers and (ii) Bailiffs. The different States have different nomenclature like Amin / Head Jarikarak / Sale Amin.

The method of Recruitment to the cadre of Bailiffs where the Process Establishment consists of two cadres; [Process Servers + Baliffs] :

Appointment to the cadre of Bailiffs is made either by promotion or by direct recruitment. The promotion is from the cadre of Process Servers or Process Server / Attender / Peon.

In some States, there is direct recruitment to such cadre of Bailiffs. The percentage for direct recruitment and promotion has not been specified except in the State of Rajasthan, where Assistant Nazir in the rank of LDC is a promotional post to the extent of 15% from Class IV and 85% direct recruitment. In West Bengal, the Seal Bailiff is appointed by transfer from Lower Division Assistant.

Recruitment to the cadre of Bailiffs where the Process Establishment consists of only one cadre is as follows :

In Bihar, Jharkhand, Jammu & Kashmir and Sikkim, they are directly recruited. In Meghalaya also, it is by direct recruitment, but preference is given to Peons.

In Goa, 50% by promotion from Peon/Havildar and 50% by direct recruitment.

In Gujarat, it is 25% by direct recruitment and 75% by promotion from Group 'D' employees.

In Pondicherry, it is by promotion from Peons.

The next promotional avenues to such Bailiffs are as follows :

In Bihar, Jharkhand, Goa and Maharashtra, they are eligible for promotion to the cadre of Junior Assistant / LDC if they possess the qualification prescribed for the post of Junior Assistant / LDC.

As regards Gujarat, Jammu & Kashmir, West Bengal, Pondicherry, Daman & Diu and Dadra & Nagar Haveli, we have no correct information regarding the further promotional avenues available to the cadre of Bailiffs or Process Servers or Sale Amins.

OUR RECOMMENDATIONS

- A. THE CADRE OF BAILIFF WHERE THE PROCESS ESTABLISHMENT CONSISTS OF TWO CADRES;
viz: PROCESS SERVERS AND BAILIFFS

(i) **Recruitment**

While dealing with the case of the Process Servers, we have indicated that the Process Servers should be a mixed cadre, i.e., 50% by direct recruitment and 50% by promotion, with the minimum qualification of VIII Standard.

Bailiff is an important Officer of the Court. The post carries considerable powers and responsibilities. The exercise of the power, if not just and reasonable, would prejudicially affect the rights of third parties. The qualification to be prescribed to this post must be commensurate with the powers and duties of the post.

It seems to us that it is proper that the cadre of Bailiffs instead of purely a promotional cadre or by direct recruitment or transfer (as found in West Bengal) be made a mixed cadre. The percentage for direct recruitment and promotion to the post of Bailiff is left to the discretion of the respective High Courts / States / UTs.

(ii) **Qualification**

We have earlier seen that the Bailiffs have higher duties and responsibilities. They must be familiar with the procedural laws as well. They must, therefore, be familiar with the local language and English.

We, therefore, recommend that the minimum qualification should not be less than Matriculation for direct recruitment. Even for promotion to this cadre from lower cadre, persons having Matriculation qualification alone should be considered.

(iii) Pay Scale

We recommend that the same pay scales which are admissible to the Assistant / LDC in the respective States / UTs be given to the cadre of Bailiffs / Amins / Head Bailiffs / Sale Amin.

B. RECOMMENDATION FOR THE PROCESS ESTABLISHMENT CONSISTING OF ONLY ONE CADRE :

As stated earlier, there are 11 States where the Process Establishment consists of only one cadre.

In Bihar, Jharkhand, Jammu & Kashmir, Maharashtra, Meghalaya, Sikkim and West Bengal, there is direct recruitment to the cadre.

In Goa, it is 50% by direct recruitment and 50% by promotion from Peon/Havildar.

In Gujarat, it is 25% by direct recruitment and 75% by promotion from Group 'D'.

The grievance of the Staff Associations is that there is no adequate promotional opportunity in this cadre. They have pleaded for creating a senior cadre of Bailiffs. Some High Courts have agreed for creation of more posts of Bailiffs on par with the Junior Assistants or for creating a senior cadre of Bailiffs.

In certain States, this cadre of Bailiffs is in the pay scale of the Lower Division Assistant. If we recommend for creation of senior cadre of Bailiffs, then it must get the pay scale higher than that of the Lower Division Assistant, which in our opinion, may not fit into the set up of the staff structure in most of the States.

Instead, we recommend that the existing cadre in the Process Establishment, where there is only one cadre, should be suitably restructured into two cadres, having regard to the needs and requirements of each Court. The two cadres are: (i) Process Servers of a lower cadre who are required to do generally serving processes and summons etc., and (ii) Bailiffs / Amins or whatever nomenclature they are having in the respective States, who are required generally to execute the warrants in execution of the decrees and orders.

The pay scale and method of recruitment for Process Servers and Bailiffs would be as hereinabove mentioned.

C. RECOMMENDATION FOR THE PROCESS ESTABLISHMENT CONSISTING OF THREE CADRES :

Rajasthan, Uttar Pradesh and Uttaranchal are the only three States having three cadres in the Process Establishment.

RAJASTHAN :

- (i) Cadre of Process Server, (ii) Cadre of Assistant Nazir and (iii) Cadre of Sale Amin.

The Process Servers are not eligible to be promoted as Assistant Nazir. Recruitment to the post of Assistant Nazir is made up by direct recruitment to the extent of 85% and by promotion from Class IV employees to the extent of 15%. The post of Sale Amin is in UDC cadre. Appointment to the post is made up by promotion from Asst. Nazir.

UTTAR PRADESH :

In Uttar Pradesh, there are three cadres, viz., (i) Process Servers; (ii) Amin Grade II; and (iii) Amin Grade I. Here again, the Process Servers are not eligible to be promoted as Amin Grade II. Like Asst. Nazirs in Rajasthan, recruitment to the posts of

Amins Grade II in Uttar Pradesh is also made by direct recruitment to the extent of 85% and by promotion from Group 'D' employees to the extent of 15%. Appointment to the post of the Amin Grade-I is made either by promotion or by direct recruitment. The percentage, however, is not fixed.

We recommend that the Process Servers in Rajasthan should be made eligible for promotion to the post of Asst. Nazir to the extent of 50% and the other 50% may be by direct recruitment. Likewise, in Uttar Pradesh the Process Servers should be made eligible for promotion to the cadre of Amin Grade II to the extent of 50%.

UTTARANCHAL :

The above recommendation in respect of Uttar Pradesh will also apply to Uttaranchal.

In Rajasthan, Uttar Pradesh and Uttaranchal the posts of Asst. Nazir and Amin Grade II are already in the pay scale of Rs.3050-4590, which is the pay scale of the Lower Division Assistant in the respective States. Hence no higher pay scale is called for.

TRAVELLING ALLOWANCE :

The Officials in the Process Establishment have to travel long distances for serving process of the Court. The process of the Court includes not only summons and notice, but also warrants for execution of a decree, attachments etc. The main grievance of the staff in the Process Establishment is that the Travelling Allowance paid to them is woefully inadequate.

We have been able to ascertain the travelling allowance being paid to the Process Servers and Bailiffs in certain States/UTs. It is as follows :

I.	ANDHRA PRADESH	Rs.18 per day for a maximum of 20 days in a month.
II.	HIMACHAL PRADESH	Rs.25 per month
III.	BIHAR, JHARKHAND HARYANA & PUNJAB	Rs.30 per month
IV.	GOA	Rs.35 per month
V.	ORISSA	Rs.40 per month
VI.	KERALA	Rs.600 per annum for Process Servers and Rs.720 per annum for Amins.
VII.	KARNATAKA	Rs.125 per month
VIII.	MADHYA PRADESH	Rs.150 per month
IX.	TAMILNADU	Rs.140 per month to Jr.Bailiff Rs.150 per month to Sr.Bailiff
X.	WEST BENGAL	Rs.80 per month to Seal Bailiff Rs.49 per month to Bailiff
XI.	ASSAM GUJARAT MAHARASHTRA & RAJASTHAN	Actual T.A

At the time of personal hearing the representatives of some High Courts, State Governments and Staff / Bailiffs Associations have orally submitted as follows :

High Court of
ANDHRA PRADESH

Amins / Bailiffs travel nearly 100 KMs in a day in towns and accordingly Rs.25/- per day is fixed as Travelling Allowance.

High Court of
KARNATAKA

Process Servers / Bailiffs travel about 20 km per day in Bangalore and 5 to 10 km. a day in other places.

State Govt. of
ASSAM

They travel 400 KMs in a month

The Staff Associations/
Bailiffs

The Process Servers / Bailiffs generally cover a distance of 400 KMs in a month in States like Bihar, Orissa, West Bengal, Rajasthan, Jharkhand, Karnataka, Tamilnadu and Tripura

And 1000 KMs to 2,500 KMs in States like Assam, Gujarat and Punjab.

The All India Judicial Employees' Confederation has submitted that the Process Server / Bailiff has to travel 5 - 80 KMs per day for service of notice / summons and for execution of warrants and they are required to work for 20 days in a month.

We have earlier set out the views and comments of the High Courts and State Governments on the demand of the Staff Associations for enhanced TA/DA. To recall the same for the immediate reference, the views are as follows:

High Courts of ANDHRA PRADESH, ALLAHABAD, CALCUTTA, JHARKHAND, KARNATAKA, KERALA, MADRAS, ORISSA, PATNA AND WEST BENGAL, have favoured enhancement of T.A to the Bailiffs. KARNATAKA High Court has suggested Rs.250/- per month subject to periodical review. KERALA High Court has suggested actual T.A or Rs.500/- per month, whichever is less. The High Court of JHARKHAND has favoured the payment of Rs.100/- per month. High Courts of BOMBAY and GUJARAT have not agreed for payment of higher T.A and they have stated that the T.A is paid as per Rules and that is sufficient.

GAUHATI High Court has stated that T.A may be paid to Bailiffs as paid to other employees, while High Court of HIMACHAL PRADESH has stated that actual T.A may

be paid if the Bailiffs travel beyond 8 KMs. from the Headquarters. RAJASTHAN High Court is of the opinion that general revision and enhancement of T.A would meet the grievance of the Bailiffs.

Other High Courts have not expressed any views.

The Governments of GOA, KARNATAKA, NAGALAND, ORISSA, WEST BENGAL, DADRA & NAGAR HAVELI (UT), DAMAN AND DIU (UT) AND DELHI (NCT) have also favoured enhancement of T.A to the Bailiffs.

The KARNATAKA Government has stated that T.A at Rs.25/- for each working day may be paid. The NAGALAND Government has stated that All India T.A may be worked out, The ASSAM Government has stated that T.A may be given at the same rate as given to other employees of similar categories.

The Governments of GUJARAT and MAHARASHTRA are not in favour of giving enhanced T.A to Bailiffs.

The KERALA Government has stated that revision of T.A would be examined at the time of general revision of allowance.

The other State Governments have not given their reaction or comments.

OUR RECOMMENDATIONS

The nature of duties of Process Servers and Bailiffs involve extensive travelling. There is escalation in the cost of transportation. After carefully considering the views expressed by various High Courts and State Governments, we recommend for grant of Fixed Travelling Allowance of not less than Rs. 200/- per month.

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CHAPTER - IX

**BENCH CLERK / READER /
BENCH ASSISTANT / PESHKAR**

CHAPTER - IX

BENCH CLERK / READER / BENCH ASSISTANT / PESHKAR

In this Chapter, the word "Bench Clerk", means and includes Reader, Bench Assistant and Peshkar etc., as known in their respective States / UTs.

In our system of administration of justice, the Presiding Officer of the Court sits on the Dais (Bench), which is about four feet above the ground level. He is assisted by an official who is generally called as "Bench Clerk". In a few States, he is styled either as Reader, Bench Assistant or Peshkar*. He either sits below the Dais or on the side of the Dais.

The following table shows different designations of such officers in different States :

States/UTs	Designation
Andhra Pradesh, Assam, Bihar, Goa, Jharkhand, Kerala, Karnataka, Maharashtra, Manipur, Orissa, Tamil Nadu, Tripura, West Bengal And in all the Union Territories (except Delhi and Chandigarh)	Bench Clerk
Delhi, Chandigarh, Haryana, Chattisgarh, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Punjab, Rajasthan, Uttaranchal, Uttar Pradesh	Reader
Meghalaya	Bench Assistant
Sikkim	Peshkar

* A Manager/a native officer in Court whose duty is to lay all the necessary papers before the Court, also called Reader(See *A Concise Law Dictionary*, Eng.-Urdu Urdu-Eng., 1955, p.155).

In the State of Gujarat, the work of the Bench Clerk (now Sheristedar) is entrusted to the Superintendent. Unlike in the other States, he sits on the dais, to prepare Roznama of each matter and is also expected to assist the Judge, in the functioning of the Court. He supervises the work of Junior Clerk working in the same Court, in regard to issuance of process, witness summons etc.,

The designation, pay scales, mode of recruitment and qualification prescribed for the post of "Bench Clerk" in different States / UTs. are furnished in the ANNEXURE to this Chapter.

DUTIES AND RESPONSIBILITIES

The position of the Bench Clerk is pivotal. Around him revolves the entire proceedings of the Court. His vital role in day to day conduct of the Court Proceedings cannot be over-emphasised.

He could be properly termed as a Court Master / Court Officer. In fact, the corresponding Officer in some High Courts and Supreme Court is called as Court Master / Court Officer.

We may briefly set out the duties and responsibilities stemming from and incidental to the nature of work of the Bench Clerk. The following may be considered as more important:

APPEARANCE

Court manners of the Bench Clerk should be impeccable. He should dress neatly with the prescribed dress. He should be smart, polite, courteous and show utmost respect to the Bench.

DECORUM OF COURT

(i) Whenever the Court assembles or rises, the Bench Clerk should rise from his seat and bow to the Court. He should ensure that every one in the Court hall also rises from his seat, when the Judge enters or rises.

(ii) He should maintain the dignity and decorum of the Court. He should not indulge in unnecessary conversation, either with the advocates or parties. He should not permit them to do things, which are not permitted by Rules. His only concern should be the proper conduct of Court work.

(iii) He should always try to maintain a pleasant and congenial atmosphere in the Court. The Court atmosphere and its surroundings should be quiet and peaceful and if there is any disturbance, he should issue necessary instructions for the elimination of such disturbance.

(iv) He should see that strangers and outsiders are not allowed to idle away, sleep or to do such other acts in the Court, not conducive to the dignity of the Court.

PUNCTUALITY

i) The Bench Clerk should be very punctual and work according to a regular time schedule. He should be in Court well before the Court timings every day, i.e., at least half an hour prior to the commencement of Court work.

ii) He should not leave the Court premises before the closing time of the Office.

iii) He should not leave the Court while the Court is in session, without the permission of the Presiding Officer. Whenever he goes out of the Court at any time, he should instruct the Court Orderly to keep a watch over the Court.

iv) Before leaving the Court after office hours, he should instruct the watchman to lock the Court hall securely.

PREREQUISITE TO COMMENCEMENT OF COURT WORK

(i) The Bench Clerk shall be responsible for the cleanliness and tidiness of the premises of the Court hall.

(ii) The Bench Clerk should check the wall and desk calendars and wall clock timings, etc.,

(iii) It is necessary that the Bench Clerk should glance through the admission and hearing cases, preferably a day earlier and note down the Acts and Rules that are required therein and secure them from Library if the same are not available in Court Hall.

(iv) As soon as entering the Court hall, the Bench Clerk should see whether the Judge's dais is properly arranged with necessary stationery, pen stand, desk calendar etc., The book shelves should be kept with Acts and commentaries in common and current use. Books required for day to day reference, depending upon the requirements of the Court from time to time, should be of easy and quick availability.

(v) If the Court Orderly does not come to duty before the Court timings, immediately a substitute should be sought from the concerned branch.

(vi) If the Stenographer / Judgment Writer is not present in the Court hall 10-15 minutes earlier, the Bench Clerk should intimate the concerned branch and ensure the availability of a substitute.

(vii) He should obtain boxes containing records submitted to the Judge's residence the previous day.

(viii) If there is any sudden change of work, due to cancellation or change of Judge sittings, immediate steps should be taken to adjust the work of the Court as per the modified notification.

(ix) After checking the cause lists to find out any possible mistakes, the same should be kept ready on the dais and in the same way another set should be kept ready for his use. The records of orders, admission, preliminary hearing and hearing cases should be arranged serially according to the cause list. If any records are not traced, immediate efforts should be made to get them. If advocates desire to have a look at the records, time permitting, the same may be spared for reference in the Court hall only. The records should never be allowed to be taken outside the Court hall by the advocates or parties.

(x) Stationery and other forms should be kept ready in the Court hall by obtaining the same from the concerned branches.

(xi) Any notifications issued concerning the Court should be displayed on the notice board of the Court hall.

(xii) The Calendar issued by the High Court should be kept near the dais for ready reference.

Above all,—

(i) He should enter the results of the cases called out in 'A' diary (Court Diary) for information of Advocates and litigant public.

(ii) He should assist the Presiding Officer in marking of documents exhibited in Civil cases and material objects produced in Criminal / Sessions Cases.

(iii) He should maintain 'Further Diary' for convenience of Presiding Officer to give adjournment dates.

(iv) He should arrange the records posted for Judgment or Order and to send the same to the Home Office of the Presiding Officer.

(v) He should write the proceedings in the order sheets of cases.

(vi) He should prepare statements regarding disposal of cases, number of witnesses examined etc.

(vii) He has to maintain Statistics Register regarding the disposal, pending for judgment etc.

In certain States / U.Ts, particularly in Jammu & Kashmir and Rajasthan, where there is centralised administration, Bench Clerk working in out-line Court is also Chief Ministerial Officer of the Court. In addition to his own duties, he has to look after administration of the Court.

Having regard to the importance of the post of the Bench Clerk in the Court Administration and the need to develop a properly trained cadre for assistance to the Presiding Officers, the Commission, prima facie, thought that it would be desirable to have at least three cadres of Bench Clerks corresponding to the three levels of Courts viz., (i) Civil Judge (Jr. Dn.) / Magistrate; (ii) Civil Judge (Sr. Dn.) / CJM; (iii) District Judge / Sessions Judge / CMM etc. For the purpose of ascertaining the views of the High Courts and others in that respect, the Commission circulated the following question:

Ques. No.24 : In Bihar and Delhi, there are four grades of Bench Clerks with different designations. In Tripura there are three grades. In Himachal Pradesh, Punjab, Rajasthan and Uttar Pradesh, there are two grades of Bench Clerks. In other States also, there are just two grades which are either in the cadre of LDC or UDC.

The Commission is of prima facie opinion that it is desirable to have at least three cadres of Bench Clerks to the three grades of Courts

viz., (i) Civil Judge (Jr. Dn.) / Magistrate; (ii) Civil Judge (Sr. Dn.) / CJM; (iii) District Judge / Sessions Judge / CMM.

Please offer your valuable views in this regard. Please suggest the pay scales for these three cadres.

The replies received to the Question will be presently referred to, but before that, we may examine the existing Cadres in the States / UTs:

CADRES :

The statement below indicates the number of cadres of Bench Clerks existing in different States / UTs.

States / UTs	Cadres
Andhra Pradesh (Mofussil Courts), Bihar, Chattisgarh, Gujarat (Mofussil Court), Himachal Pradesh, Jharkhand, Jammu & Kashmir, Kerala, Madhya Pradesh, Manipur, Orissa, West Bengal (City Civil and Sessions Court)	One Cadre
Haryana, Punjab, Rajasthan, Sikkim, Uttaranchal, Uttar Pradesh, West Bengal (Presidency Small Causes Court for Mofussil Courts)	Two Cadres
Delhi	Four Cadres

In Assam, Karnataka, Maharashtra, Goa, Tamilnadu, Tripura and UTs (except Delhi), there is no separate cadre of Bench Clerk. There, either LDC or UDC is posted to perform the duties of the Bench Clerk.

Against this backdrop, the views and comments expressed by the High Courts, State Governments / UTs and Associations on the matter may now be considered .

VIEWS OF HIGH COURTS

All High Courts, except High Courts of GUJARAT and HIMACHAL PRADESH, have agreed to the suggestion of the Commission to have at least three cadres of Bench Clerks corresponding to the three levels of Courts i.e.,

- i) Civil Judge (Jr. Divn.) / Magistrate
- ii) Civil Judge (Sr.Divn.) / CJM
- iii) District Judge / Sessions Judge / CMM

The High Court of GUJARAT has stated thus :

“In the State of Gujarat, the work of Bench Clerk (now Sheristedar) is entrusted to the Superintendent, as designated now, that is Senior Clerk, having passed Lower as well as Higher Departmental Examinations. He has to sit on dais, to prepare Roznama of each matter conducted on dais and is also expected to assist the Presiding Officer, in the functioning of the Court. He has to supervise the work of Junior Clerk working in the same Court, eg. for issuance of the process, witness summons etc. The work is the same in all the Courts, irrespective of the cadre of the Presiding Officer and therefore, there does not appear to be any necessity to have three cadres of Bench Clerks.”

But Mr. S.J.Gaikwad, Registrar of the High Court during the personal hearing agreed with the Commission that the work performed by the Bench Clerk in all Courts is not the same; higher the Court, higher the responsibility and more work to the Bench Clerks.

In HIMACHAL PRADESH, there is only one Cadre of Bench Clerk (i.e. Reader) in the pay scale of Rs.5800-9200. The post is filled up by promotion from Clerical Cadre and in turn he is eligible for promotion to Superintendent Grade-II Cadre carrying the pay scale of Rs.6400-10640. The High Court does not want any change in this regard.

But during the personal hearing, Mr. Ramalal Sharma, Additional Registrar agreed with the suggestion of the Commission.

The High Court of RAJASTHAN has favoured two cadres of Bench Clerks. But, the High Court of PUNJAB & HARYANA has not expressed any view on the subject.

For a proper consideration of the matter, we may read some of the replies given by the High Courts to Question No.24 :

High Court of ALLAHABAD

“It is definitely desirable to have at least three cadres of Bench Clerks to the three grades of Courts. Bench Clerk provided to:

1. CIVIL JUDGE (Jr. Dn.) / MAGISTRATE - 4500-6500
2. CIVIL JUDGE (Sr. Dn.) / CHIEF JUDICIAL MAGISTRATE - 5000-8000
3. DISTRICT JUDGE / SESSIONS JUDGE - 6000-9500 ”

High Court of ANDHRA PRADESH

“It is suggested that there shall be three categories of Bench Clerks to the three grades of Courts, viz;

- a) Bench Clerk of District Court
- b) Bench Clerk of Senior Civil Judge’s Court; and
- c) Bench Clerk of Junior Civil Judge’s Court

In so far as pay scale for the three categories of Bench Clerks is concerned, it is open to the Commission for fixing the same.”

High Court of BOMBAY

“The Commission’s suggestion for having 3 cadres of Bench Clerks is appropriate and it is suggested that Bench Clerk for the District Judges should be of the rank of Superintendent, those for Civil Judges S.D. of the rank of Assistant Superintendent and those for Civil Judges J.D. of the rank of Senior Clerk. The reason for having Bench Clerk of higher grades is that the job of Bench Clerk is specialised in nature. He is expected to know the various stages in judicial proceedings and legal procedure. An inexperienced Bench Clerk is likely to be a burden for the Presiding Officer rather than providing assistance. Pay scales suggested are :

Post	Pay scale as on 1-1-2000	Suggested pay scale
Bench Clerk / Supdt.	5500-175-9000	6500-200-10500
Bench Clerk / Asst. Supdt.	5000-150-8000	5500-175-9000
Bench Clerk / Sr.Clerk	4000-100-6000	5000-150-8000 ”

High Court of CALCUTTA

“The Court agrees with the view of the Commission to the effect that at least three cadres of B.Cs. to the three grades of Courts, as mentioned therein, should be created.

Regarding the fixation of pay scales for these cadres of B.Cs. the Court leaves the matter to the discretion of the Commission.”

High Court of GAUHATI

“Creation of three grades of Bench Clerks is justified. The Bench Clerk to the District & Sessions Judge & Addl. District & Sessions Judge may be given the pay scale

of selection grade U.D.A. The scale of UDA may be given to the Bench Clerk of the Court of CJM, Addl. CJM and Civil Judge Senior Division. The scale of LDA may be given to the Bench Clerk of SDJM, Civil Judge Junior Division, Judicial Magistrate First Class and Second Class."

High Court of JAMMU & KASHMIR

"There is no post of Bench Clerk in the District Judiciary. However, there are posts of Readers, which are in the grade of Rs.4000-6000 and there is no objection if 3 grades of Bench Clerks / Readers are provided in the Rules."

High Court of KARNATAKA

"The proposal of the High Court to create the post of Bench Assistant in between the cadre of Sheristedars and First Division Assistants may be considered."

High Court of KERALA

"In Kerala there are Bench Clerks in all District Courts and Additional District Courts. The post is now equated to the post of Head Clerk in the common category, i.e. Rs.4600-7125. Bench Clerks of Chief Judicial Magistrate Courts are also in the same scale of pay. In other Courts viz. Subordinate Judges Court, Munsiff's Court, and Magistrate Court there is no post of Bench Clerk. A Clerk (LD/UD) who is more conversant with the Judicial work is posted as Bench Clerk. A monthly Special Allowance of Rs.30/- is allowed to them in addition to the pay and allowances of LDC/UDC, as the case may be. Since competent hands are necessary to handle the case papers, it is desirable to have option left to the Judicial Officers from the category of LD/UD and it may be considered whether the allowance payable may be reasonably enhanced. High Court agrees that there shall be a post of Bench Clerk in every Court which can be filled up from the corresponding Clerical cadre by transfer by the Presiding Officer himself."

High Court of MADHYA PRADESH

“In the State of Madhya Pradesh, the Bench Clerks / Readers are of the cadre of Assistant Grade-II (UDC). It is desirable to have at least three cadres of Bench Clerks / Readers to the three grades of posts viz. Civil Judge Class-II (Jr. Dn.), Civil Judge Class-I & CJM, ACJM (Sr.Dn.) and Additional District Judge and District Judge.”

High Court of MADRAS

“It is desirable to have 3 grades of Bench Clerks to the Courts in the following scales of pay.

Court of Civil Judge (Jr.Dn.)	- Rs.4000-100-6000
Court of Civil Judge (Sr.Dn.)	- Rs.5000-150-8000
Court of District Judge / Sessions Judge	- Rs.5500-175-9000.”

High Court of ORISSA

“In view of the fact that the responsibility of the Bench Clerk varies from the Court of Judicial Magistrate to that of a District Judge, their cadre should also be equally different as proposed.”

High Court of PATNA

“There are no (four) grades of Bench Clerks, with different designation in this state. Class-III employees placed in Group ‘C’ Cadre in this State are classified as Assistant : (i) Bench Clerk (ii) Office Clerk (iii) Stenographers (iv) Copyist-Typist.

Bench Clerk deals with the record of Ijlas. Office Clerk is the custodian of records and he complies with the direction and order passed by the Court in respect of different matters.”

High Court of SIKKIM

“In our State we have two Grades of Bench Clerks carrying the pay scale of Rs.4300-125-6800 and Rs.4000-100-6000 at par with Head Assistant and Upper Division Clerk respectively. It is desirable if the Commission recommends for three grades of Bench Clerks for each of the Courts of Civil Judge-cum-Judicial Magistrate, Chief Judicial Magistrate / Civil Judge and District and Sessions Judge carrying separate pay scale.”

High Court of UTTARANCHAL

“It is desirable to have at least three cadres of Bench Clerks / Readers viz.

(i)	Civil Judge (Jr. Dn.) / Magistrate	ordinary scale time scale	- Rs.4000-6000 <u>4500-7000</u>
(ii)	Civil Judge (Sr. Dn.) / Chief Judl. Magistrate	ordinary scale time scale	- Rs.4500-7000 <u>5500-9000</u>
(iii)	Addl. District Judge / District Judge	ordinary scale time scale	- Rs.4500-7000 <u>6500-10500</u> ”

High Court of HIMACHAL PRADESH

“Existing grades of Bench Clerks do not call for any change either of pay scale or number of posts.”

(It needs to be stated that there is only one Cadre of Bench Clerk / Reader in the pay scale of Rs.5800-9200 in Himachal Pradesh.)

High Court of RAJASTHAN

“The Bench Readers (Bench Clerks) posted with the Civil Judge (Jr. Dn.)/ Magistrate must be given the pay scale of Rs.5000-8000 and the Bench Readers posted with the Civil Judge (Sr.Divn.) / CJM must be given the pay scale of Rs.5500-9000 and

the Bench Readers posted with the Addl. District Judges / District Judges must be provided the pay scale of Rs.6500-10500.”

High Court of PUNJAB & HARYANA

“There are two types of Bench Clerks. First is Sr. Gr. Readers who are in the scale of Rs.5800-9200 and attached to the Dist. Judge / Addl. Distt. Judge / Civil Judge (S.D.) / Addl. Civil Judge (S.D.) and CJM. Second is Jr. Gr. Readers who are in the scale of Rs.3120-5160 and attached to Civil Judge (J.D.). As regards the State of Haryana, Sr. Gr. Readers are in the scale of Rs.5000-7850 and Jr. Gr. Readers are in the scale of Rs.3050-4590.

Note : The scale of Readers attached to the Dist. / Addl. Dist. Judge in the State of Punjab is likely to be upgraded from 5800-9200 to 6400-10640 and the scale Jr. Gr. Readers is likely to be upgraded from 3120-5160 to 5800-9200.

Similarly in the State of Haryana the Readers attached to the District Judge / Addl. District Judge is likely to be upgraded from 5000-7850 to 5500-9000 and the scale Jr. Grade Readers is likely to be upgraded from 3050-4590 to 5000-7850.”

VIEWS OF STATE GOVERNMENTS

Governments of ASSAM, GOA, JAMMU & KASHMIR, KARNATAKA, MIZORAM, NAGALAND, ORISSA, SIKKIM, UTTAR PRADESH, WEST BENGAL, LAKSHADWEEP, DAMAN & DIU, DADRA & NAGAR HAVELI and ANDAMAN & NICOBAR ISLANDS have agreed with the Commission to create three separate cadres of Bench Clerks in Subordinate Courts.

Governments of GUJARAT, HIMACHAL PRADESH, MADHYA PRADESH, MAHARASHTRA, MEGHALAYA, PUNJAB, RAJASTHAN, TAMILNADU, TRIPURA, CHANDIGARH and PONDICHERRY are not in favour of separate cadres of Bench Clerks as proposed by the Commission.

VIEWS OF THE DISTRICT JUDGES

Almost all the District Judges have endorsed the views of the Commission suggesting three tiers of posts of Bench Clerks, corresponding to the three levels of Courts. They have, in substance, stated that the duties of Bench Clerks / Readers are more responsible and the Presiding Officers need the assistance of experienced officials as Bench Clerks.

VIEWS OF STAFF ASSOCIATIONS

All the Staff Associations, except the Association of Bihar Court employees and Association of Tamilnadu Court employees, have agreed with the Commission to create three separate cadres of Bench Clerks in the Subordinate Courts.

To make the picture complete, we may set out herein the result of discussion during the personal hearing :

VIEWS EXPRESSED DURING THE PERSONAL HEARING REGARDING THREE GRADES OF BENCH CLERKS FOR THREE CATEGORIES OF COURTS :

During the personal hearing, the Commission has specifically discussed with the Representatives of the High Courts and State Governments as to the need to create three grades of Bench Clerks corresponding to the three tiers of Courts. It was agreed from all sides that the nature and volume of work of the Bench Clerk differ from Court to

Court and the Bench Clerk of the Civil Judge (Jr. Divn.) should be of the cadre of Senior Assistant / Upper Division Clerk; the Bench Clerk of the Civil Judge (Sr. Dn.) should be of the next higher grade to the UDC and the official still in the next higher grade should be the Bench Clerk of the Dist. Court.

Mr. Vijai Varma, Joint Registrar, representing the High Court of Allahabad and Mr. N.K. Mehrotra, Principal Secretary (Judicial), representing the Uttar Pradesh Government have agreed to the suggestion of the Commission that the three categories of Courts should have three different grades of Bench Clerks, as the nature and volume of work differ from Court to Court.

Mr. B.K. Majumdar, Special Secretary, Finance Department of the West Bengal Government has stated that there are already two grades of Bench Clerks in the pay scale of Rs.3350-6350 and Rs.4000-8850 and that the State Government is in favour of creation of another grade. He has also stated that instead of LDC to hold the post of Bench Clerk, UDC / Sr. Assistant could be the Bench Clerk of Civil Judge (Jr. Divn.) and next in higher grades should be the Bench Clerks for Civil Judge (Sr. Divn.) and District Judge.

Mr. A.H. Khochak, Special Secretary, Law & Parliamentary Affairs, Jammu & Kashmir Government has agreed to the proposal of the Commission to have three grades of Bench Clerks in the Subordinate Courts.

Mr. Rajendra Prasad, Law Secretary, representing Government of Bihar, Mr. K.G. Shankar, Secretary, Department of Law, Government of Andhra Pradesh, Mr. M.P. Dixit, OSD, Finance Department representing Government of Rajasthan and Mr. Dilip Kumar Sahu, Addl. L.R., to Government of Orissa, have stated that they have no objection to the

proposal of the Commission to create three grades of Bench Clerks for three levels of Courts.

Mr. Ram Lal Sharma, Addl. Registrar (Admn. and Establishment) of the Himachal Pradesh High Court, had considerable discussion on the desirability of creating three grades of Bench Clerks in the Subordinate Courts. Finally, he was convinced that it would be better to have three grades.

So far as Gujarat is concerned, it may be noted that the High Court in their reply, was not in favour of creating three grades of Bench Clerks in the Subordinate Courts. But, during the personal hearing, Mr. S.J. Gaikwad, Registrar of Gujarat High Court agreed with the Commission that the work performed by the Bench Clerk in all the Courts is not the same and the higher Courts definitely have more important and larger volume of work for Bench Clerk and it would be better to have three grades of Bench Clerks corresponding to the three categories of Courts.

In Kerala State, as seen earlier, the system seems to be quite different. Mr. P. Sankaran Unni, Joint Registrar, High Court of Kerala, has stated that there are Bench Clerks in all District Courts and Additional District Courts in Kerala, but in other Courts, there is no post of Bench Clerk. Only a LDC or UDC is posted in the Court as Bench Clerk and when so posted, he is paid special pay of Rs.30/-. The Joint Registrar has stated that the High Court has agreed to the proposal of the Commission to create three grades of Bench Clerks.

OUR RECOMMENDATIONS

We have carefully examined the matter with due regard to the views and comments of the High Courts and Governments of States and Union Territories on the importance of the Bench Clerks in the Court administration. In our system of administration of justice, the Bench Clerk is really the master of the Court. He has to assist the Presiding Officer of the Court and also to interact with the advocates and the litigant public, while at the same time keeping in touch with the various branches of the Court. He is required to know the various stages of the cases that are posted for orders or disposal for the day. He must also be familiar with the relevant Acts, Rules and Notifications that are required by the Presiding Officer of the Court. Indeed, an experienced Bench Clerk is an asset to the Court. But "an inexperienced Bench Clerk", as the High Court of Bombay has commented, "is likely to be a burden to the Presiding Officer rather than providing assistance".

Taking all these factors into consideration, we recommend -

that there shall be three grades of Bench Clerks corresponding to three levels of Courts, namely,

- (i) Bench Clerk Grade III - Civil Judge (Jr.Dn.) / Magistrate Court.
- (ii) Bench Clerk Grade II - Civil Judge (Sr.Dn.) / C.J.M / CMM
- (iii) Bench Clerk Grade I - District Court / Sessions Court and such like Court.

Bench Clerk Grade-III

The Court of Civil Judge (Jr.Dn.) / Magistrate Court is always a heavy Court. It is the Court where the litigants feel the keen edge of law. It is in this Court where both clients and advocates crowd together. The Bench Clerk of this Court should be capable of managing the Court and assisting the Presiding Officer. In some States, we find that the Bench Clerk in this Court is a Second Division Assistant / Lower Division Clerk. It may be pointed out that the experience of the employees with the qualification, which is generally found at Matriculation or 10th Std. in this cadre, may not be of much use to the Presiding Officer.

We, therefore recommend that generally -

- (i) The Bench Clerk Grade III shall be in the cadre of Assistants / First Division Assistants / U.D.Cs.
- (ii) The Bench Clerk Grade II shall be in the cadre which is promotional to the cadre of Assistants / First Division Assistants / U.D.Cs.
- (iii) The Bench Clerk Grade I in turn, shall be in the next promotional cadre of posts for Bench Clerk grade II.

We have advisedly suggested three cadres of Bench Clerks corresponding to three levels of Courts, not only having regard to the work-load of such Courts, but also to provide more promotional opportunity to the existing staff who are suffering from want of promotion. The High Court and State / UT may appropriately create more number of such posts to meet the requirements of enough number of Bench Clerks in all Courts.

In States / UTs where there are more cadres of Bench Clerks, we recommend for suitable restructuring of such cadres on Court-wise basis on the lines suggested as above.

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ANNEXURE TO CHAPTER - IX

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
1.	ANDHRA PRADESH (Mofussil Courts)			
	U.D. Bench Clerk	4190-120-4550-150-5300-170-6150-200-7150-250-8400-300-8700	District Judge	By Promotion from lower category of posts. SSC and pass in Civil Judicial Test and Accounts Test for Subordinate Officers Part-I.
2.	BIHAR			
	Bench Clerk	4000-100-6000	Coordination Committee appointed by the High Court, or, the Appointment Committee comprising of DJ and two senior-most Addl. DJs.	20% by Promotion on the basis of merit-cum-seniority from Class-IV employees with 3 years' experience; 80% by Direct Recruitment from amongst Graduates on the basis of written examination and interview.
3.	DELHI			
	Reader-I	5500-175-9000	District & Sessions Judge	By Promotion from lower cadre.
	Reader-II	5000-150-8000	- do -	- do -
	Reader-III	4000-100-6000	- do -	- do -
	Reader-IV	3050-75-3950-80-4590	- do -	90% by Direct Recruitment; 5% by Promotion from amongst Ushers and Court Attendants with 5 years' service, on the basis of written examination and Typing test; and 5% by Promotion from amongst Ushers and Court Attendants with 15 years' service on the basis of seniority-cum-fitness.

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				For DR: Matriculation or equivalent and English Typewriting with a speed of 30 wpm.
4.	GUJARAT (Mofussil Court)			
	Senior Clerk	4000-100-6000	District & Sessions Judge	By Promotion on the basis of seniority-cum-merit from the cadre of Junior Clerks.
5.	HARYANA			
	Reader to Dist. & Sessions Judge / Addl. Dist. & Sessions Judge	5500-175-8300-EB-175-9000	District & Sessions Judge	By Promotion from amongst Assistants with 3 years' experience on the basis of seniority-cum-merit.
	Reader in the Court of Civil Judge (Sr. Div.) / CJM / Civil Judge (Jr. Div.)	5000-150-7100-EB-150-7850	-do-	By Promotion from amongst the Graduate Clerks and the Clerks already in service (before coming into force of 1997 Rules) having 5 years' experience, on the basis of seniority-cum-merit.
Note: The Pay scale of Reader to Civil Judge (Jr. Div.) has been notified vide Gazette Notification dt.17-11-98 in the pay scale of Rs.5000-7850, but has not been released so far (Pre-revised pay scale is Rs.3050-4590).				
6.	HIMACHAL PRADESH			
	Reader	5800-200-7000-220-8100-275-9200	District & Sessions Judge	By Promotion from amongst the Court employees of the Division in the scale of Rs.3120-5160, except Steno-Typist and Bailiffs.
7.	JAMMU & KASHMIR			
	Reader	4000-100-6000	District & Sessions Judge (Selection by the Committee of the High Court)	By Promotion on the basis of merit-cum-seniority from amongst Junior Assistants.

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
8.	KERALA (i) Civil Courts			
	Bench Clerk of Dist. Court and MACT	4600-100-5000-125-7125 + Spl. Allowance of Rs.30/- p.m.	District & Sessions Judge	By Promotion / Transfer / Direct Recruitment (i) Promotion – from UDCs and Deputy Nazirs (Civil wing) or Kannada Translators (Civil wing). (ii) In the absence of qualified and suitable candidates under item(i) above, by promotion from LDCs (Civil wing). (iii) In the absence of qualified and suitable candidates under items (i) & (ii) above, by DR. <u>For Promotion or Transfer:</u> (i) Sheristedar's Test or Head Clerk's Test or Civil Judicial Test. (ii) Accounts Test (Lower), or Accounts Test for Subordinate Officers Part-I (Madras). <u>For DR:</u> B.A., B.Sc., or B.Com., and a degree in Law from a recognised University.
	(ii) Criminal Courts			
	Bench Clerk	4600-100-5000-125-7125 + Spl. Allowance of Rs.30/- p.m.	CJM	By Promotion / Transfer / Direct Recruitment (i) By Promotion from category of UDCs (Criminal wing). (ii) In the absence of qualified and suitable candidates available under item(i) above, from LDCs / Clerk-Typists (Criminal wing).

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				(iii) In the absence of qualified and suitable candidates under items (i) & (ii) above, by Transfer from any other service, OR by DR. <u>For Promotion or Transfer:</u> (i) Sheristedar's Test or Head Clerk's Test, Judicial Test or Criminal Judicial Test (except Medical Jurisprudence). (ii) Accounts Test (Lower), or Accounts Test for Subordinate Officers Part-I (Madras). <u>For DR:</u> B.A., B.Sc., or B.Com., and a degree in Law from a recognised University.
9.	MADHYA PRADESH after bifurcation of the State			
	Reader to Dist. Judge	4000-100-6000	District & Sessions Judge	<i>Recruitment Rules are pending consideration of Government.</i>
	Reader to Addl. Dist. Judge	4000-100-6000	- do -	- do -
	Reader to Civil Judge	4000-100-6000	- do -	- do -
10.	MANIPUR			
	Bench Clerk / Reader	4000-100-6000	District & Sessions Judge	By Promotion from LDCs.
11.	MEGHALAYA (i) Civil Courts			
	Bench Asst.	3975-100-4575- EB-110-5455- 120-6655	District Judge	By Promotion from LDAs.

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
(ii) Criminal Courts				
	Bench Asst.	3100-70-3520- EB-80-4160-90- 5060 Extended Scale: 3900-95-5325	CJM	By Promotion – preference being given to the Grade-IV having requisite qualification, or by Direct Recruitment from the merit list of the District Selection Committee. Qualification: SSLC or equivalent.
12.	ORISSA			
	Bench clerk (Senior Clerk)	5000-150-8000	District Judge	By Promotion from amongst Senior Clerks (Jr. Br.) on the basis of merit-cum-seniority subject to passing Accounts Training.
	Bench Clerk (Sr. Clerk (Jr. Branch))	4000-100-6000	- do -	By Promotion from amongst Junior Clerks on the basis of merit-cum-seniority subject to passing prescribed Dept. examination.
	Bench Clerk (Jr. Clerk)	3050-4590	- do -	By Direct Recruitment by holding Competitive examination – pass in Matriculation or equivalent examination.
13.	PUNJAB			
	Reader to Dist. Judge / Addl. Dist. Judge	6400-200-7000- 220-8100-275- 10300-340-10640	District & Sessions Judge	By promotion from Assistants with 3 years experience on the basis of seniority-cum-merit.
	Reader to Civil Judge (Sr. Dn.) / Addl. Civil Judge (Sr. Dn.) / CJM / Civil Judge (Jr. Dn.)	5800-200-7000- 220-8100-275- 9200	- do -	By Promotion from amongst the Graduate Clerks and the Clerks already in service (before coming into force of 1997 Rules) having 5 years' experience, on the basis of seniority-cum-merit.

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
14.	RAJASTHAN			
	Senior Reader	5000-150-8000	District & Sessions Judge	By Promotion by selection on the basis of merit from UDC / Reader of the Courts other than District & Sessions Judge and Additional District & Sessions Judge.
	Reader	4000-100-6000	- do -	By Promotion from LDCs on the basis of seniority-cum-merit, after passing prescribed Departmental Examination.
15.	SIKKIM			
	Peshkar (Bench Clerk-I)	4300-125-6800	Recruitment Committee with Registrar, H.C. as Chairman and D & S Judge (East & North) and D & S Judge, (South & West) as Members.	By promotion of Peshkars in the Court of Civil Judge-cum-Judicial Magistrate / Nazir / Upper Division Asst.
	Peshkar (Bench Clerk-II)	4000-100-6000	- do -	50% by Promotion from amongst Group-D employees with 4 years experience in that grade. 50% by Direct Recruitment from candidates who have passed Class-XII examination.
16.	UTTAR PRADESH (after bifurcation)			
	Reader to Dist. Judge	4500-125-7000	District Judge	By Promotion by selection from amongst Clerical Cadre with pay scale of Rs.4000-100-6000 on the basis of seniority-cum-merit.

Sl.No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Reader to Civil Judge (Sr. Dn.) and (Jr. Dn), Addl. Civil Judge (Sr. Dn.) and (Jr. Dn.), JSCC & Addl. JSCC	4000-100-6000	District Judge	By Promotion by selection from amongst Clerical cadre with pay scale of Rs.3050-4590, on the basis of seniority-cum-merit.
17.	UTTARANCHAL			
	Reader to Dist. Judge & Addl. Dist. Judge / Reader to CJM	4500-125-7000	District Judge	By Promotion by selection from amongst Clerical Cadre with pay scale of Rs.4000-100-6000 on the basis of seniority-cum-merit.
	Reader to ACJM / Civil Judge (Sr. Dn.) / Civil Judge (Jr. Dn.)	4000-100-6000	- do -	By Promotion by selection from amongst Clerical cadre with pay scale of Rs.3050-4590, on the basis of seniority-cum-merit.
18.	WEST BENGAL			
	(i) City Civil & Sessions Court, Calcutta			
	Bench Clerk	4000-125-4250-150-5300-175-7050-200-8850	Principal Judge	By Promotion from amongst LD Assistants.
	(ii) Court of Small Causes, Calcutta			
	Chief Bench Clerk	4500-150-5250-175-7000-200-8800-225-9700	Chief Judge	By Promotion from amongst senior most UD Assistants.
	Bench Clerk	4000-125-4250-150-5300-175-7050-200-8850	- do -	By Promotion from amongst LD Assistants according to seniority.

CHAPTER - X

STENOGRAPHER

INTRODUCTION :

The "Stenography" or "Shorthand Writing" are commonly used perhaps without knowing the origin of the terms.

The word 'Stenography' seems to be a combination of two Greek words "Stenos" and "Graphia". Stenos means "Narrow", Graphia means "Writing", which means "Narrow Writing".¹

Stenography is called 'Shorthand Writing'. Shorthand is the art of writing legibly, by means of brief signs, at a rate sufficiently rapid to record speech. It has been variously known as Stenography (close, little or narrow writing), tachygraphy (swift writing), brachygraphy (short writing). But the term "Shorthand" is now universally applied to Stenography.²

The following information is found at pages 577 and 578-Vol.20 of Encyclopaedia Britannica :

The Shorthand of the Ancients - The earliest record we have of an organized system of shorthand dates from the year 63 B.C., the age of eloquence in Rome. At that time a freedman and friend of Cicero, Marcus Tullius Tiro, invented a system of *notae* that was used in recording the speeches of Cicero, Seneca and others of the Roman senate. The system invented by Tiro was taught in the Roman schools, was

1. Concise Oxford Dictionary, Tenth Edition, p. 1406.

2. Encyclopaedia BRITANNICA, Vol. 20, p. 577.

learned by emperors, and remained in use for several centuries. We are informed by Plutarch, in his life of Cato the younger, that the speeches of Caesar and Cato in connection with the conspiracy of Catiline were taken down verbatim by *notarii* who had been placed by Cicero in various parts of the Senate.

Shorthand in the Middle ages - After the fall of the Roman Empire, the use of the Tironian system survived for several centuries. In A.D.625, Tironian notes were used in the royal diploma of the Merovingian King Clotaire II. In subsequent years we find on public documents brief notations as to the composition of deeds, names of officials concerned, etc.

Shorthand and the Early Christian Church - With the rise of the Christian Church and a demand for the exact utterances of the religious leaders of the day, the teaching and practice of the Tironian *Notae* received a new impetus. Many of the trials of the early Christians were reported by shorthand writers who were employed by the Church for that purpose.

Revival of Shorthand in England - England was the birth place of modern shorthand. The publication by Dr. Timothy Bright in 1588 of his *Characterie: an Arte of Shorte, Swifte, and Secrete Writing by Character* marked the beginning of this development in England. Bright's system was invented during the reign of Queen Elizabeth and dedicated to her. It provided that each sign could be given four different slopes, and that the base of each could be modified by 12 varying terminations.

Development of Phonetic Shorthand.- Most of the early systems of shorthand in England were orthographic or alphabetic, but the idea of writing according to sound continued to gain in favour. The first published system using a phonetic base was that of William Tiffin (1750). Others were Lyle (1762), Holdsworth and Aldridge (1766), Roe (1802), Phineas Bailey (1819), Towndrow (1831) and De Stains (1839).

PITMAN SYSTEM

The publication by Isaac Pitman, in 1837, of *Stenographic Sound Hand* marked a new era in the development of phonetic systems. Not only did he classify the sounds of the language scientifically and arrange his material for writing accordingly, but he introduced simple expedients of abbreviation that made for rapidity.

Machine Shorthand³

Beginning in the late 19th century various machines were invented to write at the pace of speech. The most successful were the Stenograph and the Stenotype. On these machines all the keys can be depressed at once; a syllable is recorded in a single multifinger stroke. Machine shorthand can record extremely rapid speech (more than 200 words per min), and it is widely used in the U.S. in court sessions and government hearings. It is extremely legible, can be transcribed by someone other than the writer, and is usually assigned only to specially trained reporters.

Existing CADRES in Different States :

Generally, the basic nature of a Stenographer's work by and large seems to be the same, whether one is working in the Secretariat, or in the Department of the Government or in the Judiciary. But the nature of work, the volume of work and the hours of work of a Stenographer could make all the difference.

Before we examine the job contents of the Court Stenographers, we may refer to the existing cadres with their pay scales in different States.

3. Microsoft Encarta 96 Encyclopaedia, 1993-1995 Microsoft Corporation.

The number of cadres, pay scales, qualification, mode of appointment, and promotional avenues available to Stenographers are different in different States / U.Ts. **Annexure** to this Chapter sets out the number of Cadres of Stenographers existing in Subordinate Courts in different States / U.Ts, with their pay scales, qualification and mode of recruitment.

There are States / U.Ts having only one cadre of Stenographers. There are States / U.Ts with two, three, four, five and even six Cadres of Stenographers.

ONE CADRE

In Andhra Pradesh (Mofussil Courts), Bihar, Jharkhand, Andaman & Nicobar Islands, Daman & Diu and Dadra & Nagar Haveli, there is only one cadre of Stenographers. The pay scales admissible to these posts are as follows :

1.	Bihar	Stenographer	Rs.4000-6000
2.	Andaman & Nicobar Islands	Stenographer	Rs.4000-6000
3.	Jharkhand	Stenographer	Rs.4000-6000
4.	Daman and Diu	Jr.Stenographer	Rs.4000-6000
5.	Dadra and Nagar Haveli	Stenographer Gr-II	Rs.4000-6000
6.	Andhra Pradesh (Mofussil Courts)	Steno-Typist	Rs.3290-6550

TWO CADRES

In Andhra Pradesh (City Civil Court), Gujarat, Tamilnadu, Goa, Karnataka, Meghalaya, Mizoram, Lakshadweep and Pondicherry there are two Cadres of Stenographers. Their pay scales are :

1.	Andhra Pradesh (City Courts)	(1) Stenographer Gr.II	Rs.5000-10600
		(2) Steno-Typist	Rs.3290-6550
2.	Gujarat	(1) English / Gujarathi Steno Grade-I in City Civil Court & District Court	Rs.6500-10500
		(2) English / Gujarathi Stenographer Grade-II (In the Court of Small Causes, CMM Courts & District Courts).	Rs.5500-9000
3.	Goa	(1) Sr.Stenographer	Rs.4500-7000
		(2) Jr.Stenographer	Rs.4000-6000
4.	Karnataka	(1) Judgment Writer	Rs.5200-9580 (Plus Spl. Pay of Rs.75 pm)
		(2) Stenographer	Rs.3850-7050 (Plus Spl. Pay of Rs.75 pm)
5.	Meghalaya	(1) Stenographer Gr. II (only in Civil Court)	Rs.4900-8300
		(2) Stenographer Gr. III (Both in Civil and Crl. Courts).	Rs.3975-6655
6.	Mizoram	(1) Stenographer Gr. II	Rs.5500-9000
		(2) Stenographer Gr. III	Rs.5500-8000
7.	Lakshadweep	(1) Stenographer Gr. II	Rs.5000-8000
		(2) Stenographer Gr. III	Rs.4000-6000

8.	Pondicherry	(1) Sr. Grade Stenographer	Rs.5000-8000
		(2) Jr. Grade Stenographer	Rs.4000-6000
9.	Tamilnadu	(1) Stenographer Gr.II	Rs.5000-8000
		(2) Stenographer Gr.III	Rs.4000-6000

THREE CADRES

In Assam, Haryana, Jammu and Kashmir, Punjab, Rajasthan, Sikkim, Uttar Pradesh, Uttaranchal, West Bengal, Chandigarh and Orissa, there are three cadres. Their pay scales are as under :

1.	Assam	<u>Civil Courts:</u>	
		Stenographer Gr. I	Rs.5725-11825
		Stenographer Gr. II	Rs.3760-9400
		(For direct recruits minimum is Rs.3940/-)	
		Stenographer Gr. III	Rs.3850-7350
		<u>Crl. Court:</u>	
		Stenographer	Rs.3760-9400
2.	Haryana	Judgment Writer (Sr.Gr.)	Rs.5500-9000
		District Court.	
		Stenographer-Dist Court /	Rs.5000-7850
		Judgment Writer (Jr.Gr.)	
		Steno-Typist	Rs.3050-4590
3.	Jammu & Kashmir	P.A-cum-Sr.Scale	Rs.6500-10500
		Stenographer	
		Jr.Stenographer	Rs.5000-8000
		Steno-Typist	Rs.4000-6000
4.	Punjab	Judgment Writer (Sr.Gr.)	Rs.6400-10640
		Judgment Writer (Jr.Gr.) /	} Rs.5800-9200
		Stenographer	
		Steno-Typist	Rs.3330-6200

5.	Rajasthan	Sr. Personal Asst. Personal Asst. Stenographer	Rs.6500-10500 Rs.5500-9000 Rs.5000-8000
6.	Sikkim	Stenographer Gr.I Stenographer Gr.II Stenographer Gr.III	Rs.5500-9000 Rs.5000-8000 Rs.4300-6800
7.	Uttar Pradesh	Personal Asst. to the District Judge P.A to Addl. Judges/ Spl. Judges Stenographer	Rs.6500-10500 Rs.5500-9000 Rs.4000-6000
8.	Uttaranchal	Personal Asst. to the District Judge P.A to Addl. Judges/ Spl. Judges Stenographer	Rs.6500-10500 Rs.5500-9000 Rs.4000-6000
9.	West Bengal	Stenographer Gr.A Stenographer Gr.B Stenographer Gr.C	1. Rs.6000-12000 2. Rs.4800-10925 3. Rs.4000-8850
10.	Chandigarh	Judgment Writer (Gr.I) Judgment Writer (Gr.II) Steno Typist	1. Rs.6400-10640 2. Rs.5800-9200 3. Rs.3330-6200
11.	Orissa	Personal Asst. to Dist. Judge Sr. Stenographer Jr. Stenographer	1. Rs.5900-9700 2. Rs.4750-7500 3. Rs.4000-6000

FOUR CADRES :

In Chhattisgarh, Delhi, Himachal Pradesh, Kerala, Maharashtra and Madhya Pradesh, there are four cadres of Stenographers. Their pay scales are as follows :

1.	Chhattisgarh	Sr. Personal Asst.	Rs.6500-10500	
		Personal Asst.	Rs.5500-9000	
		Stenographer	Rs.4500-7000	
		Steno-Typist	Rs.3050-4590	
2.	Delhi	Sr. Personal Asst.	Rs.6500-10500	
		Stenographer-I	Rs.5500-9000	
		Stenographer-II	Rs.5000-8000	
		Stenographer-III	Rs.4000-6000	
3.	Himachal Pradesh	Personal Asst. to Dist. Judge	Rs.6400-10640	
		Sr. Scale Stenographer	Rs.5800-9200	
		Jr. Scale Stenographer	Rs.4020-6200	
		Steno-Typist	Rs.3330-6200	
4.	Kerala	Selec. Gr. Confidential Asst.	Rs.6675-10550	+ Spl. Allowance of Rs.60 p.m. + Rs.350 p.m. if attached to the Dist. Judge
		Sr. Gr Confidential Asst.	Rs.5500-9075	
		Confidential Asst. Gr. I	Rs.4600-8000	
		Confidential Asst. Gr. II	Rs.3590-5400	
5.	Maharashtra	Selec. Gr. Stenographer/ Personal Asst.	Rs.7450-11500	
		Stenographer (H.G)	Rs.6500-10500	
		Stenographer (L.G)	Rs.5500-9000	
		Steno-cum-Clerk / Steno-cum-Typist (only in the Court of Small Causes and Mofussil Courts)	Rs.4000-6000	
6.	Madhya Pradesh	Sr. Personal Asst.	Rs.6500-10500	
		Personal Asst.	Rs.5500-9000	
		Stenographer	Rs.4500-7000	
		Steno-Typist	Rs.3050-4590 (Plus Spl. Pay of Rs.125 p.m.)	

FIVE CADRES :

In Manipur, there are five cadres. Their pay scales are:

1.	Manipur	Private Secy.	Rs.5500-9000
		Asst.Private Secy	Rs.5000-8000
		Steno Gr. I	Rs.4500-7000
		Steno Gr. II	Rs.4000-6000
		Steno Gr. III	Rs.3050-4590

SIX CADRES :

In Tripura, there are six cadres of Stenographers. Their pay scales are as follows:

1.	Tripura	Spl.Asst. & Ex-officio- Joint Secretary (P.S. I)	Rs.12000-18400
		Prl.Private Secretary (P.S.II)	Rs.10650-15850
		Private Secretary	Rs.10000-15100
		Asst.Private Secretary (P.S.IV)	Rs.7450-13000
		Personal Asst.(P.A.I)	Rs.6500-12300
		Steno (Jr. Gr.) (P.A.II)	Rs.4200-8650

Functional Work And Grievance :

There is a widespread grievance from the Stenographers that they are inadequately compensated with insufficient promotional avenues. They have represented that their work is arduous and continuous. They have to work in the Court as well as in the residential office of Judicial Officers. They do not even get a break at the week end. Indeed, at the week end, they are more busy in taking down dictation in the reserved matters. Their

demand is that they should not be kept on par with the Stenographers in the Government Departments, but they should be given higher pay scale.

It needs no proof that the Court Stenographers work overtime. It is an acknowledged fact that their work generally commences quite early in the day at the Judge's residence or in the Court before the judicial work begins.

The volume and quality of work of Court Stenographers are incomparable. The judgment of the Court is more often lengthy unless it is a small order disposing of an interlocutory matter. Some Judges dictate lengthy orders even while disposing of an interlocutory application.

The Court Stenographer should have a command of English and Court language. He must be familiar with the substantive and procedural laws. He has to adjust to the speed and accent of the Judges who are on rotation. He has to take down the dictation continuously without interrupting the Judge. If he interrupts the Judge by seeking clarification, he would be disturbing the Judge's thought and impeding his speed. He needs a speed of 120 words per minute to take down the dictation without omission and errors. He has to be familiar with the citations and the passages, if any, to be extracted therefrom.

The Court Stenographer has to observe very stringent requirements of secrecy.

It seems to us that the stress and strain of a Court Stenographer due to arduous hours of work, generally extending beyond normal Court hours and also during Court holidays, indicate that the job content of the Court Stenographer is quite different from that of the Stenographers in other field Departments of the Government.

The Court work needs efficient Stenographers. They are now a dwindling class, particularly after introduction of computers. A few years ago, lot of young boys and girls used to take up shorthand writing by passing Lower Grade and Higher Grade Examinations. But now-a-days, very few opt to take up that course. They prefer to go to the computer class, which is typing friendly without stress and strain.

Regard being had to the aforesaid duties and responsibilities of the Court Stenographers, their grievance needs to be examined.

Equal pay for equal work is a fundamental right. But it must depend upon the nature of work done. It cannot be extended simply to the posts having similar or same nomenclature. It must turn on the qualitative difference in the work. Equal pay for unequal work will be a negation of that principle. There is qualitative and quantitative difference in the nature and type of work of Court Stenographers. (See: *FEDERATION OF ALL INDIA CUSTOMS AND CENTRAL EXCISE STENOGRAPHERS (RECOGNISED) AND OTHERS Vs. UNION OF INDIA AND OTHERS*⁴).

VIEWS OF HIGH COURTS, STATE GOVERNMENTS AND ASSOCIATIONS:

On the question of higher pay scales and more promotional benefits to the Stenographers in the Subordinate Courts, we have ascertained the views of all the High Courts and State Governments/UTs.

HIGH COURTS :

High Courts of ANDHRA PRADESH, PATNA and JHARKHAND are in favour of minimum three cadres of Stenographers corresponding to the three levels of Courts.

4. AIR 1988 S.C. 1291

High Courts of RAJASTHAN, KARNATAKA and ALLAHABAD have stated that four cadres of Stenographers are required in Subordinate Courts.

HIMACHAL PRADESH High Court has stated that they have four grades of Stenographers. They have suggested that there should be a post of Judgment Writer in each Court and the post of Personal Assistant to the District & Sessions Judge should be upgraded to that of Private Secretary in order to give more promotional avenues to the Stenographers.

KERALA High Court has particularly referred to the responsibilities and the workload of the Confidential Assistants ["Stenographers"] in the Subordinate Courts and recommended higher pay scale of Rs.5000-8150 to Confidential Assistant Grade-I and Rs.4000-6090 to Confidential Assistant Grade-II. There are four grades of Confidential Assistants in Kerala.

In ORISSA, there are only two grades of Stenographers, i.e., Junior Stenographers and Senior Stenographers. The High Court suggests that they should be provided more promotional avenues with higher financial benefits.

Similarly, CALCUTTA High Court is of the view that more promotional avenues should be provided to the Stenographers, since they form part and parcel of the judicial work. The Court, however, has left the matter to the discretion of the Commission.

MADRAS High Court is also favouring more promotional grades for the Stenographers.

UTTARANCHAL High Court has stated that having regard to the very nature of the hard work of the Stenographers and also in irregular hours, they may be considered for promotion to the cadres of Personal Assistants and Personal Secretaries.

In GUJARAT, in Mofussil Courts there are two grades of Stenographers in English and two grades of Stenographers in Gujarathi. As per the recent order issued by the Government of Gujarat, 10% of the posts of Stenographers Grade-I have been upgraded to the pay scale of Rs.10,000-15,200. They have not stated anything more.

GAUHATI High Court has stated that there are three grades of Stenographers in Assam and the Stenographers deserve higher benefits proportionately to other employees.

In MADHYA PRADESH, there are four cadres of Stenographers. The High Court is of the view that the Stenographers should be given more promotional grades considering the onerous duties they have to perform. The High Court of Chhattisgarh has endorsed the same view.

In MAHARASHTRA, in Mofussil Courts there are four grades of Stenographers. Personal Assistant (Class-II) is at the top and Steno-Typist (Class-III) at the entry level. The High Court is of the view that the post of Steno-Typist should be abolished and highest grade of Personal Secretary may be created.

The High Court of PUNJAB and HARYANA seems to have a benevolent provision for the Stenographers of the Subordinate Courts. There are four grades of Stenographers. 50% of the posts of the Judgment Writers Senior Grade in the High Court are reserved for promotion from Judgment Writer Junior Grade working in Subordinate Courts. 33% of the posts of Stenographers in the High Court are reserved for promotion from Judgment Writer Junior Grade / Stenographer / Steno-Typists of Subordinate Courts.

High Courts of GUJARAT and ORISSA have stated that the number of Stenographers working in Subordinate Courts are less than the number of Presiding Officers. The same is the position in ANDAMAN and NICOBAR ISLANDS and

MIZORAM. The Governments of these States have also stated that Stenographers are not provided to all Presiding Officers of the Courts.

VIEWS OF GOVERNMENTS :

Invariably, the State Governments have stated that the existing cadres of Stenographers in Subordinate Courts are sufficient and no further improvement is necessary.

There are four exceptions :

- (i) KARNATAKA Government has suggested to provide four grades of Stenographers in the Subordinate Courts since there is only one promotional opportunity in the existing cadres.
- (ii) BIHAR Government has stated that there are no doubt four grades of Stenographers under the Rules, but they are not actually recruited. The Government is in favour of more promotional opportunities to the existing Stenographers.
- (iii) MADHYA PRADESH Government is more frank on this matter. The Government has stated that for the Court Stenographers, there is only one scale though there are two higher scales applicable to the State Government Stenographers. It is said that the Government is considering giving higher scales to the Court Stenographers.
- (iv) In ANDAMAN and NICOBAR ISLANDS and DAMAN and DIU, presently there is only one cadre of Stenographer. They have stated that there is need to make available more scales to the Stenographers.

VIEWS OF ASSOCIATIONS :

The All India Judicial Employees' Confederation and other Stenographers' Associations have suggested that there should be four to five grades of Stenographers in the Subordinate Courts and in each Court there should be two Stenographers.

PERSONAL ASSISTANT TO THE DISTRICT AND SESSIONS JUDGE

On the need to have a Personal Assistant to the District and Sessions Judge, we have obtained the views of the High Courts and State Governments.

VIEWS OF HIGH COURTS

The High Courts of KERALA, UTTARANCHAL, CALCUTTA, GAUHATI (IMPHAL AND AGARTALA BENCHES), KARNATAKA and BOMBAY are of the view that creation of one post of Personal Assistant to the Principal District and Sessions Judge is necessary.

High Courts of JHARKHAND, ANDHRA PRADESH and PATNA have stated that one of the Stenographers with the designation changed to Personal Assistant may be provided to the District Judge.

High Courts of CHHATTISGARH, JAMMU AND KASHMIR, MADHYA PRADESH AND ORISSA have stated that there is already a Personal Assistant to the District Judge.

RAJASTHAN High Court has stated that the proposal for creation of Personal Assistant to District Judges is pending consideration before the Government.

High Court of HIMACHAL PRADESH has stated that there is already a post of Personal Assistant to the District Judge, but it is desirable to provide one such post to the Additional District Judge also.

The High Courts of MADRAS, PUNJAB & HARYANA, GAUHATI and SIKKIM are of the view that there is no need to provide any Personal Assistant to the District and Sessions Judge.

VIEWS OF GOVERNMENTS :

The Governments of ANDHRA PRADESH, BIHAR, HARYANA, KERALA, MANIPUR, MAHARASHTRA, PUNJAB, SIKKIM, WEST BENGAL and CHANDIGARH are not in favour of creating the post of Personal Assistant to the District and Sessions Judge.

Governments of KARNATAKA, GOA, NAGALAND, RAJASTHAN, ANDAMAN & NICOBAR ISLANDS, DAMAN & DIU, DADRA & NAGAR HAVELI, LAKSHADWEEP and PONDICHERRY have favoured change of designation of the existing Stenographer as Personal Assistant.

OUR RECOMMENDATIONS

Grades :

While recommending the number of grades in the cadre of Stenographers, it is necessary to bear in mind the nature of work in Courts. In the Trial Courts, after preliminary hearing, the Presiding Officers are invariably engaged in recording evidence. It is represented to us that in many States the Stenographers alone are used for recording evidence in the open Court.

Order 18 Rule 5 CPC provides that in appealable cases, the evidence of each witness shall be taken down in the language of the Court by the Judge himself or under his personal direction and superintendence. Generally, the Judge dictates the evidence given by the witness to the Stenographer / Typist, who then and there types it and it is read over to the witness by the Presiding Officer and certified as to its authenticity.

The Presiding Officers are not expected to dictate judgment in the open Court. Order XX Rule 3 of the Code of Civil Procedure provides that there cannot be open

Court dictation of judgment by Presiding Officers unless they are specially empowered by the High Court. That means the Stenographers have to take down the judgment after the Court hours. He either works in the chambers or Home Office of the Judge.

Having regard to the nature of the work of the Stenographers and the views of the High Courts, State Governments and Associations, **we recommend,-**

- (a) that in order to afford adequate promotional opportunities to Stenographers and also to provide experienced Stenographers to higher Courts, there must be minimum THREE grades of Stenographers in Subordinate Courts in all the States/U.Ts. corresponding to the three tier hierarchy of Courts, viz., (i) Civil Judge (Jr.Div.); (ii) Civil Judge (Sr. Div); and (iii) District and Sessions Judge and similar cadres;

The States/U.Ts. having more than three cadres are, however, allowed to continue the same.

- (b) We leave it to the wisdom of the High Court to decide about the qualification, mode of recruitment and promotion to these three cadres.

Number of Stenographers in each Court :

Civil Judge (Junior Division)

It may not be necessary to provide two Stenographers in each Court. The Civil Judge (Junior Division) who is located in Tahsil or Taluka place normally writes the orders in his own hand. Of course, he dictates judgments. He may be given one Stenographer, in the cadre of Grade-III, in addition to the Typist, he is otherwise entitled to.

Civil Judge (Senior Division) / CJM / CMM

It may be noted that the Civil Judge(Senior Div.) Court is a Court of unlimited jurisdiction in Mofussil where there is no original jurisdiction for the High Court. It is indeed a heavy Court with a lot of trial work. The Court of Chief Judicial Magistrate is also a busy Court with powers to impose punishment upto seven years.

We, therefore, recommend that the Civil Judge (Sr. Div.) / Chief Judicial Magistrate be provided with one Stenographer Grade-II, in addition to a Typist.

District & Sessions Court / Addl. District & Sessions Court

The District Court has got variety of jurisdictions, both appellate and original on civil side. The District Judge who is also in charge of the Sessions Division is primarily concerned with sessions cases in which lot of evidence is recorded from both the Prosecution and Defence sides. The judgment more often runs into hundreds of pages.

In the premise, we recommend, -

- i) that the District Judge / Addl. District Judge, be provided with one Stenographer Grade-I, in addition to a Typist.
- ii) that the Principal District & Sessions Judge / Principal City Civil Court Judge, be provided with one Grade-I Stenographer and one Executive Assistant.

In City Civil Courts and in District Headquarters where there is cluster of Courts, each Judge be provided with one Stenographer. But there should be a pool of Stenographers at the disposal of the judges to meet requirements of any Court for additional work..

Personal Assistant - Executive Assistant :

We do not propose to recommend Personal Assistant to each District Judge. However, the Principal District and Sessions Judge in each District and the Principal City Civil Court Judge, wherever there is a City Civil Court, must be provided with a Personal Assistant.

The post of Personal Assistant must be the choice of the Principal District and Sessions Judge / the Principal City Civil Court Judge. Selection to this post must be only from Grade I Stenographers. The choice is given to the Judge, since he is required to have confidence in his Personal Assistant in judicial and administrative matters.

We do not propose to make this post as a promotional post over and above Grade I Stenographer. Instead, we recommend a Special Allowance of Rs.200/- per month to the post, which shall be inclusive of Travelling & Compensatory Allowance, recommended elsewhere.

Nomenclature :

Our consultant, Indian Institute of Technology, New Delhi, have suggested that the Court Stenographer may be designated as Executive Assistant. They have drawn support from the nomenclatures in the private sector and multinational companies. They are considered as proactive in these motivational tools. They have also taken into consideration the nomenclatures used in the judicial system of the developed countries as bench mark.⁵

In our opinion, it may not be necessary to designate all the Stenographers as Executive Assistants. It is, however, appropriate and indeed necessary to designate the

5. A Report on Restructuring of Non-Judicial Cadre (NJC), Vol. I Chapter 6, p.113

Personal Assistant to the Principal District and Sessions Judge / Pr. City Civil Court Judge as Executive Assistant. He may be designated accordingly.

Pay Scale :

Regard being had to the nature of duties and responsibilities and the volume of work of Court Stenographers, we consider that it is essential to give them an attractive pay scale depending upon the facts and circumstances in each State / UT, and at the same time ensuring, as far as possible, that it should not be too low from the pay scale of the Bench Clerk of the respective Court.

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CHAPTER – X-A

Whether the Stenographers should be allowed to switch over to Ministerial/ Supervisory cadres?

There is a demand of Stenographers in Subordinate Courts that they should be allowed to switch over to the Ministerial Cadre/Supervisory Cadre.

On this question, all the High Courts and State Governments have been consulted.

The High Courts of SIKKIM and KERALA have stated that there is a provision in their service rules for the Court Stenographers to opt for Ministerial / Supervisory Cadres.

ANDHRA PRADESH, RAJASTHAN and PUNJAB & HARYANA High Courts have also stated that the Stenographers in their subordinate Courts are considered for promotion to Ministerial / Supervisory cadres.

MADHYA PRADESH High Court is of the view that there is justification in the demand of Stenographers to switch over to Ministerial / Supervisory cadres.

High Courts of KARNATAKA and MADRAS are also of the same view. They have added that the Stenographers are not expected to do the same work till they retire and it would be not good from the health point of view.

BOMBAY High Court has suggested that in exceptional circumstances, considering the exigency of situation, Stenographers may be allowed to switch over to Ministerial / Supervisory cadres.

The High Court of UTTARANCHAL has favoured permitting the Stenographers to switch over to ministerial cadre. Further, they have stated that Stenographers / P.As

may be given promotion to the post of Senior Administrative Officer, if they possess required skill.

The High Court of PATNA has indicated that if sufficient cadres are provided for Stenographers, it may not be necessary for any provision to change the cadre.

The High Court of HIMACHAL PRADESH is of the view that since the pay scale of P.A to District and Sessions Judge is equal to that of Superintendent, which is a supervisory post, there is no need to allow the Stenographers to turn to other cadres.

The High Courts of ORISSA and ALLAHABAD are of the view that it is not necessary to provide an opportunity for the Stenographers to change their cadres since they may not fair well in such cadres.

In GUJARAT, only City Civil Courts have got the provision for Stenographers to change their cadre. There is no such provision in the District Judiciary. The High Court has not favoured switching over.

The High Courts of GAUHATI and JAMMU & KASHMIR have stated that there is no provision for switching over in the Service Rules. The GAUHATI High Court has opposed switching over since the nature of duties of Stenographers differs.

VIEWS OF GOVERNMENTS :

Governments of MADHYA PRADESH, NAGALAND, TAMILNADU, ANDAMAN & NICOBAR ISLANDS; DADRA & NAGAR HAVELI, DAMAN & DIU and LAKSHADWEEP are in favour of Stenographers being considered for Ministerial / Supervisory cadres.

In GOA, the Senior Stenographers in Courts are considered for promotion to the supervisory post like Superintendent / Sheristedar. Similarly, the Junior Stenographers are stated to be considered for promotion to the post of Nazir besides as Senior Stenographer.

In HARYANA, there is provision under Rule 7(i) of the Subordinate Courts Establishment (Recruitment and General Conditions of service) Rules, 1997, for considering the Stenographers for the post of Superintendent.

MAHARASHTRA Government is cautious in their reply to our questionnaire. It has stated that if a Stenographer is otherwise qualified, there should be no difficulty in permitting him to switch over to ministerial or supervisory cadre. However, such supervisory cadre should not be regarded as a channel for regular promotion and it would be for the District Judge, in exceptional circumstances, considering the exigencies of service, to permit such crossing over.

TAMILNADU Government is wholly in favour of Stenographers. According to them, the Stenographers in the District Judiciary are burdened with workload and they cannot be expected to do the same work till the date of Superannuation. It is not good from health point of view besides the monotony of doing the same work would affect the efficiency.

Per contra, WEST BENGAL Government has stated that Stenographers belong to a separate cadre with a common seniority, maintained by the Finance Dept. of the State Govt.; that their nature of work is quite different and therefore it is not desirable in the interest of administration to post the Court Stenographers on the Ministerial / Supervisory cadre.

OUR RECOMMENDATIONS

Stenographers have a unique opportunity of closely working with the Presiding Officers and learning the Court procedures. This experience is a valuable asset for administration. We fail to understand why they cannot be placed in other posts. It is not desirable to treat the Stenographer like "once a mortgage, always a mortgage". His valuable experience could be fully utilised in other branches of administration as well. It is not good even from health point of view as correctly stated by some High Courts / State Governments.

We, therefore, recommend that the Stenographers may be permitted to switch over to ministerial / supervisory cadre after they have completed a minimum period of service as determined by the High Court, subject to the condition that the option once exercised shall not be revoked.

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CHAPTER – X-B

TRAVELLING AND COMPENSATORY ALLOWANCE

The Stenographers have no regular timing for work. They should always be ready to work, be it during the Court hours or thereafter. They are also required to attend the home office of the Judicial Officers. Necessarily they must be provided with adequate Conveyance and Compensatory allowance. That is one of their demands before this Commission.

The following States/UTs pay allowance to Stenographers:

ANDHRA PRADESH : Rs. 25/- per day in Hyderabad and Secunderabad. In Mofussil Courts, the maximum of Rs.12.50 per day depending on the distance, subject to a limit of 24 days, as per the submission made during personal hearing.

GUJARAT : Rickshaw charge is paid as Conveyance Allowance.

HIMACHAL PRADESH : Special Allowance of Rs.300/- p.m. and Conveyance Allowance of Rs.150/- p.m. for attending the home office of the District Judges.

KARNATAKA : Rs.250/- p.m. is paid to the Judgment Writers and Rs.200/- p.m. to the Stenographers who attend the home office of the Judicial Officers.

KERALA : Special Allowance of Rs.60/- p.m. to the Confidential Assistants working in the Subordinate Courts and Rs.350/- p.m. to Confidential Assistants working in the District Courts.

MADHYA PRADESH : Rs.50/- p.m. to the Stenographers for attending the home office of the Judicial Officers.

MAHARASHTRA : Rs.120/- p.m. for attending the home office for a minimum of 15 days in a month.

TAMILNADU : Rs.4/- per trip to the Home office is given subject to the maximum of 20 trips.

In the remaining States / U.Ts, there seems to be no additional payment to Stenographers.

On the question of need to pay proper Conveyance and Compensatory Allowance to the Stenographers, the following High Courts and State Governments have given their views and comments as under:

HIGH COURTS :

The High Courts of ANDHRA PRADESH, GAUHATI, ALLAHABAD, BOMBAY, CALCUTTA, HIMACHAL PRADESH, KARNATAKA, KERALA, MADHYA PRADESH, MADRAS, ORISSA, RAJASTHAN and PATNA are in favour of payment of adequate Travelling Allowance and / or Compensatory Allowance.

The ANDHRA PRADESH High Court has stated that Conveyance Allowance be revised in view of the hike in petrol charges. The Stenographers may be compensated by making payment proportionately for attending the Home Office on Sundays and Public Holidays.

The High Court of GAUHATI has suggested the payment of Rs.250/- or Rs.300/- p.m. as Special Allowance.

The ALLAHABAD High Court suggests a lump-sum payment as Travelling Allowance and a day's leave in lieu of 2 days work on Public Holidays / Sundays.

The BOMBAY High Court is for payment of the cost of 15 litres of petrol and Rs.50/- per hour as Compensatory Allowance for extra work done in the Home Office.

The CALCUTTA High Court is also for paying reasonable amount to the Stenographers as Travelling Allowance and for extra work done in the Home Office.

The KARNATAKA High Court suggests a Special Allowance of Rs.500/- p.m. to the Stenographers.

The KERALA High Court has left the matter to the discretion of the Commission. So also the High Court of HIMACHAL PRADESH. Both the High Courts are, however, in favour of giving reasonable additional sum to Stenographers.

The MADHYA PRADESH High Court has stated that presently the Allowance at Rs.50/- p.m. is being given, but it should be revised in view of the rise in cost of petrol.

The High Court of MADRAS is for payment of actual cost of transportation.

The High Court of ORISSA wants some Special Pay to Stenographers but has not specified the amount.

The High Court of PATNA has suggested payment of Rs.400/- to Rs.500/- p.m. as Conveyance Allowance and weekly off on any working day or payment of Overtime Allowance in lieu of attending the Home Office on Holidays / Sundays.

The RAJASTHAN High Court has recommended the payment of Rs.500/- p.m. to Stenographers.

The High Courts of JAMMU & KASHMIR, PUNJAB & HARYANA AND SIKKIM are against any payment as Conveyance Allowance. The reason is that the Stenographers are not called to the Home Office of Judicial Officers.

STATE GOVERNMENTS :

The State Governments of BIHAR, KARNATAKA, MAHARASHTRA, NAGALAND, RAJASTHAN, UTTAR PRADESH & WEST BENGAL are in favour of granting Travelling Allowance as well as Compensatory Allowance for attending Home Office of the Judicial Officers but they have not specified the amount.

The State Governments of ASSAM, HIMACHAL PRADESH, HARYANA, JAMMU & KASHMIR, KERALA, MADHYA PRADESH, MIZORAM, MEGHALAYA, SIKKIM, TAMILNADU, TRIPURA, UNION TERRITORY of PONDICHERRY and LAKSHADWEEP have a negative approach.

The High Court and State Government of DELHI have not given their views.

The High Court and State Govt. of GUJARAT have stated that the existing practice of allowing Stenographers to claim actual Rickshaw charges may be continued, as the said provision is as per Rule 60 of the Bombay Contingent Expenditure Rules, 1949.

The State Govts. of PUNJAB and HARYANA are against the payment of Conveyance Allowance, since Stenographers are already paid adequately.

The All India Judicial Employees' Confederation has requested to fix a uniform fixed TA of Rs.1000/- p.m.

The Staff / Stenographers' Associations are claiming Travelling Allowance and Compensatory Allowance ranging from Rs.250/- to Rs. 500/- p.m.

OUR RECOMMENDATIONS

We have examined the views of the High Courts, State Govts., and Associations in the light of the special nature of duties of Stenographers, like the need to work in the Home Office of the judicial officers. They are required to come to home office well before the Court hours and remain working beyond Court hours besides working on holidays. The Judges are required to work more in the Home Office, particularly at the weekend and during holidays.

At present, in Karnataka State, the Stenographers who attend the home office of the Judicial Officers are getting Rs.200/- p.m. and the Judgment Writers - Rs.250/- p.m. In Kerala, the Confidential Assistants working in the Subordinate Courts get Rs.60/- p.m. and in the District Court Rs.350/- p.m.

In our opinion, in Mofussil, particularly in Tahsil / Taluka / District Headquarters, the distance to be covered by the Stenographers is not much; but in cities, they have to travel long distance.

Taking all these factors into consideration, **we recommend** payment of Travelling Allowance / Compensatory Allowance / Special Allowance as under :

- | | | |
|---|---|-----------------------------|
| (i) Stenographers working in Taluk / Tahsil and District Headquarters | - | Not less than Rs.100/- p.m. |
| (ii) Stenographers working in Cities | - | Not less than Rs.150/- p.m. |
| (iii) Personal Assts. / Executive Asst. to the Principal District & Sessions Judge / Principal City Civil Court Judge | - | Not less than Rs.200/- p.m. |

The aforesaid Allowance is payable to Stenographers at (i) and (ii) subject to production of a certificate issued by the Presiding Officer to the effect that the Stenographer attached to him / her attended the Home Office during the month.

Wherever, the Travelling Allowance / Compensatory Allowance / Special Allowance paid to the Stenographer is higher than what we have recommended, the existing payment will continue.

Before we part with this matter, we may add a word more. As we write this report, we have come across metamorphic change in the computer field. Now we have voice recorder which instantaneously prints the spoken words. This is being extensively used in the developed countries in all fields. In our country too, it has made its debut. A day may not be far off when judges in our country may prefer the voice recorder to Stenographer, leading to a situation of Stenographer becoming a luxury personnel.

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ANNEXURE TO CHAPTER - X

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
1.	ANDHRA PRADESH			
	(i) City Courts			
	II Grade Stenographer	5000-150-5300-170-6150-200-7150-250-8400-300-9900-350-10600	Principal Judge	By Promotion from the lower cadre or by Direct Recruitment or by Transfer from any other service for special reasons of recruitment. Qualification : SSC and GTE in Typewriting and Shorthand (higher grade).
	Steno-Typist	3290-80-3450-100-3950-120-4550-150-5330-170-6150-200-6550	-do-	By Promotion from the lower cadre or by Direct Recruitment or by Transfer from any other service for special reasons of recruitment. Qualification : SSC and GTE in Typewriting and Shorthand (higher grade).
	(ii) Mofussil Courts			
	Steno-Typist	3290-80-3450-100-3950-120-4550-150-5300-170-6150-200-6550	District Judge	By Direct Recruitment or by Promotion from Asst. Supdt. of Copyists, Examiners, Amins, Readers and Copyists having requisite qualification. Qualification : SSC and GTE in Typing and Shorthand (higher grade)
2.	ASSAM			
	(i) Civil Courts			
	Stenographer Gr.I	5725-175-6600-250-7350-EB-250-8100-325-11025-400-11825	District & Sessions Judge	By Selection from amongst persons holding Diploma in Stenography.
	Stenographer Gr.II	3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-325-9400 [For Direct Recruits minimum start will be Rs.3940/- as per the Assam Services (Revision of Pay) Rules, 1998 - p.1344.]	-do-	By Selection from amongst persons holding Diploma in Stenography.
	Stenographer Gr.III	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	-do-	By Selection from amongst persons holding Diploma in Stenography.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	(ii) Criminal Courts			
	Stenographer	3760-90-4480-120-4960- EB-120-5200-175-6600- 250-8100-325-9400	C.J.M.	By Selection from persons holding Diploma in Stenography.
3.	BIHAR / JHARKHAND			
	Stenographer	4000-100-6000	Coordination Committee appointed by the High Court, or, the Appointment Committee comprising of DJ and two senior most Addl. DJs.	By Direct Recruitment on the basis of written examination and interview. <i>General qualification.</i> Graduate and a Certificate in Stenography from an Institution recognised by the State of Bihar.
4.	DELHI			
	(i) District Courts			
	Senior Personal Assistant	6500-200-10500	District & Sessions Judge	By Promotion from lower cadre.
	Stenographer-I	5500-175-9000	-do-	-do-
	Stenographer-II	5000-150-8000	-do-	-do-
	Stenographer-III	4000-100-6000	-do-	By Direct Recruitment. <i>Qualification.</i> Secondary School Examination or equivalent and English Shorthand with a speed of 80 wpm and English Typewriting with 30 wpm.
	(ii) Small Causes Court			
	Stenographer	5000-150-8000	Judge, SCC	By Direct Recruitment. <i>Qualification.</i> Secondary School Exams. Or equivalent and English Shorthand with a speed of 80 wpm and English Typewriting with 30 wpm.
5.	GOA			
	Senior Stenographer	4500-125-7000	District & Sessions Judge on Selection by DPC	By Promotion, failing which by DR. <i>For Promotion :</i> Jr. Stenographers with 3 years of service in the grade, with requisite qualification. <i>Qualification for DR :</i> Matriculation or equivalent and Shoorthand with a speed of 120 wpm & Typing with a speed of 40 wpm. Essential : Knowledge of Konkani. Desirable : Knowledge of Marathi.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Junior Stenographer	4000-100-6000	District & Sessions Judge on Selection by DPC	By Promotion, failing which by DR. Promotion from amongst qualified LDC / Typist/ Copyist/ Asst. Nazir / Record Keeper-cum-Copyist with 3 years service in the grade. <i>Qualification for DR:</i> (1) Matriculation or equivalent. (2) Speed of 100 wpm in Shorthand and 35 wpm in Typewriting. Essential: Knowledge of Konkani. Desirable: Knowledge of Marathi.
6.	GUJARAT			
	(i) City Civil & Sessions Court, Ahmedabad			
	English Stenographer Gr.I (Personal Assistant)	6500-200-10500	Principal Judge - Selection by the Advisory Committee of Judges -do-	By Direct Recruitment through Employment Exchange. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 120 wpm and Typewriting with 40 wpm.
	Gujarathi Stenographer Gr.I (Personal Assistant)	6500-200-10500	-do-	By Direct Recruitment through Employment Exchange. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 90 wpm and Typewriting with 25 wpm.
	(ii) Criminal Court, Ahmedabad			
	Stenographer Gr.II (Gujarathi)	5500-175-9000	CMM	By Direct Recruitment by the Advisory Committee of Metropolitan Magistrate Courts, through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE and Shorthand with a speed of 75 wpm and Typewriting with 25 wpm.
	(iii) Small Causes Court, Ahmedabad			
	Stenographer Gr.II (English)	5500-175-9000	Chief Judge, SCC	By Direct Recruitment by the Advisory Committee of Judges, through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE and Shorthand with a speed of 100 wpm and Typewriting with 40 wpm.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	(iv) Mofussil Court			
	English Stenographer Gr.I	6500-200-10500	District Judge	By Direct Recruitment by the Advisory Committee of Judicial District through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 120 wpm and Typewriting with 40 wpm.
	Gujarathi Stenographer Gr.I	6500-200-10500	District Judge	By Direct Recruitment by the Advisory Committee of Judicial District through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 90 wpm and Typewriting with 25 wpm.
	English Stenographer Gr.II	5500-175-9000	-do-	By Direct Recruitment by the Advisory Committee of Judicial District through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 100 wpm and Typewriting with 40 wpm.
	Gujarathi Stenographer Gr.II	5500-175-9000	-do-	By Direct Recruitment by the Advisory Committee of Judicial District through Employment Exchange and Social Welfare Officers concerned. <i>Qualification:</i> SSCE or equivalent examination and Shorthand with a speed of 75 wpm and Typewriting with a speed of 25 wpm.
7.	HARYANA			
	Judgment Writer (Sr. Gr.) to D&SJ / Addl. D&SJ	5500-175-8300-EB-175-9000	District & Sessions Judge	By Promotion from amongst the Stenographers / Judgment Writers (Jr. Grade) with 3 years' experience, on the basis of seniority-cum-merit.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Judgment Writer (Jr. Gr.) / Stenographer	5000-150-7100-EB-150-7850	District & Sessions Judge	By Promotion from amongst the Steno-Typists with three years' experience on the basis of seniority-cum-merit.
	Steno-Typist / Leave Reserve Steno-Typist	3050-75-3950-EB-80-4590	-do-	By Direct Recruitment. B.A., B.Sc., or equivalent degree from a recognised University and to pass a test at a speed of 80 words per minute in English Shorthand and 20 wpm in transcription of the same.
8.	HIMACHAL PRADESH			
	Personal Assistant to the District Judge	6400-200-7000-220-8100-275-10300-340-10640	District & Sessions Judge	By Promotion from Senior scale Stenographers.
	Sr. Scale Stenographer	5800-200-7000-220-8100-275-9200	- do -	By promotion from amongst Junior Scale Stenographers serving in the Division, failing which, by selection from amongst the Steno-Typists working in the Division on merit determined on the basis of proficiency test.
	Jr. Scale Stenographer	4020-120-4260-140-4400-150-5000-160-5800-200-6200	- do -	By promotion from amongst the Steno-Typists.
	Steno-Typist	3330-110-3660-120-4260-140-4400-150-5000-160-5800-200-6200	- do -	(a) By selection from amongst the Court officials with Matriculation and typing speed of 40 wpm in English and 80 wpm in Shorthand, failing which (b) By Direct Recruitment from amongst candidates possessing minimum qualification of Matriculation with II Division and speed of 40 wpm in English Typing and 80 wpm in Shorthand. Preference will be given to those knowing both English and Hindi Stenography and Typing.
9.	JAMMU & KASHMIR			
	PA-cum-Sr. Scale Stenographer	6500-200-10500	District & Sessions Judge	By promotion on the basis of merit-cum-seniority from amongst Jr. Scale Stenographers.
	Jr. Scale Stenographer	5000-150-8000	- do -	By promotion on the basis of merit-cum-seniority from Steno-Typists.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Steno-Typist	4000-100-6000	District & Sessions Judge	By Direct Recruitment. <i>Qualification:</i> Matriculation or equivalent.
10.	KARNATAKA			
	Judgment Writer	5200-125-5700-150-7200-200-8800-260-9580 (Special Pay: Rs.75/- p.m.)	High Court	Promotion by selection from the cadre of Stenographers who have put in not less than 7 years of service as on the date of test. Selection shall be made on the basis of marks obtained in the test consisting of dictation and transcription with maximum marks of 100.
	Stenographer	3850-100-4450-125-5700-150-7050 (Special Pay: Rs.75/- p.m.)	District Judge	40% by Direct Recruitment - Must have passed SSLC, Senior Typewriting and Senior Shorthand exam both in Kannada and English conducted by the Department of Public Instructions or equivalent examinations; 60% by promotion from Typists, Typist-Copyists, SDAs, on the basis of common seniority, determined on the basis of length of continuous service in the respective cadre possessing prescribed qualification. If no suitable person is available for promotion, by direct recruitment.
11.	KERALA			
	(i) Civil Courts			
	Selection Grade Confidential Asst.	6675-175-7550-200-10550 + Spl. Allowance Rs.60/- (Rs.350/- if attached to District Judges)	High Court	By Promotion from Senior Grade Confidential Assts. <i>Qualification</i> - KGTE (Lower) in Typing (English and Malayalam) and KGTE (Lower) in Shorthand (English and Malayalam) or equivalent qualification.
	Senior Grade Confidential Asst.	5500-150-6100-175-9075	- do -	By promotion from Confidential Assts. Grade-I. <i>Qualification</i> - KGTE (Lower) in Typing (English and Malayalam) and KGTE (Lower) in Shorthand (English and Malayalam) or equivalent qualification.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Confidential Asst. - Grade-I	4600-100-5000-125-5750-150-8000 + Spl. Allowance Rs.60/- (Rs.60/- if attached to District Judges)	District & Sessions Judge	By promotion from Confidential Assistants - Grade-II. <i>Qualification</i> - KGTE (Lower) in Typing (English and Malayalam) and KGTE (Lower) in Shorthand (English and Malayalam) or equivalent qualification.
	Confidential Asst. - Grade-II	3590-85-4100-100-5400 + Spl. Allowance Rs.60/- (Rs.350/- if attached to District Judges)	- do -	By Promotion from qualified L.D. Typists who are found suitable and willing, or by Direct Recruitment in the ratio of 1:1 (<i>This ratio is subject to availability of suitable hands for promotion</i>). <i>Qualification</i> - KGTE (Lower) in Typing (English and Malayalam) and KGTE (Lower) in Shorthand (English and Malayalam) or equivalent qualification.
(ii) Criminal Courts				
	Selection Grade Confidential Asst.	6675-175-7550-200-10550 + Special Allowance Rs.60/- if attached to Presiding Officers	High Court	By Promotion from category of Confidential Assistants (Sr. Grade). <i>Qualification</i> - KGTE (Lower) in Typing (English and Malayalam) and KGTE (Lower) in Shorthand (English and Malayalam) or equivalent.
	Sr. Grade Confidential Asst.	5500-150-6100-175-9075 + Special Allowance Rs.60/- if attached to Presiding Officers.	CJM	By Promotion from amongst Confidential Assts. Grade-I.
	Confidential Asst. - Grade-I	4600-100-5000-125-5750-150-8000 + Special Allowance Rs.60/- if attached to Presiding Officers	- do -	By Promotion from amongst Confidential Assts. Grade-II.
	Confidential Asst. - Grade-II	3590-85-4100-100-5400	- do -	By Promotion from amongst qualified L.D. typists who are found suitable and willing, or by Direct Recruitment, in the ratio of 1:1. <i>Qualification</i> - KGTE (Lower) in Typing (English) and KGTE (Lower) in Shorthand (English) or equivalent, plus this qualification in Malayalam if by DR.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
12.	MADHYA PRADESH / CHHATTISGARH			
	Senior Personal Asst.	6500-200-10500	District & Sessions Judge	By Promotion from the cadre of Personal Assts.
	Personal Asst.	5500-175-9000	- do -	By Promotion from the cadre of Stenographers.
	Stenographer	4500-125-7000	- do -	By promotion from the cadre of Steno-Typists.
	Steno-Typist	3050-75-3950-80-4590 + Special Pay Rs.125/-	- do -	By Direct Recruitment - Higher Secondary with Hindi Shorthand.
13.	MAHARASHTRA			
	(i) City Civil & Sessions Court, Bombay			
	Selection Grade Stenographer	7450-11500	Committee headed by the Pr. CC & S Judge with two senior most Judges and Registrar.	By Promotion from Stenographer (Higher Grade).
	Stenographer (Higher Grade)	6500-10500	- do -	(i) By DR by PSC from amongst candidates who have passed Shorthand exam with a speed of 120 wpm and English Typing with a speed of 40 wpm OR produce a certificate for having passed Shorthand exam with a speed of 120 wpm and English Typing with a speed of 40 wpm, from the recognised Institute subject to the approval by the Govt. for that purpose. (ii) By Promotion from amongst Clerks / Typists who have completed 3 years of continuous service in Class III cadre.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Stenographer (Lower Grade)	5500-7000	Committee headed by the Pr. CC & S Judge with two senior most Judges and Registrar.	By Direct Recruitment by PSC from amongst candidates who have passed Shorthand examn. in English with a speed of 100 wpm and English Typing with a speed of 40 wpm, or By Promotion by the Committee from amongst the Class-III cadre (Clerks / Typists) from the staff members including the staff transferred from inter district and have passed Shorthand exam in English with a speed of 100 wpm and English Typing with a speed of 40 wpm and who have completed 3 years continuous service in Class-III cadre.
(ii) CMM Court, Mumbai				
	Personal Asst.	7450-11500	CMM	By Promotion from Stenographers (HG) on the basis of seniority.
	Stenographer - Higher Grade	6500-10500	- do -	By Promotion from Stenographers (LG) with not less than 3 years of service and possessing the required qualification for recruitment to the post of Steno (HG) on the basis of seniority-cum-merit, or by Direct Recruitment from amongst the candidates who have passed SSC examination and possess Govt. Commercial Certificate, with a speed of 120 wpm in Shorthand and 40 wpm in English Typing or 30 wpm in Marathi Typing, through MPSC.
	Stenographer - Lower Grade	5500-9000	CMM	By Promotion from Steno-Typist with not less than 3 years of service and possessing the required qualification for appointment to the post of Steno (LG) on the basis of seniority - cum - merit, or by Direct Recruitment from amongst the candidates who have passed SSC and Govt. Commercial Certificate examn. in Shorthand with a speed of not less than 100 wpm and English Typing with not less than 40 wpm, or Marathi Typewriting with 30 wpm through MPSC.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Steno-Typist	4000-6000	CMM	By promotion from Typists with not less than 3 years of service and possessing the required qualification for appointment to the post of Steno-Typist, on the basis of seniority-cum-merit, OR by Direct Recruitment from amongst candidates who have passed SSC & Govt. Commercial Certificate, with a speed of 80 wpm in Shorthand and 40 wpm in Typing or 30 wpm in Marathi typewriting, through MPSC.
(iii) Court of Small Causes, Mumbai				
	Personal Asst.	7450-11500	Chief Judge	By Promotion from Stenographers (Higher Grade) on the basis of seniority-cum-merit.
	Stenographer-Higher Grade	6500-10500	Chief Judge	By Promotion from qualified Stenographers (Lower Grade) with not less than 3 years of experience, on the basis of seniority-cum-merit, or by Direct Recruitment from amongst the candidates who are sponsored by MPSC and have passed SSC examination and possess Govt. Commercial Certificate, with a speed of not less than 120 wpm in Shorthand and not less than 40 wpm in English Typing or 30 wpm in Marathi Typewriting.
	Stenographer - Lower Grade	5500-9000	- do -	By Promotion from the cadre of Steno-Typist with not less than 3 years experience and possessing the required qualification for appointment to the post of Steno (LG) by DR, on the basis of seniority-cum-merit, or by DR from amongst the candidates who have passed SSC and Govt. Commercial Certificate exam. with a speed of not less than 100 wpm in Shorthand and not less than 40 wpm in English Typing or 30 wpm in Marathi Typewriting.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Steno-Typist	4000-6000	Chief Judge	By Promotion on the basis of seniority from the cadre of Clerk-Typist / Typist with not less than 3 years experience; who possess Govt. Commercial Certificate exam. with a speed of not less than 80 wpm in Shorthand and not less than 40 wpm in English Typing or 30 wpm in Marathi Typewriting, or by Direct Recruitment from amongst the candidates who have passed SSC and possess a Govt. Commercial Certificate exam., with a speed of not less than 80 wpm in Shorthand and not less than 40 wpm in English Typing or 30 wpm in Marathi Typewriting. Note: The above posts are filled either by DR or Promotion in the ratio of 50:50.
(iv) Mofussil Courts				
	Selection Grade Stenographers (Personal Assistants)	7450-11500	District Judge	By Promotion from the cadre of Stenographer (Higher Grade).
	Stenographer (Higher Grade)	6500-10500	-do-	By Promotion from Stenographer (Lower Grade). Must have passed Shorthand examination with a speed of 120 wpm and English Typing with a speed of 40 wpm or Marathi Typing with a speed of 30 wpm.
	Stenographer (Lower Grade) / Steno (L.G) Marathi	5500-9000	-do-	By Direct Recruitment and Promotion. For DR : SSC or equivalent exam. A pass in Shorthand exam with a speed of 100 wpm and English Typing with a speed of 40 wpm or Marathi Typing with a speed of 30 wpm. For Promotion : from the cadre of Steno-Typists / Jr. Clerks / Bailiffs or Class-IV officials possessing requisite qualification.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Steno-cum-Clerk / Steno-cum-Typist	4000-6000	District Judge	By Direct Recruitment & Promotion. For DR : Pass in SSC exam and Shorthand exam with a speed of 80 wpm and English Typing with a speed of 40 wpm with knowledge of regional language. Promotion from Jr. Clerk / Sr. Clerk / Bailiff or from Class-IV officials possessing the requisite qualification.
14.	MANIPUR			
	Private Secretary	5500-175-9000	District & Sessions Judge	By Promotion by selection or by Transfer.
	Asst. Private Secretary	5000-150-8000	-do-	By Promotion by selection from amongst Stenographers Gr.I.
	Stenographer Gr.I	4500-125-7000	-do-	By Promotion by selection from amongst Stenographers Gr.II.
	Stenographer Gr.II	4000-100-6000	-do-	By Promotion by selection from amongst Stenographers Gr.III.
	Stenographer Gr.III	3050-75-3950-80-4590	District & Sessions Judge	By Direct Recruitment - Pass in Intermediate examination or II year Degree course of any Indian University, must have passed a provisional speed test of 100 wpm in Shorthand and 40 wpm in English Typewriting.
15.	MEGHALAYA			
	(i) Civil Courts			
	Stenographer Gr.II	4900-130-5680-EB-140-6800-150-8300	District Judge	By Direct Recruitment, through District Selection Committee.
	Stenographer Gr.III	3975-100-4575-EB-110-5455-120-6655	-do-	By Direct Recruitment, through District Selection Committee.
	(ii) Criminal Courts			
	Stenographer Gr.III	3975-100-4575-EB-110-5455-120-6655	CJM	By Direct Recruitment through PSC or through District Selection Committee by written test.
16.	ORISSA			
	Personal Assistant to District Judge	5900-200-9700	District Judge	By Promotion from amongst Senior Stenographers on the basis of merit-cum-seniority.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Senior Stenographer	4750-125-7500	District Judge	By Promotion from amongst Junior Stenographers on the basis of merit-cum-seniority.
	Junior Stenographer	4000-100-6000	-do-	By Direct Recruitment by holding competitive examination. <i>Qualification</i> - Matriculation or equivalent exam. Should be able to speak, read and write Oriya and has passed a test in Oriya equivalent to M.E. standard. Shall possess a min. speed of 80 wpm in Shorthand and 40 wpm in Typewriting.
17.	PUNJAB			
	Judgment Writer (Senior Grade)	6400-200-7000-220-8100-275-10300-340-10640	District & Sessions Judge	By Promotion from amongst the Stenographers / Judgment Writers (Jr. Grade) with 3 years experience, on the basis of seniority-cum-merit.
	Judgment Writer (Junior Grade) / Stenographer	5800-200-7000-220-8100-275-9200	-do-	By Promotion from amongst the Steno-Typists with 3 years experience, on the basis of seniority-cum-merit.
	Steno-Typist	3330-110-3660-120-4260-140-4400-150-5000-160-5800-200-6200	District & Sessions Judge	By Selection from Direct Recruitment on the basis of merit. <i>Qualification</i> : B.A., B.Sc., or equivalent thereto and pass a test at a speed of 80 wpm in English Shorthand and 20 wpm in transcription of the same.
18.	RAJASTHAN			
	Senior Personal Assistant	6500-200-10500	District & Sessions Judge	By Promotion from the cadre of Personal Assistants.
	Personal Assistant	5500-175-9000	-do-	By Promotion; or by Direct Recruitment, if suitable candidate is not available for promotion. <i>Qualification</i> - Must have passed HSC and a provisional speed test with a speed of 120 wpm in English Shorthand and 40 wpm in English Typewriting or a speed of 100 wpm in Hindi Shorthand and 30 wpm in Hindi Typewriting.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Stenographer	5000-150-8000	District & Sessions Judge	By Direct Recruitment. <i>Qualification</i> - Must have passed HSC and a provisional speed test with a speed of 100 wpm in English Shorthand and 40 wpm in English Typewriting or a speed of 80 wpm in Hindi Shorthand and 30 wpm in Hindi Typewriting. Must possess working knowledge of Hindi & English.
19.	SIKKIM			
	(i) East / North Stenographer Gr.I	5500-175-9000	Recruitment Committee with Registrar, H.C. as Chairman and D&S Judge (East & North) and D&S Judge (South & West) as Members.	By Promotion from amongst Stenographers Gr.II with 4 years experience.
	Stenographer Gr.II (Judgment Writer)	5000-150-8000	Recruitment Committee with Registrar, H.C. as Chairman and D&S Judge (East & North) and D&S Judge (South & West) as Members.	By Promotion from amongst Stenographers Gr.III with 4 years experience.
	Stenographer Gr.III	4300-125-6800	-do-	By Direct Recruitment - Pass in Class-X, Shorthand with a minimum speed of 50 wpm and Typing with a speed of 30 wpm.
	(ii) South / West Stenographer Gr.I	5500-175-9000	- do -	By Promotion from amongst Stenographers Gr.II with 4 years experience.
	Stenographer Gr.II (Judgment Writer)	5000-150-8000	-do-	By Promotion from amongst Stenographers Gr.III with 4 years experience.
	Stenographer Gr.III	4300-125-6800	-do-	By Direct Recruitment - Pass in Class-X, Shorthand with a minimum speed of 50 wpm and Typing with a speed of 30 wpm.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
20.	TAMILNADU			
	(i) City Courts – Both Civil & Criminal			
	Stenographer Gr.II	5000-150-8000	Pri. Judge / CMM / Chief Judge	By Promotion from the lower cadre.
	Stenographer Gr.III	4000-100-6000	-do-	By Promotion or by Transfer or by Direct Recruitment. Must have passed Govt. Technical Exam. in Typewriting & Shorthand. 1) Higher grade in Tamil and English or 2) Higher grade in Tamil & Lower grade in English; or 3) Higher grade in English & Lower grade in Tamil. Provided that candidates with the qualifications referred to in item (2) above shall be appointed only if the candidates with the qualifications referred to in item (1) above are not available. Provided further that candidates with the qualifications referred to in item (3) above, shall be appointed only if the candidates with the qualifications referred to in items (1) and (2) above are not available.
	(ii) Mofussil Courts			
	Stenographer Grade- II	5000-150-8000	District Judge / Addl. District Judge-cum-CJM	By Promotion from the lower cadre.
	Stenographer Grade-III	4000-100-6000	- do -	Same as applicable to City Civil Courts.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
(iii) Special Courts				
	Stenographer Gr.II	5000-150-8000	Presiding Officer, Special Court concerned	By Promotion from the lower cadre.
	Stenographer Gr.III	4000-100-6000	-do-	By Promotion or by Transfer or by Direct Recruitment. Must have passed Govt. Technical Exam. in Typewriting & Shorthand. 1) Higher grade in Tamil and English or 2) Higher grade in Tamil & Lower grade in English; or 3) Higher grade in English & Lower grade in Tamil. Provided that candidates with the qualifications referred to in item (2) above shall be appointed only if the candidates with the qualifications referred to in item (1) above are not available. Provided further that candidates with the qualifications referred to in item (3) above, shall be appointed only if the candidates with the qualifications referred to in items (1) and (2) above are not available.
21.	TRIPURA			
	Special Assistant and Ex-officio Joint Secretary Now P.S.-I (Spl.Grade)	12000-400-18400	District Judge	By Promotion from the cadre of Principal Private Secretary with 3 years experience.
	Prl. Private Secretary Now P.S.-II (Super Selection Grade)	10650-325-15850	-do-	By Promotion from the cadre of Private Secretary with 5 years experience.
	Private Secretary Now P.S.III (Higher Selection Grade)	10000-300-15100	-do-	By Promotion from the cadre of Asst. Private Secretary with 5 years experience.
	Asst. Private Secretary Now P.S.-IV (Seln.Grade)	7450-225-11500-250-13000	-do-	By Promotion from the cadre of Personal Assistant with 5 years experience.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Personal Assistant Now PA-I (Senior Grade)	6500-200-10500-225-12300	District Judge	By Promotion from the cadre of Stenographer – Junior Grade (now PA-II) with 5 years experience.
	Stenographer (Jr.Gr.) now PA-II	a) 4200-120-6000-130-7300-150-8650 b) CAS-1:5000-130-6690-150-8940-170-10300 c) CAS-2 Rs.5500-150-7750-175-9500-200-10700 Officials in PA-II shall move to CAS-1 after 10 years of service & officials in CAS-1 shall move to CAS-2 after 7 years service.	-do-	By Direct Recruitment. <i>Qualification</i> – Must have passed Higher Secondary examination or equivalent and a provisional speed test of 100 wpm in Shorthand (English) and 40 wpm in Typewriting.
22.	UTTAR PRADESH / UTTARANCHAL			
	Personal Asst. to the District & Sessions Judge	6500-200-10500	District Judge	By Promotion by Selection from amongst Personal Assts. with pay scale of Rs.5500-175-9000, on the basis of seniority-cum-merit.
	Personal Asst. To the District & Sessions Judge, Addl. District & Sessions Judge and Special Judge,	5500-175-9000	-do-	By Promotion by selection from amongst Stenographers with pay scale of Rs.4000-100-6000, on the basis of seniority-cum-merit.
	Stenographer	4000-100-6000	District Judge	By Direct Recruitment – Intermediate or equivalent and Diploma or Certificate in Stenography with a speed of 100 wpm in Shorthand and 35 wpm in Typing.
23.	WEST BENGAL			
	(i) City Civil & Sessions Court, Calcutta			
	Stenographer Grade-A	6000-225-7600-250-9800-275-12000	Principal Judge	By Promotion from lower grade.
	Stenographer Grade-B	4800-175-5850-200-6650-225-8675-250-10925	-do-	By Promotion from lower grade.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Stenographer Grade-C	4000-125-4250-150-5300-175-7050-200-8850	Principal Judge	By Direct Recruitment through PSC. <i>Qualification:</i> Matriculation with a speed of 80 wpm in Shorthand and 30 wpm in Typing. <i>(Scale Promotion in the ratio of 4:3:3)</i>
	(ii) CMM Court Stenographers	Grade-A: 6000-225-7600-250-9800-275-12000 Grade-B: 4800-175-5850-200-6650-225-8675-250-10925 Grade-C: 4000-125-4250-150-5300-175-7050-200-8850	CMM	For Basic grade – by Direct Recruitment through PSC. <i>Qualification:</i> Matriculation with a speed of 80 wpm in Shorthand and 30 wpm in Typing. <i>(No scope for promotion, hence they are given scale promotion in the ratio of 4:3:3)</i>
	(iii) Court of Small Causes, Calcutta Stenographer	4000-125-4250-150-5300-175-7050-200-8850	Chief Judge	Selection from panel of 'B' Schedule Stenographers made by the WBPSA. <i>Qualification:</i> School Final pass, knowledge of Shorthand with a speed of 80 wpm and Typing with 30 wpm.
	(iv) Mofussil Courts			
	a) Stenographer Gr. A	6000-225-7600-250-9800-275-12000	District & Sessions Judge	Grade-C – by Direct Recruitment through PSC.
	b) Stenographer Gr. B	4800-175-5850-200-6650-225-8675-250-10925		Grade-B and Grade-A – by Scale promotion
	c) Stenographer Gr. C	4000-125-4250-150-5300-175-7050-200-8850		<i>Qualification:</i> Matriculation with a speed of 80 wpm in Shorthand and 30 wpm in Typing. <i>(The posts are filled up in the ratio of 4:3:3 respectively)</i>
24.	ANDAMAN & NICOBAR ISLANDS Stenographer	4000-100-6000	District & Sessions Judge	By Direct Recruitment – Matriculation or equivalent examination, a pass in Diploma in Shorthand with a speed of 120 wpm and Typewriting with a speed of 40 wpm and should have to qualify in a test in English (i) Grammar & Composition (ii) Shorthand dictation & Transcription for speed & accuracy and (iii) Viva-voce.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
25.	CHANDIGARH			
	Judgment Writer Gr.I (District Court)	6400-200-7000-220-8100-275-10300-340-10640	District & Sessions Judge	By Promotion from amongst the Stenographers / Judgment Writers (Gr.II) with 3 years experience, on the basis of seniority-cum-merit.
	Judgment Writer Gr.II (Other Courts)/ Stenographer (Senior Scale)	5800-200-7000-220-8100-275-9200	-do-	By Promotion from amongst the Steno-Typists with 3 years experience, on the basis of seniority-cum-merit.
	Steno-Typist / Leave Reserve Steno-Typist	3330-110-3660-120-4260-140-4400-150-5000-160-5800-200-6200	-do-	By Direct Recruitment. <i>Qualification.</i> B.A., B.Sc., or equivalent. Should pass a test at a speed of 80 wpm in English Shorthand and 20 wpm in transcription of the same.
26.	DADRA & NAGAR HAVELI			
Stenographer Gr.II	4000-100-6000	District & Sessions Judge	By Direct Recruitment through the Administration of Dadra & Nagar Haveli. <i>Qualification.</i> SSC, Typewriting with a speed of 40 wpm and Shorthand with a speed of 80 wpm.	
27.	DAMAN & DIU			
Junior Stenographer	4000-100-6000	District & Sessions Judge	By Direct Recruitment through local Employment Exchange. <i>Qualification.</i> SSC.	
28.	LAKSHADWEEP			
	Stenographer Gr.II	5000-100-8000	District & Sessions Judge	Not furnished.
	Stenographer Gr.III	4000-100-6000	-do-	Not furnished.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
29.	PONDICHERRY Senior Grade Stenographer	5000-150-8000	Chief Judge	By promotion, failing which by Direct Recruitment. Promotion from Asst. Sheristedar / Sr. Clerk / Jr. Grade Stenographer. <u>Qualification for Promotion:</u> A pass in SSLC and a pass in Lower grade examination in Shorthand and Typewriting. Those from Senior Clerk / Jr. Grade Stenographer should have 5 years experience in their respective posts. <u>For DR:</u> A pass in HSC with a pass in Higher grade Examination in Shorthand and Typewriting.
	Junior Grade Stenographer	4000-100-6000	-do-	By Promotion from Junior Clerk, failing which by Direct Recruitment. <u>For Promotion:</u> A pass in SSLC with Lower Grade examination in Shorthand & Typing with 2 years experience. <u>For DR:</u> A pass in Higher Secondary examination and a pass in Lower grade examination in Shorthand & Typewriting.

CHAPTER - XI

**SHERISTEDAR / SUPERINTENDENT /
REGISTRAR / HEAD CLERK / HEAD ASSISTANT
IN COURTS HAVING DECENTRALISED
SYSTEM OF ADMINISTRATION**

CHAPTER - XI

SHERISTEDAR/SUPERINTENDENT/REGISTRAR/HEAD CLERK/ HEAD ASSISTANT in COURTS HAVING DECENTRALISED SYSTEM OF ADMINISTRATION

In this Chapter, we are concerned with the Officer who is the Head of the Ministerial Staff of Courts of Civil Judge (Sr. Div.) and Civil Judge (Jr. Div.) in decentralised system of administration. This post carries different designations in different States / UTs, as stated below :

Andhra Pradesh, Assam, Karnataka, Kerala (in Sub-Court), Tamilnadu, West Bengal, Pondicherry, Goa and Maharashtra]	Sheristedar
Himachal Pradesh and Kerala (In M.M.C. and CrI. Courts)]	Superintendent
Kerala (Junior Division Court) Tripura and Lakshadweep]	Head Clerk
Assam (Criminal Courts)		Head Assistant
Gujarat		Clerk of Court
Daman & Diu, Dadra & Nagar Haveli and Andaman & Nicobar Islands]	No separate post of Sheristedar

The designation, pay scale and mode of recruitment to corresponding posts in different States / UTs. are set out in the ANNEXURE to this Chapter.

The post has been classified in most of the States as Group-C / Class-III but in West Bengal, it is in Group-B / Class-II.

Those who are in Group-C want to be upgraded to Group-B and those who are in Group-B want to move on to Group-A, with the corresponding higher pay scale.

The Commission sought the views of the High Courts and State Governments on their grievance.

The High Courts of Andhra Pradesh, Calcutta, Himachal Pradesh and Karnataka have suggested that the existing post should be upgraded.

The Governments of Goa and Karnataka, Administrations of Lakshadweep, Daman and Diu, Dadra and Nagar Haveli and Andaman and Nicobar Islands have also favoured higher pay scale to the existing posts.

The High Courts of Bombay, Gujarat, Kerala and Madras are, however, against the upgradation of the posts.

To be more specific, the views and comments received from some of the High Courts and State Governments may be stated :

HIGH COURTS :

(i) ANDHRA PRADESH

The Head Clerks of District Courts and Addl. District Courts, Central Nazir, Record Keeper of District Court, Sheristedar of Chief Judicial Magistrate Court and Senior Civil Judge's Court are in Group-C. It is desirable to upgrade the above posts to Group-B, since they carry too much work and responsibility.

(ii) CALCUTTA

The Court is in favour of the suggestion of the Commission and thinks that the upgradation in this respect should be made so as to facilitate more promotional aspects.

(iii) HIMACHAL PRADESH

In Himachal Pradesh, the post is termed as Superintendent Grade-II in the pay scale of Rs.6400-10640 (Group-C). However, it can be upgraded to Group-B on par with the Superintendent in the office of the Deputy Commissioner.

(iv) KARNATAKA

The High Court of Karnataka wants the Commission to approve what the High Court recommended to the State Government in their letter dated 21-10-1997. The relevant portion of the letter reads :

“ the Government to upgrade one post of C.M.O. (Sheristedar (Admn.)) in each of the Prl. District Judge, Prl. Civil Judge, Prl. C.J.M., in the State from its present scale of Rs.1720-3300 (pre-revised) to the scale of Rs.2050-3950(pre-revised). These posts shall be filled up on the basis of seniority-cum-merit and with entrustment of day-to-day administration work of the respective Courts.”

STATE GOVERNMENTS :

KARNATAKA

The Chief Ministerial Officer of the Court of Civil Judge (Sr. Div.) and Civil Judge (Jr. Div.) is termed as Sheristedar with pay scale of Rs.5200-125-5700-150-7200-200-8800-260-9580, which is Group-C cadre. Considering the duties and responsibilities, the pay scale of Rs.7400-200-8800-260-10880-320-13120 (**Group-A Jr. Scale**) may be assigned to the Chief Ministerial Officer of the Civil Judge (Sr. Div.) and Civil Judge (Jr. Div.) Courts, who are presently called as Sheristedars.

GOA

The post of Head Ministerial Officer of the Court of Civil Judge (Sr. Div.) should be designated as Sheristedar in Group-B carrying the pay scale of Rs.6500-200-10500 and the post of Head Ministerial Officer of the Court of Civil Judge (Jr. Div.) outside the Headquarters should be designated as Asst. Sheristedar in Group-C carrying the pay scale of Rs.5500-175-9000.

LAKSHADWEEP

Presently, the Sheristedar is in the pay scale of Rs.5500-9000 as per the Judgment in O.P. and O.A., O.P., 200/91 and O.A. W.A.10/34/97. The scale of pay is to be upgraded to Rs.7200-11400 on par with the pattern in Kerala State Judiciary.

The Head of the Ministerial Staff of the Court of Civil Judge and Chief Judicial Magistrate and the Bench Clerk of the District & Sessions Judge shall be included in Group-B.

DADRA & NAGAR HAVELI

Such Head Ministerial Officer shall be of Grade-B and to be termed as "Superintendent".

OUR RECOMMENDATIONS

Designation :

As seen, there are different designations in different States / UTs for the post of Chief Ministerial Officer of the Courts of Civil Judge (Jr.Div.) and Civil Judge (Sr.Div.). In most of the States, the post carries the designation of "Sheristedar".

It is said that the word 'Sheristedar' is originated from the Parsi word 'Sarishtadar'. As per the Marathi-English Dictionary, the meaning of 'Sheristedar' is Head Clerk or Bench Clerk in a Court of Law. By usage, the Head of the Ministerial Staff in Courts came to be termed as 'Sheristedar' in some States. (See **Mysore Gazette - Epigraphy Karnataka . Mysore Archaeology Series**).

In our opinion, the designation of 'Sheristedar' seems to be more dignified than the other designations.

We, therefore, recommend that the Chief Ministerial Officer of Civil Judge(Jr.Div.) may be termed as **Sheristedar** and his counterpart in the Court of Civil Judge(Sr.Div.) may be styled as **Senior Sheristedar**.

PAY SCALE AND CLASSIFICATION OF THE POST :

We have examined the demands of the Officers and the comments offered by the High Courts and State Governments. It seems to us that it is not possible to have uniform classification of the post as Group-B or Group-A, since such classification turns on the pay scale adopted by each State.

As to the pay scale of the post, it needs to be stated that the holder of the post should command respect and obedience from all the staff, since he is the Chief Ministerial Officer. The post, therefore, must necessarily carry the pay scale higher than that of the other Staff.

In **Chapter-IX**, we have suggested that the Bench Clerk of the Court of Civil Judge(Jr.Div.) / Magistrate should be in the cadre of the Sr. Assistant or First Division Clerk and the Bench Clerk of the Court of Civil Judge (Sr.Div.) / CJM Court should be of the promotional cadre to the Senior Assistant or First Division Clerk.

Needless to state that the Sheristedar and Senior Sheristedar of the Courts of Civil Judge (Jr.Div.) and Civil Judge (Sr.Div.) must get pay scale above that of the Bench Clerk and the Stenographer of the respective Courts. This may be worked out having regard to the set up and the pay scale available in each State / UT.

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ANNEXURE TO CHAPTER - XI

Statement showing the designation, pay scale and mode of recruitment in respect of the posts of Sheristedar, Civil Judge (Sr. Div.) and (Jr.Div.), in different States / UTs, where there is decentralised Administration

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
1. Andhra Pradesh			
	1) Sheristedar, Sub-Court	5000-10600	By Promotion on the basis of seniority-cum-merit from the lower category of posts, or by Transfer or by Direct Recruitment.
	2) Head Clerk of District Munsiff Courts / Sheristedar of MM Court	4430-9300	By Promotion from lower category of posts.
2. Assam			
	1) Sheristedar, Court of Civil Judge (Sr. Div.)	} 3850-7350	By Promotion from amongst UDAs on the basis of seniority-cum-merit, who have rendered not less than 7 years of total service, out of which 3 years should be in the cadre of UDA.
	2) Sheristedar, Court of Civil Judge (Jr. Div.)		
	3) Head Asst. (Crl. Court)	3940-8425	By Promotion by selection from UDAs having at least 10 years of service as such, including Supervisory Assistants, in the Chief Judicial Magistrate's establishment.
3. Goa			
	Superintendents / Sheristedars	5500-9000	By Promotion from amongst Head Clerks / Asst. Sheristedars / Sr. Stenographers in the Subordinate Courts with 3 years regular service in the grade, failing which with 5 years regular service combined together as Nazir and Asst. Sheristedar / Head Clerk / Senior Stenographer out of which at least one year as Asst. Sheristedar / Head Clerk / Senior Stenographer.

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
4. Gujarat			
1)	Clerk of the Court, Court of C.J. (Sr.Div.)	5000-8000	By Promotion on the basis of seniority-cum-merit from the cadre of Senior Clerks.
2)	Clerk of the Court, Court of C.J. (Jr.Div.)	4000-6000	By Promotion on the basis of seniority-cum-merit from the cadre of Junior Clerks.
5. Himachal Pradesh			
	Superintendent-II	6400-10640	Promotion by selection from amongst the Senior Assistants / Civil Nazirs and Translators having minimum qualification of Matriculation with 10 years service in the feeder posts.
6. Karnataka			
	Sheristedar	5200-9580	By Promotion on the basis of seniority from the cadre of FDAs.
7. Kerala			
1)	Sheristedar, Sub-Court	6500-10550	By Promotion / Transfer / DR (i) Promotion - from Junior Superintendents (Civil Wing) and Head Clerks of Munsiff Magistrate Courts in the civil Wing in the KJMSS. (ii) In the absence of qualified and suitable candidates under item (i) above, by Transfer from Head Clerks of Sub-Courts, Munsiff Courts and Central Nazirs and Bench Clerks of Dist. Courts and MACT in the KJMSS.

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
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(iii) In the absence of qualified suitable candidates under items (i) and (ii) above, by Transfer from UDCs and Deputy Nazirs in the KJMSS.

(iv) In the absence of qualified suitable candidates under items (i) to (iii) above, by Direct Recruitment.

For Promotion or Transfer:

(i) Minimum qualification of SSLC.

(ii) Sheristedar's Test or Head Clerk's Test or Judicial Test, Civil Judicial Test and Criminal Judicial Test (Except Medical Jurisprudence) OR a degree in Law from a recognised University.

(iii) Accounts Test (Lower), or Accounts Test for Subordinate Officers - Part-I (Madras).

For DR: A degree in Law from a recognised University.

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
2)	Junior Superintendent (Civil Wing)	5500-9075	<p>By Promotion / Transfer / DR</p> <p>(i) Appointment from Head Clerks of Sub Courts, Munsiff's Court, Central Nazir and Bench Clerks of Dist. Courts and MACT.</p> <p>(ii) In the absence of qualified and suitable candidates under item (i) above, by promotion from UDCs and Deputy Nazirs OR Kannada Translators (Civil Wing).</p> <p>(iii) In the absence of qualified and suitable candidates under items (i) and (ii) above, by DR.</p> <p>For Promotion or Transfer:</p> <p>(i) Sheristedar's Test or Head Clerk's Test or Judicial Test or Civil Judicial Test.</p> <p>(ii) Accounts Test (Lower), or Accounts Test for Subordinate Officers - Part-I (Madras).</p> <p><u>For DR:</u> B.A., B.Sc. or B.Com. and a degree in Law from a recognised University.</p>
3)	Head Clerk of Civil Judge's Court (Jr. Div.)	4600-7125	<p>By Promotion / Transfer / Direct Recruitment :</p> <p>(i) Promotion - from UDCs and Deputy Nazirs (Civil Wing) OR Kannada Translators (Civil Wing)</p> <p>(ii) In the absence of qualified and suitable candidates under item (i) above, by Promotion from LDCs (Civil Wing).</p> <p>(iii) In the absence of qualified and suitable candidates under items (i) and (ii) above, by DR.</p>

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
4) Junior Superintendent in Criminal Court	5500-9075	<p><u>For Promotion or Transfer:</u></p> <p>(i) Sheristedar's Test or Head Clerk's Test or Civil Judicial Test.</p> <p>(ii) Accounts Test (Lower), or Accounts Test for Subordinate Officers Part-I (Madras).</p> <p><u>For DR:</u> B.A., B.Sc. or B.Com. and a degree in Law from a recognised University.</p>	<p>By Promotion / Transfer / Direct Recruitment :</p> <p>(i) By Promotion from category of Bench Clerks of CJM Courts.</p> <p>(ii) In the absence of qualified and suitable candidates under item (i) above, by Promotion from UDC (Criminal Wing) or Kannada Translator (Criminal Wing).</p> <p>(iii) In the absence of qualified and suitable candidates under items (i) and (ii) above, by DR.</p>
		<p><u>For Promotion or Transfer:</u></p> <p>(i) Sheristedar's Test or Head Clerk's Test, Judicial Test or Criminal Judicial Test(except Medical Jurisprudence).</p> <p>(ii) Accounts Test (Lower), or Accounts Test for Subordinate Officers Part-I (Madras).</p> <p><u>For DR:</u> B.A., B.Sc. or B.Com. and a degree in Law from a recognised University.</p>	

Sl. No.	Cadre	Pay Scale (Rs.)	Mode of Recruitment
8.	Maharashtra Superintendent / Sheristedar	5500-9000	By Promotion from the cadre of Asst. Superintendent.
9.	Tamilnadu Sheristedar, Sub-Court	5300-8300	By Promotion from the next lower rate or Scale of pay.
10.	Tripura Head Clerk	5000-10300	By Promotion from the posts of Estimator-cum-Scrutiny Assistant or UDC, subject to seniority, fitness and suitability.
11.	West Bengal UD Assistant (Sheristedar)	4000-8850	By Promotion from LD Assistants according to seniority.
12.	Lakshadweep Head Clerk in MM Court	4000-6000	By Promotion from LD Clerks who have worked in Courts for a minimum period of 3 years and who have passed the prescribed departmental tests or by Transfer from similar grades in Civil / Criminal Judicial Ministerial Service from State Service.
13.	Pondicherry		
	1) Sarishtadar	4500-7000	By Promotion from the post of Asst. Sarishtadar with 3 years experience, failing which by Direct Recruitment. <u>Qualification for DR:</u> Degree in Arts or Science with a degree in Law.
	2) Asst. Sarishtadar	4500-7000	By Promotion from Senior Clerk or Junior Grade Stenographer with 5 years experience, failing which by Direct Recruitment. <u>Qualification for DR:</u> Degree in Arts or Science with a degree in Law.

Statement showing the designation, pay scale and mode of recruitment in respect of the posts of Sheristedar, Civil Judge (Sr. Div.) and (Jr.Div.), in different States / UTs, where there is centralised Administration

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
1.	Bihar / Jharkhand Head Clerk / Sheristedar in the Court of Civil Judge (Sr. Div.), CJM and Permanent Civil Judge (Jr. Div.)	5000-8000	By Promotion from the lower grade on the basis of seniority and a pass in the prescribed departmental examinations.
2.	Delhi Administrative Officer	12000-16500	By Promotion on seniority-cum-merit from Superintendents.
3.	Haryana Superintendent Grade-II	5500-9000	By Promotion from amongst Assistants with 3 years experience on the basis of seniority-cum-merit.
4.	Jammu & Kashmir Reader	4000-6000	By Promotion on the basis of merit-cum-seniority from amongst Junior Assistants.
5.	Manipur Reader	4000-6000	By Promotion from the cadre of LDC.
6.	Madhya Pradesh / Chhattisgarh Reader	4000-6000	By Promotion from the lower cadres of Accountant.
7.	Meghalaya		
	1) UDA (in Civil Courts)	3975-6655	By Promotion from LDA.
	2) Head Assistant (in Criminal Courts)	4500-7660 (Extended Scale : 5750-7925)	By Promotion from either of the UDA / Judicial Peshkar / Fine Clerk having experience in Court and Establishment work, or by seniority.

Sl. No.	Cadre	Pay Scale Rs.	Mode of Recruitment
8.	Orissa Sheristedar of Sub Court / Senior Clerk (Sr. Branch)	5000-8000	By Promotion from amongst Senior Clerks (Jr. Branch) on the basis of merit-cum-seniority subject to passing Accounts Training.
9.	Punjab Assistant / Reader	5800-9200	By Promotion from lower cadre.
10.	Rajasthan Reader	4000-6000	By Promotion from LDC.
11.	Uttar Pradesh / Uttaranchal Munsarim, Civil Judge (Sr. Div.) & (Jr. Div.)	4000-6000	By Promotion by selection from the Clerical cadre with pay scale of Rs.3050-4590, on the basis of seniority-cum-merit.
12.	Chandigarh Assistant / Reader	5800-9200	By Promotion from lower cadre.

CHAPTER - XII

CHIEF ADMINISTRATIVE OFFICER / SHERISTEDAR /

SENIOR ADMINISTRATIVE OFFICER / REGISTRAR /

SUPERINTENDENT / CLERK OF COURT /

SENIOR MUNSARIM ETC.

CHAPTER-XII

CHIEF ADMINISTRATIVE OFFICER/SHERISTEDAR/SENIOR ADMINISTRATIVE OFFICER/REGISTRAR/SUPERINTENDENT/CLERK OF COURT/SENIOR MUNSARIM ETC.

The post of Chief Administrative Officer is the highest ministerial post in the District Judiciary. He has to assist the District Judge in the administrative matters of all the Courts in the District. Matters like leave, transfers, postings, promotions, departmental enquiries and other service conditions of employees of all the Courts are required to be supervised by him. Besides, he has to keep track of filing of Suits, Appeals and other litigations and pendency in the District Court and keep informed the District Judge. He is indeed the source for securing Acts, Rules, Notifications, Government Orders and High Court Circulars, required by the Courts in judicial and administrative matters.

In this Chapter, "Chief Administrative Officer" means and includes Sheristedar, Senior Administrative Officer, Registrar, Superintendent, Section Officer, Clerk of the Court and Senior Munsarim etc., as known in their respective States / U.Ts.

Different States / UTs have given different names to this post. Even classification of the post is quite different from State to State. In some States / UTs, the post has been classified as Group 'A' / Class I. In other States / UTs, it is in Group 'B' / Group 'C' (Class II or Class III).

For immediate reference, we have set out the same in the following Table:

Sl.No.	Name of the State	Designation	Classification
1.	Assam Bihar/Jharkhand Kerala Meghalaya	Sheristedar of District Court	Group-C / Class-III
	West Bengal Orissa Lakshadweep	Sheristedar of District Court	Group-C / Class-III
2.	Goa Maharashtra	Registrar	Group-B / Class-II
	Gujarat	Regisrtar (Formerly Clerk of the Court)	Group-C / Class-III
3.	Haryana Punjab Chandigarh	Superintendent	Group-B / Class-II
	Himachal Pradesh Sikkim Andaman & Nicobar Islands	- do -	Group-C / Class-III
4.	Andhra Pradesh Manipur	Administrative Officer	Group-B / Class-II
5.	Karnataka	Chief Administrative Officer	Group-B
6.	Delhi	Chief Administrative Officer-cum-Deputy Controller of Accounts	Group-A
7.	Jammu & Kashmir	Section Officer	No Classification
8.	Madhya Pradesh/ Chattisgarh	Clerk of the Court	Group-C / Class-III
9.	Rajasthan	Senior Munsarim	Group-B / Class-II
10.	Uttar Pradesh/ Uttaranchal	Senior Administrative Officer	Group-B / Class-II
11.	Pondicherry	Head Shirestedar	

It is the demand of the Staff Associations that the post of Chief Administrative Officer being the highest ministerial post in the District Judiciary with heavy duties and responsibilities, should be assigned the status of Group 'A' / Class I with pay scale admissible to Group 'A' post.

In order to ascertain the views of the High Courts, Governments and Staff Associations, the Commission has circulated the following Question:

Question No. 26 :

"This post is termed in different names in different States / UTs. In Andhra Pradesh it is called as Administrative Officer of the District Court. In Assam, Bihar, Tamil Nadu and West Bengal it is styled as Sheristedar of the District Court. In Delhi, as Chief Administrative Officer-cum- Deputy Controller of Accounts. In Goa and Gujarat, as Registrar; in Punjab, Haryana and Himachal Pradesh as Superintendent of District Court and in Jammu & Kashmir the post is styled as Section Officer. But, in Uttar Pradesh, it goes by the name of Senior Administrative Officer.

In most of the States, these posts are in Group 'B' but in few States they are in non-gazatted cadre i.e. Group 'C'. In Kerala, however, this post carries the pay scale of the Deputy Secretary to the State Government.

The Associations demand that this post being the highest ministerial post in the District Judiciary with heavy duties and responsibilities, must be equated with the post of Headquarters Assistant to the Deputy Commissioner of the District. They want that it should be included in Group 'A'. Please have us your views as to the desirability of equating it to the post of Headquarters Assistant to the Dy. Commissioner / Collector of the District or as to any other higher post in the Government."

Generally, the High Courts have welcomed the proposal to place the post of Chief Administrative Officer in Group 'A' / Class I. The High Courts of Allahabad, Andhra Pradesh, Jharkhand, Madhya Pradesh, Orissa, Patna and Rajasthan have suggested that the post should be ranked in the category of Group 'A' / Class I.

OTHER VIEWS :

High Court of Bombay has stated that the cadre of Chief Administrative Officer should not be above the cadre of Civil Judge (Jr.Dn.).

High Courts of Guwahati, Kerala, Punjab and Haryana are not in favour of giving higher pay scale to Chief Administrative Officer.

In Calcutta, there is only the post of Sheristedar in every District Court. The High Court wants this post to be re-designated as Chief Administrative Officer.

Likewise, the High Court of Himachal Pradesh has stated that the existing post of Superintendent in the District and Sessions Court may be re-designated as Administrative Officer in the same pay scale.

High Court of Jammu and Kashmir has stated that they have already sent the proposal to the Government for creation of the post of Administrative Officer in each District with the rank of Under Secretary to Government.

In Karnataka, the Principal District Court has one post of Chief Administrative Officer. The High Court wants that the pay of the post should be increased.

The views and comments as given by some of the High Courts may now be referred :

High Court of Allahabad

“The demand of Association for including the post of SAO in Group ‘A’ appears to be a genuine one as the post carries no less responsibility than those borne by Headquarters Assistant to the Deputy Commissioner / Collector. He is the top official of the ministerial cadre and has to do the administration work involving entire ministerial

staff and inferior establishment. The demand for including the post of SAO in Group 'A' is a genuine one."

High Court of Andhra Pradesh

"In the State of Andhra Pradesh, the Administrative Officer has to attend Administrative work as well as Judicial work i.e., checking of complaints etc. The post is the highest Ministerial post in the District Judiciary with heavy duties and responsibilities. It is proper to upgrade the post and include it in Group 'A' in the pay scale of Headquarters Assistant to the Deputy Commissioner / Collector of the District."

High Court of Bombay

"It is not desirable to equate the post of Chief Ministerial Officer of District Court to that of Collector or Commissioner or Deputy Secretary to the Government. Such a demand is ridiculous. The Chief Ministerial Officer of the District Court should be designated as Registrar and should carry the pay scale of Assistant Registrar in the High Court. We have to look at the external relativity only with the High Court and not with the Government. The Chief Ministerial officer in other Civil / Criminal Courts or an independent sessions division within the District may also be termed as Registrar Grade II and should be equivalent to the post of Section Officer in the High Court. Simultaneously, the minimum qualification for this post should be revised. An employee may not qualify to be appointed as Registrar Grade II unless he is a Law Graduate who has put in minimum 5 years of service in Judicial Department in higher ministerial posts and as Registrar Grade I unless he has put in minimum 5 years as Registrar Grade II. The post of Registrar Grade I should also be available for Civil Judges Junior Division willing to be posted as such and considered fit by High Court for a limited period till the Ministerial Cadres are in a position to offer sufficient number of experienced and qualified persons. In that case, the Judicial Officer will draw pay in his own pay scale."

High Court of Calcutta

“In this State, there is no such post of Chief Administrative Officer in the Subordinate Judiciary. From the Commission’s questionnaire, it appears that this post of Chief Administrative Officer is termed and ranked differently in different States. The Court may not have any objection if such post of Chief Administrative Officer is created in the Subordinate Judiciary with the same pay scale and other benefits.” (Note: In Calcutta, at present Sheristedar of District Court (termed as Chief Administrative Officer in some other States) is the highest ministerial post in the Subordinate Courts of West Bengal with pay scale of Rs.4800 - 10925)”

High Court of Gujarat

“In Gujarat State Judiciary, the post of Clerk of the Court, District Court (Rs.6500-10500), has now been redesignated as Registrar, District Court. The Registrar, District Court, is the highest Administrative Officer on the establishment of the District Court. The appointment to the post of Clerk of the Court (Registrar), District Court, is made by the District Judge, by promotion on the basis of selection from amongst the members of the staff made by the High Court.

He assists the District Judge, in administrative matters pertaining to the staff in the District apart from his other statutory duties as provided in Bombay Civil Courts Act, Civil Manual, etc. He exercises general supervision over the staff of the District Court and other Courts in the District. There is no prospect of further promotion to the incumbent. It is a responsible post which is required to be manned by able person with considerable experience, proven efficiency and merits. Due to the lower pay scale, the senior and experienced persons refuse to accept promotion to the post of Clerk of the Court, District Court. It is necessary to take into account that administration suffers a lot on account of senior efficient members declining to be considered for the post of

Clerk of the Court for want of sufficiently attractive pecuniary benefits as the incumbent has to go out of his parent district on his promotion.

The posts of English and Gujarati Stenographer, Grade-I, are conferred Gazetted status Class-II. Therefore, the case of the Clerk of the Court, District Court, who is the highest Class-III administrative officer in the Judicial department in the District and under whose administrative control, the lower staff including Stenographers is placed, has all the more a better case for conferring Gazetted status upon him.

The High Court is of the view that the Clerk of the Court, (Registrar), District Court (Rs.6500-10500), should be conferred with status of Gazetted Class-II.

The High Court had already made a proposal to the Government for conferring Gazetted status of Class-II, on Clerk of the Court (Registrar) District Court. The Government has not shown inclination for acceptance of the proposal made by the High Court."

High Court of Gauhati

"The nature of work and responsibility of the Head Ministerial Officer of the Court of Civil Judge (both Senior Division & Junior Division) does not justify gazetted status."

High Court of Himachal Pradesh

"The Superintendents with the District and Sessions Judges may be designated as Administrative Officers in the same pay scale in Group-B in the scale of Rs.7220-11660. It will open the promotional avenues for other eligible staff members in the Civil and Sessions Division."

High Court of Jammu & Kashmir

“The Section Officer is the highest post in the District Judiciary. However, a proposal has been sent to Govt. for creation of posts of Administrative Officers of the rank of Under Secretary to Govt. This proposal is pending with the Government.”

High Court of Jharkhand

“(i) In the State of Jharkhand this post is styled as Sheristedar of the District Court. They assist the Presiding Officer of the respective Courts. Sheristedar of the District Judges’ Court is an ex-cadre post. The Sheristedar of the District Judges’ Court and that of other Courts are conversant with Administrative Law as well as procedural laws.

(i) The Sheristedar of District Judges’ Court should be redesignated as Administrative Officer and be given post of Gazetted Asst. Divisional Commissioner in the pay scale of Rs.14300-18000 and it should be Group-B post.”

High Court of Karnataka

“The pay scale of Chief Administrative Officers shall not be less than scale of pay of Rs.10620-14960.”

High Court of Kerala

“In Kerala, Sheristedars of the District Courts are equated to the post of Section officer (Higher Grade) of the Secretariat carrying the very same pay scale of Rs.7200-200-7800-225-11400. No modification is called for with regard to the nomenclature of the post.”

High Court of Madhya Pradesh

“The different nomenclatures existing in the different States are prevalent before the reorganisation of the State. Presumably they may be existing before the independence. However, there is justification in the demand of the Associations that the highest level Ministerial posts in the District Judiciary should be equated with the higher post of like nature.”

High Court of Madras

“In Tamil Nadu, the Chief Administrative Officer in the District is the P.A. to the Dist. Judge. The scale of pay is Rs.8000-275-13500 in Group ‘B’. The next higher scale of pay is Rs.9100-275-14050 available to the post Civil Judge (Jr. Dn.). Further, any increase in the scale of pay should be in consonance with the qualification attached to the post.”

High Court of Orissa

“The Dist. Judge of the district is equated with the District Collector. Hence the Head ministerial officer of the Judgeship who is designated as Sheristedar should be in Group ‘B’ category with pecuniary benefit admissible to that cadre.”

High Court of Patna

“In the State of Bihar, this post is styled as Sheristedar of the District Court. They assist the Presiding Officer of the respective Courts. Sheristedar of the District Judge’s Court is an ex-cadre post. The Sheristedar of the District Judge’s Court and that of other courts are conversant with Administrative laws as well as procedural laws. Keeping in view the work efficiencies of the Sheristedar of the District Judge’s Court be given post of Gazetted Asst. to Divisional Commissioner. Their pay scale may not be less than Rs.10500-16000.”

High Court of Punjab & Haryana

“The present set up of the Superintendent who is in charge of the office of the Distt. Judiciary is workable but there can be a Chief Administrative Officer to look after the entire administration (of the rank of Civil Judge (Sr.Dn.).”

High Court of Rajasthan

“There should be one post of Chief Administrative Officer in each district in the pay scale of Rs.12000-16500 equating these posts with the Dy. Secy. to Govt. because it would be the highest post of the ministerial cadre of the district judiciary which would have heavy duties and responsibilities. He would be the back-bone of the district judiciary. Therefore, this post be termed as ‘Chief Administrative Officer.’”

High Court of Uttaranchal

“The post of Senior Administrative Officer is of much responsibility. He is the highest Officer of the Civil Staff with heavy duties. He must be efficient and able officer. In the State of Uttaranchal, the pay scale of the Senior Administrative Officer and the Superintendent of the Dy. Commissioner is equal, but the post of the Senior Administrative Officer should not be a promotional post, it should be a post of selection from amongst the State Judiciary staff. It should be opened to the P.S. also.”

GOVERNMENTS :

The Governments of Karnataka, Orissa, Nagaland and Administration of Union Territories of Lakshadweep, Dadra and Nagar Haveli, Andaman and Nicobar Islands have agreed to assigning higher pay scale to Chief Administrative Officer.

Other State Governments have opposed the proposal to give higher pay scale to Chief Administrative Officer.

The views furnished by the Governments who are in favour of giving higher pay scales to Chief Administrative Officer are as follows :

Karnataka

The highest Chief Ministerial Officer's post in the Dist. Judiciary in Karnataka is CAO / Asst. Registrar which is in Group 'B' cadre. The post being the highest Ministerial post, the duties and responsibilities are heavy. The CAOs should be conversant with Administrative Laws as well as Procedural Laws. The Dist.& Sessions Judge who is equal to a Divisional Commissioner of Revenue Dept. is assisted by CAO, a Group 'B' officer, whereas Divisional Commissioner is assisted by Gazetted Assistant who is a senior Group 'A' Officer. Hence, this post may be equated with the post of Gazetted Assistant to Divisional Commissioner and corresponding pay scale of Rs.10620-260-10880-320-13440-380-14960 may be assigned.

Nagaland

For District Courts, the Ministerial head should be designated as Administrative Officer and placed in Group 'A'.

Orissa

The District Judge of the district is equated with the District Collector. Hence, the head ministerial officer of the Judgeship who is designated as Sheristedar should be in Group-B category.

UTs

Lakshadweep

Sheristedar District Court is a Group 'A' officer as per Kerala pattern. Same is to be adopted and continued. Sheristedar being the Chief Administrative Officer of the District Judicial Administration, it is just and reasonable to include in the Group 'A'.

Dadra & Nagar Haveli

The Chief Administrative Officer post shall be of Group 'A'.

Andaman & Nicobar Islands

The Chief Ministerial Officer of the District Court is called Administrative Officer. The post carries the pay scale of Rs.6500-10500 and is in Group 'B' category. The suggestion is to allow the pay scale of Rs.7500-12500 to the post or to equate the post with Deputy Secretary of the Administration in the Government or Deputy Registrar of High Court.

Views of the Staff Associations :

Almost all the Staff Associations have requested to include the post of Chief Administrative Officer in Group 'A' with the appropriate pay scale.

It will be seen from the aforesaid that the High Courts of Allahabad and Andhra Pradesh desire that the post of Chief Administrative Officer should be a Group 'A' post. The High Courts of Patna and Jharkhand are also of similar view and suggested that the post may be of the rank of Gazetted Assistant to Divisional Commissioner. The Rajasthan High Court wants the post in the Cadre of Deputy Secretary to Government.

With the exception of Delhi, in all other States, the post of Chief Administrative Officer is either Group 'B' / Class II Post, or Group 'C' / Class III Post.

The Gujarat High Court favours giving Class II Gazetted status, since the Grade I English and Gujarathi Stenographers have already been given that status.

The Bombay High Court seems to have struck a discordant note. The High Court is of opinion that relativity of the Ministerial Officer of the District Court should be with the High Court Staff and not the Government staff. The pay scale of Chief

Administrative Officer should be equivalent to that of Assistant Registrar in the High Court. During the hearing, Mr. Chavan, Additional Registrar of the Bombay High Court urged that the pay scale of the post of Chief Administrative Officer should be lower than the pay scale of the lowest Judicial Officer, i.e., Civil Judge (Junior Division).

The suggestion of Mr.Chavan, the Additional Registrar of the Bombay High Court, that the pay scale of the Chief Administrative Officer should be lower than the lowest judicial officer may not be acceptable to all the States / UTs. since the pay scale of CAO in certain States / UTs. is more than that of the Judicial Officer of the lowest rank. Secondly, it is not the suggestion coming from the Bombay High Court.

As to the suggestion of the Bombay High Court that the relativity of the staff of Subordinate Courts should be with the High Court staff, we are afraid, that the Bombay High Court may not be correct in this view.

There is a clear demarcation in the Constitution of India as to the authority to make appointment and to regulate the conditions of service of the Officers and servants of the High Court and the staff of the Subordinate Courts. Article 229 of the Constitution confers power on the Chief Justice to make appointments of Officers and servants of the High Court, subject to the Rules made under Clause (2) of Article 229. The Chief Justice is the sole authority for determining the salaries and regulating the conditions of service of Officers and servants of the High Court.

In STATE OF MAHARASHTRA Vs. ASSOCIATION OF COURT STENOS, P.A., P.S., AND ANOTHER, AIR 2002 SC 555 at page 557, para 5, the Supreme Court observed

:

“Under the Constitution of India, appointment of Officers and servants of a High Court is required to be made by the Chief Justice of the High Court or such other Judge or Officer of the Court as the Chief Justice

directs. The conditions of service of such Officers and servants of the High Court could be governed by a set of rules made by the Chief Justice of the High Court and even the salaries and allowances, leave or pension of such Officers could be determined by a set of rules to be framed by the Chief Justice but so far as it relates to salary and allowances etc., it requires approval of the Governor of the State. This is apparent from the Article 229 of the Constitution. On a plain reading of Article 229(2), it is apparent that the Chief Justice is the sole authority for fixing the salaries etc., of the employees of the High Court subject to the rules made under the said Article. Needless to mention, rules made by the Chief Justice will be subject to the provisions of any law made by the legislature of the State. In view of proviso to Sub-article (2) of Article 229, any rule relating to the salaries, allowances, leave or pension of the employees of the High Court would require the approval of the Governor, before the same can be enforced. . .”

But, the position of the staff of the Subordinate Courts is quite different. Under Article 235 of the Constitution, the High Court has only control over the District Courts and the Courts subordinate thereto and the control extends to the ministerial officers and servants of the Subordinate Courts. The conditions of service of staff of the Subordinate Courts are governed by the Rules framed by the Governor under proviso to Article 309 of the Constitution, of course, after consultation with the High Court. (See: *B.S. YADAV Vs. STATE OF HARYANA*, AIR 1981 SC 561).

The relativity of the High Court staff is generally with the corresponding Secretariat staff of the respective State, while the staff of the Subordinate Courts generally find their counterparts in the Field Departments of the Government, particularly with the Revenue Department. Therefore, there cannot be any parity in the service conditions or in the pay scales between the employees of the High Court and staff of the Subordinate Courts.

It cannot be gainsaid that the post of Chief Administrative Officer is a very important post in the administration of the District Judiciary. The post carries a lot of responsibility. The duties and responsibilities are indeed innumerable. The Indian Institute of Technology, Delhi, who is our Consultant, has identified the following duties and responsibilities of the Chief Administrative Officer in a centralized administrative system :

Principal Duties and Responsibilities :

- (i) To supervise the work of the Superintendents and the Accountant.
- (ii) To deal with all reference of judicial officers and Group B, C, D staff
- (iii) To deal with and scrutinize the work of administration, general, accounts, cash and fine branches.
- (iv) To assist in preparing replies and collecting data for the various queries received from the High Court, Supreme Court, State Governments, and other Agencies.
- (v) To keep a check on attendance and functioning of various departments and branches and to maintain the discipline.
- (vi) To provide necessary information and other details about day to day working of the subordinate Courts required by the District and Sessions Judge. Also to assist him in all matters.
- (vii) To participate in discussions about the policy matters and provide suggestions and views to higher authority for approval.
- (viii) To take the orders of District and Sessions Judge and other officers on important and very complicated matters.
- (ix) Be responsible to take initiative action on important cases.

Job Requirements :

Required knowledge, Skills and Abilities :

- (i) Knowledge of judicial systems in India

- (ii) Knowledge of the functioning of various non-judicial cadres of the subordinate Courts.
- (iii) Knowledge of accounts and administration.
- (iv) Knowledge of various fines imposed and realized by the Courts.
- (v) Knowledge of day-to-day working of the subordinate Courts.
- (vi) Knowledge of various policies and matters related to non-judicial systems of the subordinate Court.
- (vii) Knowledge of basic computer packages.
- (viii) Skill in maintaining discipline in attendance and smooth functioning of the non-judicial staff.
- (ix) Skill in rectifying the various problems of all the non-judicial staff.
- (x) Skill in collecting the fines imposed and realized by the Courts.
- (xi) Skill in exercising control for speedy disposal of work and to maintain the decorum in the office.
- (xii) Skill in developing policies and matters for the welfare of the staff.
- (xiii) Ability to lead all the non-judicial staff.
- (xiv) Ability to provide required information on time to the higher authority.
- (xv) Ability to conduct meetings and discussion and also to guide the same.
- (xvi) Ability to give opinions, suggestions and views on various important issues pertaining to people.

In the States where there is decentralized administration, the duties and responsibilities of Chief Administrative Officer of the District Court, include among others :

- (i) To carry out the administrative work relating to judicial district as per the direction of District Judge.

- (ii) Supervision of the work turned out by the staff of District Court.
- (iii) To draw and disburse pay and allowances to the staff of District Court. (only in certain States)
- (iv) To grant leave of all kinds to the staff of District Court (only in certain States)
- (v) To sign the letters and orders approved by the District Judge.
- (vi) To sanction non-recurring contingent expenditure.
- (vii) To put up notes for transfer of officials working under the control of District Judge.
- (viii) To assist the District Judge in recruitment of staff in all the Courts of the District.
- (ix) To receive complaints, petitions etc., on the judicial side and to put up order sheets.
- (x) To assist the District Judge in the overall supervision of Subordinate Courts in the District.
- (xi) To assist the District Judge in inspection of Subordinate Courts.

It may be stated that the CAO in the decentralized administrative set-up is also having similar duties and responsibilities.

OUR RECOMMENDATIONS

- (i) Since this Officer, whether in Centralised or Decentralised System of Administration, looks after the entire administrative functions of all the Subordinate Courts in the District, it is appropriate that he be designated as **Chief Administrative Officer**.
- (ii) The post of Chief Administrative Officer be included in Group 'A' / Class-I. The pay scale of the post, as far as possible, may be the lowest pay scale admissible to that Group / Class.

- (iii) We, however, make it clear that the pay scale of CAO should be higher than the pay scale of all other staff working in the District Courts Administration. This has to be maintained to have smooth and effective administration, since CAO is the head of the Office Administration of the Courts.

* * * * *

ANNEXURE TO CHAPTER-XII

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
1.	ANDHRA PRADESH			
	(i) City Courts			
	Administrative Officer	5980-170-6150-200-7150-250-8400-300-9900-350-11650-450-12100	Principal Judge	<p>By Promotion on the basis of seniority-cum-merit from the cadre of Head Clerks / Central Nazirs.</p> <p>If no qualified or suitable member is available for such promotion from this cadre, then by Translators.</p> <p>If no qualified member is available for promotion, then by Direct Recruitment or by Transfer from any other service.</p>
	(ii) Mofussil Courts			
	Administrative Officer	5980-170-6150-200-7150-250-8400-300-9900-350-11650-450-12100	District Judge	<p>By Promotion on the basis of seniority-cum-merit from a post on the next lower rate or scale of pay (<i>viz.</i>, 1. Head Clerk of District Court & Additional District Court. 2. Central Nazir of District Court & Addl. District Court, and 3. Sheristedar of Sub-Court.</p> <p>If no qualified or suitable member is available for such promotion, then by Direct Recruitment, or by Transfer.</p> <p><i>For DR:</i> A Degree of any recognised University. Preference shall be given to a Law graduate. If no qualified member is available, then either by promotion or by Direct</p>

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				Recruitment, or by Transfer from any other service. Preference shall first be given to Law graduates and then to holders of B.A., B.Sc., or B.Com.
2.	ASSAM			
	Sheristedar, Dist. Court	4300-90-4480-120-5200-175-5900-EB-175-6600-250-8100-325-9075	District & Sessions Judge	By Promotion by selection from Sheristedar of Addl. District Court and Head Assistants of DJ Court with 5 years service.
3.	BIHAR / JHARKHAND			
	Sheristedar, Dist. Court	5500-175-9000	Coordination Committee appointed by the High Court, or the Appointment Committee comprising of DJ and two senior most Addl. DJs.	By Direct Recruitment and by Promotion. <i>For DR</i> : Graduate. <i>For Promotion</i> : On merit-cum-seniority from the lower grade on the basis of written examination and interview with the qualification that may be prescribed by the High Court from time to time.
4.	DELHI			
	Chief Administrative Officer-cum-Deputy Controller of Accounts	10000-325-15200	High Court	By Promotion on the basis of seniority-cum-merit from Administrative Officers with five years' service in the said cadre. <i>Qualification:</i> (a) Pass in SAS or equivalent examination. Preference to Law graduates; or (b) Training in Cash and Accounts work from the Institute of Secretariat Training and Management, Govt. of India.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
5.	GOA Registrar	6500-200-10500	District & Sessions Judge on selection by DPC	<p>By Promotion or by Direct Recruitment.</p> <p><i>For Promotion.</i> In the District Courts, Superintendent with 3 years regular service in the grade on merit-cum-seniority basis. Preference should, however, be given to Law Graduates; failing which by Direct Recruitment.</p> <p><i>For DR:</i></p> <p>(i) A Degree in Law from a recognised University.</p> <p>(i) Three years legal practice in the Courts.</p> <p>(ii) Knowledge of Konkani.</p> <p><i>Desirable:</i> Knowledge of Marathi.</p> <p><i>Note:</i> (1) The merit shall be considered on the basis of knowledge of rule and procedure, competence, character, conduct and performance as reflected in the service record including confidential record and special report and performance at the viva-voce test. Leave and late attendance record shall also be taken into consideration. The assessment of service record and special report will carry 40 marks and leave & attendance record will carry 20 marks.</p> <p>(2) Name of the candidates selected shall be sent to the High Court for approval.</p>

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
6.	GUJARAT			
	(i) City Civil & Sessions Court			
	Registrar / Addl. Registrar	10000-325-15200	High Court	<ol style="list-style-type: none"> By Promotion of a member of the establishment of the City Civil & Sessions Court, Ahmedabad, or By Transfer of a member of the staff attached to the High Court of Gujarat or a member of Class-II of the Junior Branch of the Gujarat Judicial Service, or <i>By nomination of:</i> <ol style="list-style-type: none"> a member of the establishment of the City Civil & Sessions Court, Ahmedabad, or a member of the staff attached to the High Court of Gujarat or a member of Class-II of the Junior Branch of the Gujarat Judicial Service, or an Advocate or a Pleader with 7 years practice in any High Court, and less than 45 years of age. <p><i>Qualification for 1, 2 & 3 (i).</i> A Degree in Law of any University with 7 years office experience of the working of the Court.</p>
	(ii) Criminal Court			
	Registrar	6500-200-10500	C.M.M.	<ol style="list-style-type: none"> By Promotion of a member of the establishment of the Court of Metropolitan Magistrate, Ahmedabad, or By Transfer of a member of the staff attached to the High Court of Gujarat or a Court subordinate thereto, or

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				<p>3. <i>By nomination of:</i></p> <p>(i) a member of the establishment of the Court of Metropolitan Magistrate, Ahmedabad, or a member of the staff attached to the High Court of Gujarat or a Court subordinate thereto, with 5 years experience or</p> <p>(ii) an Advocate or a Pleader with 3 years experience in the Bar and not more than 45 years of age.</p> <p><i>Qualification for 1 & 2:</i> A Degree in Law of a recognised University with 5 years office experience of the working of the Courts.</p>
	(iii) Court of Small Causes			
	Registrar	6500-200-10500	Chief Judge, SCC	<p>1. By Promotion of a member of the establishment of the Court of Small Causes, Ahmedabad, OR</p> <p>2. By Transfer of a member of the staff;</p> <p><i>(Qualification for 1 & 2: A degree in Law of a recognised University, or an Advocate, or a Pleader.)</i></p> <p>3. by nomination of a member of the establishment of the Court of Small Causes, Ahmedabad, or a member of the staff attached to the High Court of Gujarat or any Court subordinate thereto with qualification of a Degree in Law with not less than 5 years experience of the working of the Courts, or an</p>

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				Advocate, or a Pleader of not less than 3 years practice in the Bar and not more than 45 years of age.
	(iv) Mofussil Court			
	Registrar (Dist. Court)	6500-200-10500	High Court	By Promotion on the basis of selection from amongst the Head Clerks including all the posts higher than that of Senior Clerks who have put in not less than 5 years of service in the cadre of Senior Clerks and Head Clerks jointly.
7.	HARYANA			
	Superintendent	6500-200-8500- EB-200-10500	High Court	By selection from amongst graduate Superintendents (Gr.II), Judgment Writers (Senior Grade), Assistants, Judgment Writers (Jr. Grade) and Stenographers who are not below 40 years of age as on the date on which applications are invited. Preference, will however, be given to Law Graduates.
8.	HIMACHAL PRADESH			
	Superintendent	6400-200-7000- 220-8100-275- 10300-340- 10640	High Court	By Selection from amongst graduate Superintendents Gr.II.
9.	JAMMU & KASHMIR			
	Section Officer	6500-200-10500	District & Sessions Judge (after selection by the Committee of the High Court)	By Promotion on the basis of merit-cum-seniority from the cadre of Head Assistants.

Note: Two posts of Administrative Officers in the pay scale of Rs.7500-12000 have been sanctioned vide G.O. No.705-LDA(A)/2001, dated 17-3-2001.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
10.	KARNATAKA			
	Chief Administrative Officer / Asst. Registrar	6000-150-7200-200-8800-260-10880-320-11200	High Court	By Promotion on the basis of seniority from the cadre of Sheristedars.
11.	KERALA			
	Sheristedar, Dist. Court / Addl. Dist. Court / Special Court / MACT / STAT	7200-200-7800-225-11400	High Court	By Promotion / Transfer / Direct Recruitment (i) Promotion – from Category-2. i.e., Sheristedars of Sub-Courts (ii) If no qualified and suitable candidates are available under (i) above, by Transfer from Jt. Supdts., Head Clerks of MACT and Head Clerks of MM Courts in Civil Wing in the Kerala Judicial Ministerial Subordinate Service. (iii) In the absence of qualified and suitable candidates under (i) and (ii) above, by Transfer from Head Clerks of Sub-Courts, Munsiff Courts, Central Nazirs and Bench Clerks of District Courts and MACT in the KJMSS. (iv) In the absence of qualified suitable candidates under items (i) to (iii) above, by DR. <i>For Promotion or Transfer:</i> (i) Minimum qualification of SSLC. (ii) Sheristedar test or Head Clerk test or Judicial test or Civil Judicial test and Criminal Judicial test

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
				(except Medical Jurisprudence) or a Degree in Law from a recognised University. (iii) Accounts Test (Lower), or Accounts Test for Subordinate Officers Part-I Madras. <i>For DR.</i> A degree in Law from a recognised University.
12.	MADHYA PRADESH / CHHATTISGARH Clerk of Court	5500-175-9000	High Court	By Promotion from the cadre of Deputy Clerk.
13.	MAHARASHTRA (i) City Civil & Sessions Court, Bombay			
	Registrar / Additional Registrar, CCC, Bombay	10650-325- 15850	High Court	By Promotion / Transfer / Direct Recruitment. <i>Promotion :</i> From amongst the members of the establishment of City Civil & Sessions Court, OR by Transfer of a member of the staff attached to the High Court, OR by nomination of (i) a member of the City Civil Court, Bombay, or member of the staff attached to the High Court of Bombay with required qualification, or (ii) Advocate in the age group of 40 – 50 years with 7 years practice in the City Civil & Sessions Court or High Court. <i>Qualification:</i> Degree in Law or an Advocate of Maharashtra Bar Council.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Registrar (Sessions), Greater Bombay	10000-325-15200	High Court	1) By Promotion from the cadre of Deputy Registrar, either on Civil or Criminal side of Bombay City Civil & Sessions Court, with two years experience. 2) By Promotion or by Transfer from amongst the members of the establishment holding a degree in Law, or by nomination of an Advocate with 5 years practice.

(ii) CMM Court, Mumbai

Registrar	7450-225-11500	High Court	By Promotion or by DR. <i>Promotion</i> – from amongst the members of the establishment of the CMM Court with not less than 3 years service and who possess degree in law of a recognised University or equivalent qualification. <i>DR</i> – from amongst advocates who have practiced for not less than 3 years in the High Court at Bombay or any other Subordinate Courts.
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(iii) Court of Small Causes

Registrar	7450-225-11500	High Court	By Promotion from the cadre of Addl. Registrars on the basis of seniority-cum-merit.
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(iv) Mofussil Court

Registrar, District Court	6500-200-10500	District Judge	By Promotion from the cadre of Superintendents.
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Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
14.	MANIPUR			
	Administrative Officer	6500-200-10500	Chief Justice	If requested by the Government, the Chief Justice may fill up the post from amongst Munsiffs / Magistrates. By Promotion from the cadre of Sheristedars of District Court with 3 years regular service.
15.	MEGHALAYA			
	Sheristedar	4900-130-5680- EB-140-6800- 150-8300	District Judge	By Promotion from the cadre of Head Assistant-cum-Accountant.
16.	ORISSA			
	Sheristedar of District Court	6500-200-10500	District Judge	By Promotion from amongst Senior Clerks (Sr. Branch) on the basis of merit-cum-seniority.
17.	PUNJAB			
	Superintendent, Dist. & Sessions Court	7220-220-8100- 275-10300-340- 11660	High Court	By selection from amongst graduate Superintendents (Gr.II). Judgment Writers (Senior Grade), Assistants, Judgment Writers (Jr. Grade) and Stenographers who are not below 40 years of age as on the date on which applications are invited. Preference will, however, be given to Law Graduates.
18.	RAJASTHAN			
	Senior Munsarim	6500-200-10500	District & Sessions Judge	By Promotion from the cadre of Munsarim.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	Munsarim	5500-175-9000	District & Sessions Judge	Promotion by selection on the basis of merit, from UDC or a higher post including that of a Stenographer Gr.I or Gr.II with at least 5 years of service in that post, however total service should be 10 years; and should have passed departmental examination of Munsarim.
19.	SIKKIM			
	Office Superintendent	5500-175-9000	Recruitment Committee with Registrar, HC as Chairman and D&S Judge (East & North) and D&S Judge (South & West) as Members.	By Promotion through a competitive examination, from amongst Peshkars in Dist. & Sessions Court, Peshkars in CJM Court, Head Assistants and Stenographers Grade-II, with 4 years experience. <i>Qualification:</i> Graduate.
20.	TAMILNADU			
	(i) City Courts			
	Personal Assistant to the Principal Judge / CMM	8000-275-13500	Principal Judge / CMM	By Promotion from the post of Sheristedar.
	(ii) Mofussil Courts			
	Personal Assistant to the District Judge	8000-275-13500	District Judge	By Promotion from the post of Sheristedar.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
21.	TRIPURA			
	Accounts Officer in the Court of District & Sessions Judge, West Tripura	7450-225-11500-250-13000	District Judge	By Promotion from the post of Office Superintendent / Sheristedar (Senior) on the basis of seniority, fitness and suitability.
	Office Superintendent	6500-200-10500-225-12300	-do-	By Promotion from the post of Head Clerk on the basis of seniority, fitness and suitability.
	Sheristedar (Senior)	6500-200-10500-225-12300	-do-	By Promotion from the cadre of Head Clerks.
22.	UTTAR PRADESH / UTTARANCHAL			
	Senior Administrative Officer	6500-200-10500	District Judge	By Promotion of Sadar Munsarim.
23.	WEST BENGAL			
	(i) City Civil & Sessions Court, Calcutta			
	Asst. Registrar I & II	4800-175-5850-200-6650-225-8675-250-10925	Government	By Promotion from the cadre of Head Clerk-cum-Translators / Cashier & Accountants / Nazirs according to seniority-cum-merit (as per the information furnished by the High Court vide letter dated 7-11-1998).
	(ii) CMM Court			
	Assistant Registrar	4800-175-5850-200-6650-225-8675-250-10925	CMM	By Promotion.
	(iii) Court of Small Causes, Calcutta			
	Chief Bench Clerk / Interpreter	4500-150-5250-175-7000-200-8800-225-9700	Chief Judge	By Promotion from amongst senior most UD Assistants.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
	(iv) Mofussil Courts			
	Sheristedar, District Court	4800-175-5850- 200-6650-225- 8675-250-10925	District & Sessions Judge	By Promotion from the cadre of Head Clerk-cum-Translators / Nazirs.
24.	ANDAMAN & NICOBAR ISLANDS			
	Superintendent	5500-175-9000	District & Sessions Judge	By Promotion by selection on merit from amongst Higher Grade Clerks or Stenographers who have put in at least 15 years of service in the respective grades, failing which by Deputation from amongst Assistants I/c. / Head Clerks serving in the amalgamated Clerical Establishment who have rendered not less than 7 years of service in that grade.
25.	CHANDIGARH			
	Superintendent Gr.I	7220-220-8100- 275-10300-340- 11660	High Court	By Promotion by selection from amongst graduate Superintendents (Grade-II) / Judgment Writers (Senior Grade) / Assistants / Judgment Writers (Junior Grade) and Stenographers who are not below 40 years of age as on the date on which applications are invited. Preference will, however, be given to Law Graduates.
26.	DADRA & NAGAR HAVELI			
	Clerk of the Court (Head Clerk)	4500-125-7000	District & Sessions Judge	By Promotion from the lower posts on the basis of seniority.

Sl. No.	Cadre	Pay Scale	Appointing Authority	Mode of Recruitment & Qualification
27.	DAMAN & DIU Upper Division Clerk	4000-100-6000	District & Sessions Judge	By Direct Recruitment through local Employment Exchange. <i>Qualification:</i> SSC.
28.	LAKSHADWEEP Sheristedar (Dist. Court)	5500-175-9000	District & Sessions Judge	By Promotion from the cadre of Sheristedars, Sub-Court-cum-CJM, having 15 years of service in the post.
29.	PONDICHERRY Head Sheristedar	5500-175-9000	Administrator Pondicherry	By Promotion from the post of Sheristedar / Senior Grade Stenographer with 5 years service, failing which by Direct Recruitment. <i>Qualification for DR:</i> Degree in Law from recognised University or equivalent, with 2 years experience in dealing with legal Court matters or 2 years active practice as an Advocate.

CHAPTER - XIII

PROTOCOL ESTABLISHMENT

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PROTOCOL ESTABLISHMENT

There are many places of historical and religious importance in certain States, which attract even the Judges of the other States and sometimes, even the Judges of the Supreme Court.

On such visits of the Judges of the Superior Courts, the Presiding Officers of the local Courts or their staff are normally extending courtesy to the visiting Judges, but it is at the risk of dislocation of the Office or Court work. The suggestion came from some quarters that it is better to have a Protocol Officer with certain staff attached in such Courts in whose jurisdiction there are places of historical and /or religious importance, which attract considerable number of Judges. The Protocol Officer could make all arrangements for and attend to the visiting dignitaries.

The Commission sought the views of the High Courts and others on the following question :

Question No.27 :

“Places of historical or religious importance attract large number of Judges of Superior Courts all over the Country. More often, the local Court staff are asked to attend such dignitaries and sometimes even the Presiding Officers leaving the Court work are required to attend them. The Commission considers that creation of post of a Protocol Officer in such local Courts is necessary to avoid dislocation of Court work. Please specify such local Courts in your State / UT. and suggest the pay scales of such post and the staff, if necessary.”

THE HIGH COURTS OF (i) ALLAHABAD, (ii) ANDHRA PRADESH, (iii) BOMBAY, (iv) CALCUTTA, (v) GAUHATI, (vi) HIMACHAL PRADESH,

JAMMU AND KASHMIR, (viii) JHARKHAND, (ix) KARNATAKA, (x) KERALA, (xi) MADRAS, (xii) ORISSA, (xiii) PATNA, (xiv) RAJASTHAN AND (xv) UTTARANCHAL have whole heartedly welcomed the suggestion of the Commission. They have stated that there should be Protocol Officer with necessary staff in the District Court in whose territorial jurisdiction, the places of attraction or pilgrimage are located.

The HIGH COURT OF ALLAHABAD has specified the following places where Protocol Officer is needed: (1) Agra (2) Aligarh (3) Allahabad (4) Chitrakoot (5) Faizabad (6) Goutambudhnagar (7) Ghaziabad (8) Gorakpur (9) Jhansi (10) Kanpurnagar (11) Lucknow (12) Mathura (13) Meerut (14) Rampur (15) Varnasi.

The ANDHRA PRADESH HIGH COURT has given the names of seven places including "Tirupathi" where there is always large inflow of dignitaries from judiciary.

The other High Courts have also specified the places or Districts in their respective States where there is absolute need of a Protocol Officer to attend the visiting Judges.

STATE GOVERNMENTS :

The State Governments of Bihar, Goa, Jammu & Kashmir, Karnataka, Mizoram, Nagaland, Orissa, Rajasthan, West Bengal and Administrations of Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli are also in favour of creation of a post of Protocol Officer in such Courts in whose jurisdiction there are places of importance either from historical or from religious point of view.

STAFF ASSOCIATIONS :

The All India Judicial Employees' Confederation and other Staff Associations have stated that there is imperative need for creation of a post of Protocol Officer with necessary staff in the District Courts, if not at the Tehsil Courts, in whose jurisdiction

the places of historical and/or religious importance are located, since the existing Court staff and the Judicial Officers are already over-burdened with the Court work.

But the State Governments of Assam, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Punjab and Sikkim are against the creation of the post of a separate Protocol Officer in the judicial department. It is stated that the District Administration in the respective places has been extending all the facilities like stay, travel and security to the visiting dignitaries.

According to these States, it is the State Government which looks after even the visiting Judges, providing them accommodation, travel facilities and security. This contention may be true so far it relates to those Judges who are recognized as State Guests. But the Judicial Officers of the Subordinate Courts and Judges of the High Courts are not regarded or accepted as State Guests in most of the States. Our information is that only the Chief Justices of the High Courts and the Judges of the Supreme Court are recognized as State Guests in all States.

It seems to us, even the Judges who are treated as State Guests should not be placed at the mercy of the executives to look after their requirements when they go on tour. It is appropriate that a Protocol Officer in the Judicial Department takes care of their itinerary and coordinates with the State Government regarding accommodation, conveyance, security etc.

The High Courts have suggested different pay scales to the proposed post of Protocol Officer. Even with regard to the staff and other facilities to be provided to the Protocol Officer, there is no unanimity. We do not propose to narrate the same herein, since we are inclined to leave such matters to the discretion of each High Court and the State Government.

OUR RECOMMENDATION

Having considered the suggestions made by most of the High Courts and some State Governments and Administration of Union Territories, we recommend that each High Court may identify the Courts where a post of Protocol Officer needs to be created and further determine the proper pay scale and necessary staff and other facilities to be provided.

Needless to say that whenever the Protocol Officer and his staff has no protocol work, they shall attend to such other duties as may be assigned by the District Judge, from time to time.

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CHAPTER - XIV

**ASSURED CAREER PROGRESSION
SCALES**

CHAPTER - XIV

ASSURED CAREER PROGRESSION SCALES

Every employee recruited in a particular grade / scale of pay shall be allowed to move to the next higher scale on completion of specified period of service in the lower pay scale, subject to fulfilment of certain norms, like satisfactory service, departmental test etc. On placement in the next higher grade or scale, the incumbent shall continue to perform duties of his original post with old designation, till such time as he is actually promoted to a higher grade. This scheme is generally called as Assured Career Progression (ACP), which is intended to motivate the employees to take continued interest in the work and to avoid frustration for want of promotion.

Different States have different Schemes for ACP scales for the employees which are set out in the **Annexure**.

The views of the High Courts and State Governments for improvement of such Schemes are as follows :

ANDHRA PRADESH :

There is an automatic advancement scheme for the employees. Under this Scheme, the employees without promotion in the same post would be entitled to first higher pay scale after 8 years of service, second higher pay scale after 16 years of service and third higher pay scale after 24 years of service.

High Court of Andhra Pradesh has suggested that the scheme may be continued with better scales of pay.

GOA :

Time-bound promotional scale is admissible to the employees who have put in 12 years of continuous service in the grade without promotion.

The High Court of Bombay and Government of Goa have stated that the scheme needs to be modified on the lines proposed for the Judicial Officers by the Commission.

GUJARAT :

The scheme provides for allowing higher pay scale to employees who are eligible and due for promotion but not promoted for want of vacancy, on completion of service of 9 years, 18 years and 27 years.

High Court of Gujarat and Government of Gujarat are of opinion that there is no need to improve this scheme.

KERALA :

Under the time-bound graded promotion scheme, employees stagnating in the same post without promotion are given higher pay scales after completion of 10 years, 18 years and 23 years of service. Group-D employees will get one more higher pay scale on completion of 30 years of service.

High Court of Kerala has suggested to modify the scheme by refixing the time span as 10 years, 15 years, 20 years and 23 years.

But Government of Kerala says that the scheme needs no change.

MADHYA PRADESH :

The High Court has stated that there is no ACP Scheme and recommended Special Pay for the Court employees. But, the State Government has sent us a

copy of the Notification providing benefit of higher pay scales. That is termed as "Kramonnathi Scheme" brought into effect from 19-4-1999. Under this Scheme, the employees who continue to work in the same post without promotion are entitled to first higher scale of pay after 12 years of service and second higher scale of pay after completion of 24 years of service.

MAHARASHTRA :

Under time-bound promotion scheme, employees who have completed 12 years of service in the same cadre and who are eligible for promotion are considered for grant of next higher pay scale.

The Bombay High Court and Government of Maharashtra have stated that the scheme needs modification to provide Assured Career Progression on the lines proposed for Judicial Officers by the Commission.

ORISSA :

Group 'C' employees, after completion of 15 years of service in the same post without promotion and Group 'D' employees after completion of 20 years of service in the same post without promotion are given next scale of pay.

PUNJAB :

Employees working in the same post without promotion are entitled to first higher pay scale after completion of 8 years, second higher pay scale after completion of 16 years, third higher pay scale after completion of 24 years and fourth higher pay scale after completion of 32 years of service.

High Court of Punjab and Haryana has stated that ACP scale should be granted on completion of every 5 years of service.

RAJASTHAN :

Class IV, Ministerial and Subordinate Services' employees are entitled to Selection Grades as follows :

1. The first Selection Grade is admissible after completion of 9 years in the same scale of pay without promotion and the pay scale applicable to next promotional post is granted.
2. The second Selection Grade is admissible after completion of 18 years in the scale of pay without two promotions and the pay scale applicable to second promotional post is granted.
3. The third Selection Grade is admissible after completion of 27 years in the same scale of pay without three promotions and the pay scale applicable to third promotional post is granted.

In case where there is no promotional post to any cadre or if the employee does not possess the required academic qualifications prescribed for the promotional post and in case of isolated posts, Selection Grade is granted in the pay scale corresponding to the pay scale of such existing cadre.

Rajasthan High Court and State Government have stated that the scheme requires no modification.

TAMILNADU :

Employees are entitled to Selection Grade after completion of 10 years of service without promotion and to Special Grade after completion of 20 years of service without promotion.

The Madras High Court has indicated that a minimum period of service for entitlement to next higher scale of pay may be prescribed and on completion of such minimum period, ACP or Selection Grade may be provided.

TRIPURA :

Group 'C' employees working in the same post without promotion are allowed first higher pay scale after 10 years of service and second higher pay scale after 17 years of service.

Group 'D' employees working in the same post without promotion are allowed first higher pay scale after 10 years, second higher pay scale after 17 years of service and third higher pay scale after 24 years of service.

High Court of Gauhati (Bench at Agartala) has suggested that a person shall not be made to stagnate for more than 7 years in the same scale.

UTTAR PRADESH :

Group 'C' and Group 'D' employees working in the same post without promotion are given the benefit of first higher pay scale after completion of 14 years of service and second higher pay scale after completion of 24 years of service. They are, however, allowed one more additional increment after completion of 8 years of service and another additional increment after completion of 19 years of service.

For immediate reference, the State-wise information about the existing ACP scales and the views of the High Courts / State Governments have been succinctly set out in the **Annexure** to this Chapter.

As seen from the **Annexure**, the ACP Scheme has not been provided to the employees in the following States :

- (1) Assam
- (2) Bihar
- (3) Jharkhand
- (4) Sikkim
- (5) Nagaland
- (6) Mizoram and
- (7) Manipur

VIEWS OF STAFF ASSOCIATIONS :

Almost all the Staff Associations and the Employees' Confederation have requested that Assured Career Progressions to the employees of Subordinate Courts should be similar to the one recommended to the Judicial Officers by this Commission. The City Civil and Sessions Courts' Bailiffs and Process Servers Association, Delhi, has requested to provide three ACP Scales after completion of 8, 15 and 25 years of service, while Pondicherry Judicial Employees' Association requests three ACP Scales at the interval of 8 years of service. The Staff Associations of Punjab State, have suggested that there should be three Assured Career Progression scales on completion of 4, 9 and 14 years of service, as given to Group-A Officers in the State.

The Tamilnadu Judicial Employees' Association wants that the existing span of 10 years be reduced to 7 years for entitlement to Selection Grade.

FIFTH CENTRAL PAY COMMISSION :

The Fifth Central Pay Commission, has recommended two ACP Scales to the employees in the categories of Group 'B', Group 'C' and Group 'D', first financial

upgradation on completion of 8th, 10th and 12th year of service and second financial upgradation on completion of further period of 8, 10 and 12 years respectively.

The Central Government has slightly modified the recommendation by Official Memorandum No.35034/1/97-Estt(d), Ministry of Personnel, Public Grievances and Pensions dated 9/8/1999, directing that Central Government employees are entitled to two financial up-gradations on completion of 12 years of service and 24 years of service respectively. Isolated posts in Group 'A', Group 'B', Group 'C' and Group 'D', which have no promotional avenues shall also qualify for similar benefits. The employees are entitled to promotional scales and not minimum higher scales.

It may be noted that in most of the States where the Assured Career Progression has been provided, the employees are given the next higher pay scale and not the promotional pay scale.

OUR RECOMMENDATIONS

The Assured Career Progression Scheme is allowed in different forms in different States / UTs. The Central Government has also introduced the scheme for the benefit of their employees. It is, therefore, not proper to deprive such benefits to the employees in a few States, viz., Assam, Bihar, Jharkhand, Sikkim, Nagaland, Mizoram and Manipur.

We therefore, recommend –

- (i) that the States / UTs which are not having ACP Scales to introduce at least 2 ACP Scales to their employees with an appropriate interval of years of service,

- (ii) that the States / UTs which are having one ACP Scale to their employees, may increase it to the minimum of two with an appropriate interval of years of service, and
- (iii) that the States / U.Ts which are having more than two ACP Scales may retain the same.

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ANNEXURE TO CHAPTER - XIV

STATEWISE INFORMATION ABOUT ACP SCALES / TIME-BOUND PROMOTION SCALES WITH THE VIEWS OF HIGH COURTS AND STATE GOVERNMENTS.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
1.	Andhra Pradesh	Automatic Advancement Scheme is in existence. Under the Scheme, if an employee who has put in 8 years, 16 years and 24 years of service in a particular scale and remains without any promotion, he is given the next higher scale of pay.	Scheme may be continued with better scales of pay.	Views not received.
2.	Assam	No Scheme.	Such Scheme should be introduced.	Considering the present financial position it may not be worth considering introduction of the Scheme.
3.	Bihar	No ACP Scheme.	Every 5 years one higher pay scale should accrue to Group D and C employees.	Introduction of ACP Scheme to Group 'C' and 'D' employees is under consideration.
4.	Chhattisghad	Kramonnati Scheme is in existence with effect from 19-4-1999. Under the Scheme, employees without promotion are given next higher pay scale once after completion of 12 years and for the second time after completion of 24 years of service.	Grant of ACP Scale will create discrimination between Court staff and the other Govt. employees. Hence, suggested grant of Special Pay.	Views not received.
5.	Goa	Time bound promotional scale is available after completion of 12 years of continuous service in the grade.	The Scheme needs to be modified to provide ACP on the lines proposed for Judicial Officers by the Commission.	It should be sanctioned as recommended to Judicial Officers.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
6.	Gujarat	There is a Scheme of granting higher pay scale to employees on completion of 9 years, 18 and 27 years (available to employees who are eligible and due for promotion but not promoted for want of vacancy).	The question of improving the Scheme does not arise.	No need to improve the Scheme.
7.	Haryana	ACP scale is available after completion of 10 years and 20 years of continuous service in the same grade.	ACP scale should be granted every 5 years once.	ACP scale should be granted after completion of every 5 years of service.
8.	Himachal Pradesh	Assured Career Progression Scheme has been introduced with effect from 1-1-1996. Under the Scheme employees continuing in the same post without promotion are granted next higher pay scale as under: After 8 yrs. of service – Next higher scale After 16 yrs. of service – Proficiency step up After 24 yrs. of service – Second proficiency step up After 32 yrs. of service – Next higher pay scale in the hierarchy.	Suggested to reduce the span period to 4 years, 8 years, 12 years, 16 years and 20 years.	The Scheme is working satisfactorily. No change is required.
9.	Jammu & Kashmir	In situ Promotion Scheme analogous to ACP Scheme is available, under which employees who do not get promotion will be entitled to next higher pay scale after completion of 9, 18 and 27 years of service.	No suggestion.	No suggestion.
10.	Jharkhand	No ACP Scheme.	Every 5 years one higher pay scale should accrue to Group 'D' and 'C' employees.	Views not received.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
11.	Karnataka	Time-bound promotion Scheme is in existence. Under the Scheme if an employee continues in the same post without any promotion continuously for a period of 10 years, he is given the next higher scale i.e., Selection Time Scale. If he does not get promotion within 15 years, he is given the next higher scale i.e., scale above the Selection Time Scale. Further on completion of 20 years of service in the same cadre, the employees are entitled to an additional increment in the existing scale of pay.	Scheme does not require any modification.	Recommended to modify the Scheme to provide for grant of next higher pay scale at the interval of every 5 years once.
12.	Kerala	Time bound graded promotion Scheme is in existence. Under the Scheme employees stagnating at entry level without promotion after completion of 10 years, 18 years and 23 years are given next higher pay scale. Group-D employees will get one more higher pay scale on completion of 30 years of service.	Scheme needs to be modified. The time span may be refixed as 10 years, 15 years and 20 years and 23 years.	Scheme needs no change.
13.	Madhya Pradesh	Kramonnati Scheme is in existence with effect from 19-4-1999. Under the Scheme, employees without promotion are given next higher pay scale once after completion of 12 years and for the second time after completion of 24 years of service.	Grant of ACP Scale will create discrimination between Court staff and the other Govt. employees. Hence, suggested grant of Special Pay.	No recommendation.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
14.	Maharashtra	Time-bound promotion Scheme is in existence. Under the Scheme, employees who have completed 12 years of service in the same cadre and who are fit for promotion are eligible for grant of next higher pay scale.	The Scheme needs to be modified to provide ACP on the lines proposed for Judicial Officers by the Commission.	Scheme needs to be modified on the lines proposed for Judicial Officers by the Commission.
15.	Meghalaya	Extended scale after completion of 15 years of service is available.	—	—
16.	Mizoram	Under consideration of Government.	—	—
17.	Manipur	No ACP Scheme.	—	—
18.	Nagaland	No such Scheme.	—	—
19.	Orissa	Group 'C' employees after completion of 15 years of service and Group 'D' employees after completion of 20 years of service in the same cadre are given next scale of pay.	No recommendation.	No recommendation
20.	Punjab	ACP scale is available after completion of 8 years, 16 years, 24 years and 32 years of service.	ACP scale should be granted every 5 years once.	No change is required.
21.	Rajasthan	Class IV, Ministerial and Subordinate Services' employees are entitled to Selection Grades as follows: The first Selection Grade is admissible after completion of 9 years in the same scale of pay without promotion and the pay scale applicable to next promotion post is granted.	Scheme requires no modification.	No improvement is required.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
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1. The second Selection Grade is admissible after completion of 18 years in the same scale of pay without two promotions and the pay scale applicable to second promotional post is granted.

2. The third Selection Grade is admissible after completion of 8 years in the same scale of pay without three promotions and the pay scale applicable to second promotional post is granted.

In case where there is no promotional post to any cadre or if employee do not possess required academic qualifications of the promotional post and in case of isolated posts Selection Grade is granted in the pay scale corresponding to the pay scale of such cadre.

22.	Sikkim	No Scheme is in existence.	No recommendation.	No recommendation.
23.	Tamilnadu	Provision of Selection Grade and Special grade scales are available to Group-C & D employees working in the same post after completion of 10 years and 20 years of service.	A minimum period of service for promotion to next higher scale of pay may be prescribed and on completion of such minimum period, ACP or Selection grade may be provided irrespective of whether the individual gets promotion or not.	The Scheme is adequate and it is available to all employees.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
24.	Tripura	<p>Group 'C' and 'D' employees continuing in the same post without promotion are granted next higher pay scale as under:</p> <p>Group 'C' employees: (i) After 10 years of Service; (ii) Next after 17 years of Service.</p> <p>Group 'D' employees: (i) After 10 years of Service; (ii) Next after 17 years of Service. (iii) Next after 24 years of Service.</p>	A person shall not be made to suffer for more than 7 years in a scale.	No improvement is suggested.
25.	Uttar Pradesh	'C' and 'D' employees working in the same post are given the benefit of one advance increment on completion of 8 years of service and the benefit of promotional scale / next scale is given on completion of 14 years of service. Again they are given the benefit of one more advance increment on completion of 19 years of service and second promotional scale / next scale is given on 24 years of service.	ACP Scales to Group 'C' and 'D' employees are not provided. Such Scheme is needed to improve the lot of employees belonging to Group 'C' and 'D'. There is need for giving time-scale to the aforesaid groups of employees and also promotional post to be made available to such employees. At least two promotional posts be made available in career span of about 35 years.	No recommendation.
26.	Uttaranchal	'C' and 'D' employees working in the same post are given the benefit of one advance increment on completion of 8 years of service and the benefit of promotional scale / next scale is given on completion of 14 years of service. Again they are given the benefit of one more advance increment on completion of 19 years of service and second promotional scale / next scale is given on 24 years of service.	No such Scheme is in existence.	No recommendation.

Sl. No.	State / UT	Existing position / Nature of Scheme in force	Summary of views of High Courts	Summary of views of State Governments / UTs.
27.	West Bengal	Group-C and D Employees working in the same post without promotion are entitled to first higher pay scale after completion of 8 years and second higher pay scale after 16 years and third higher pay scale after 25 years of service.	Commission may consider reducing the time-limit.	Further improvement is not justified.
28.	Chandigarh	ACP scale is available after completion of 8 years, 16 years, 24 years and 32 years of service.	—	—
29.	Daman & Diu and Dadra & Nagar Haveli	No such Scheme.	—	—
30.	Delhi	After completion of 12 years of service without promotion, an employee is entitled to next higher pay scale. This benefit is available twice in the entire service.	No views.	No views.
31.	Lakshadweep	ACP Scheme as applicable to Central Govt. employees is in existence.	—	—
32.	Pondicherry	- do -	—	—
33.	Andaman & Nicobar Islands	- do -	—	—

CHAPTER - XV

MEDICAL BENEFITS

CHAPTER - XV

MEDICAL BENEFITS

Certain Associations of the Court Staff have represented to the Commission that (1) the monthly medical allowance paid should be enhanced, (2) Court employees should be brought under C.G.H.S., (3) full cost of medical treatment should be reimbursed etc. Hence, the Commission had sought the views of the State Governments and the High Courts on the following question in its Questionnaire:

Ques.No.29: "In some States, in addition to the reimbursement of the expenses incurred on medical treatment as in-patient or on specified chronic diseases, some monthly cash payment to the extent of Rs.25/- in Karnataka and Rs.100/- in West Bengal is also paid. The Court Staff in States where such payment is not made have asked for the benefit of cash payment.

What are your views in this regard?

If you have any other suggestion to make in this regard, please do so."

The State Governments and the High Courts have reacted differently. These are summarised in the **Annexure** enclosed to this Chapter.

Except the States of Goa and Karnataka and Union Territories like Chandigarh, Daman & Diu, Andaman & Nicobar Islands, all other States and UTs have opposed any extra medical allowance than what is presently admissible to the Government employees.

STATE GOVERNMENTS :

(i) Goa :

The Government of Goa has suggested a cash payment of Rs.400/- p.m. taking into consideration the steep increase in the price of all types of medicines.

(ii) Karnataka :

The Government of Karnataka has stated that the present payment of Rs.25/- p.m. is inadequate and may be enhanced to Rs.200/- p.m.

UNION TERRITORIES :

The Daman & Diu, Andaman & Nicobar Administrations also suggest monthly cash payment as medical benefits, while Chandigarh wants a liberal payment of Rs.500/- p.m., in addition to the existing indoor medical reimbursement facilities.

HIGH COURTS :

The High Courts of ALLAHABAD, ANDHRA PRADESH, KARNATAKA, KERALA, MADRAS, PATNA, PUNJAB & HARYANA seem to be sympathetic and are in favour of some monthly payment as medical allowance to the Court staff. To put it in laconic details, this is what they have stated:

(i) Allahabad High Court :

The employees must be provided with some medical allowance. This amount should be at least Rs.100/- p.m. though they spend more than that amount every month on health grounds. The payment of such amount will also send a message across the State that the State cares for its employees.

(ii) Andhra Pradesh High Court :

Generally most of the Court staff are not claiming medical reimbursement since the procedure prescribed is cumbersome. In remote places there is no Government Hospital or Primary Health Centre. No facility is available in some Government Hospitals. So, the employees and their families are compelled to take treatment in private Hospitals. It is desirable and reasonable to provide cash payment of Rs.500/- p.m., besides allowing reimbursement for treatment to chronic ailments.

(iii) Karnataka High Court :

The cash payment may be increased to Rs.100/- as is being paid in West Bengal instead of Rs.25/- as is being paid presently.

(iv) Kerala High Court :

The medical reimbursement facility provided does not cover the actual treatment and the prices of all medicines are not reimbursed. So, it is absolutely essential to sanction a reasonable amount of Rs.200/- as monthly payment for every staff, in addition to the present medical reimbursement facility.

(v) Madras High Court :

At present, the Court staff are paid a fixed medical allowance of Rs.50/- p.m. as admissible to other Government servants. This needs revision commensurate with the expenses being incurred.

(vi) Patna High Court :

At present, in addition to reimbursement facility, a monthly cash payment of Rs.50/- is paid. It may be enhanced to Rs.500/- p.m.

The High Court of Jharkhand has agreed with this view.

(vii) Punjab & Haryana High Court :

Keeping in view the high expenses of medical treatment, the minimum allowance should be Rs.500/- p.m. to each employee, along with existing in-patient medical reimbursement facilities.

The High Courts of Bombay, Calcutta, Himachal Pradesh, Orissa, Rajasthan and Uttaranchal have suggested improvement or modification of the Rules relating to reimbursement of medical expenses.

The All India Judicial Employees Confederation has stated thus:

“In some States and UTs, fixed medical allowance is being paid, but the employees are at liberty to claim actual cost of medicines incurred by them. But no proper attention is given by the Doctors in the Government Hospitals. The employees are compelled to go to private medical practitioners or to the private nursing homes / hospitals. Keeping in view the fees charged by private medical practitioners, it would be appropriate to grant fixed medical allowance at the rate of Rs.500/- p.m. to judicial employees of the subordinate courts in addition to reimbursement of actual expenditure incurred as in-patient.”

OUR RECOMMENDATIONS

It will be seen from the information collected that the following States do make monthly payment to the employees as Medical Allowance:

1. Assam	Rs.250/- p.m.
2. Bihar	Rs. 50/- p.m.
3. Gujarat	Rs.100/- p.m.
4. Haryana	Rs.125/- p.m.

5.	Jammu & Kashmir	Rs.100/- p.m.
6.	Jharkhand	Rs. 50/- p.m.
7.	Karnataka	Rs. 25/- p.m.
8.	Manipur	Rs.250/- p.m.
9.	Meghalaya	Rs.300/- p.m.
10.	Nagaland	Rs.100/- p.m.
11.	Punjab	Rs.250/- p.m.
12.	Tamilnadu	Rs. 50/- p.m.
13.	Tripura	Rs.100/- p.m.
14.	West Bengal	Rs.100/- p.m.
15.	Chattisgarh	Rs.250/- p.m.
16.	Chandigarh	Rs.250/- p.m.

Besides cash payment, the employees are allowed reimbursement of the expenditure incurred as inpatient in the Hospitals.

The question is whether we could recommend cash payment as Medical allowance to the Court staff of all categories in all States / UTs when such payment is not made to their counterparts in the Government service. We do not think so. It is neither proper nor reasonable. The ailments are common to Court staff as well as Government employees. If Court staff are paid any medical allowance, the Government employees are also entitled to it. No discrimination could be made in that regard. We, therefore, leave the matter to the discretion of the individual State / UT as in the aforesaid States.

But, this argument or reasoning may be unavailable to the vulnerable sections of the staff. The fact which is admitted on all sides is that the Rules in every State / UT regarding reimbursement of medical expenses are indeed cumbersome and oppressive. More often, the employees have to wait for months even after three or four personal visits to the concerned officer, to get reimbursement. Some do not avail of the benefits, particularly if it is a small claim, since one has to spend more than the amount claimed.

It is particularly so in the case of Class IV or Group 'D' employees. They generally live not in so healthy surroundings and comfortable houses. They do not have regular health check up. They silently suffer. Indeed, they cannot afford to have regular medical check up.

Considering all these aspects, we recommend that Medical Allowance not less than of Rs.100/- p.m. be paid to all the Court employees who are below the Clerical cadres in every State / UT and also to Drivers. This is in addition to the reimbursement of hospitalisation charges, if any.

The States / UTs, which are paying more than Rs.100/- p.m. may continue to pay the higher sum.

If any State / U.T. allows such fixed monthly Medical Allowance to other categories of employees, the same shall continue, but not less than Rs.100/- p.m.

What we said to the lower categories of the Court staff as to the payment of medical allowance equally applies to similar categories in the Government service. We could do no more than to suggest to all the Governments who are supposed to be the ideal employers to give effect to our above recommendation to like Government employees also.

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ANNEXURE TO CHAPTER - XV

STATEWISE INFORMATION ABOUT AVAILABILITY OF MEDICAL BENEFITS – WITH THE VIEWS OF STATE GOVERNMENTS AND HIGH COURTS.

Sl. No.	State / UT	Existing position	Summary of views of State Governments / UTs.	Summary of views of High Courts
1.	Andhra Pradesh		No views	In addition to reimbursement facility a cash payment of Rs.500/-p.m. is necessary.
2.	Assam	Rs.250/- p.m. is paid as Medical allowance in addition to reimbursement of expenditure.	- do -	Monthly cash payment at uniform rate may be given to all the employees like other Government servants.
3.	Bihar	Rs.50/- p.m. is paid as Medical allowance in addition to reimbursement of the cost of treatment as indoor patient. Besides specialised treatment in reputed hospitals outside the State is also provided on the recommendation of the Medical Board.	The present facilities seems to be not adequate.	Rs.50/- p.m. is inadequate. This should be enhanced to Rs.500/- p.m. Besides this, certain reputed hospitals should be recognised in addition to Govt. hospitals as in the case of Central Government.
4.	Chhattisghad	Reimbursement facility is available.	Views not received.	Reimbursement of Medical charges is available. Hence no other suggestion is necessary.
5.	Goa	Reimbursement facility is available.	Court staff is not entitled to monthly cash payment. Hence, they should be given monthly cash payment of at least Rs. 400/- p.m.	
6.	Gujarat	There are two options, i.e., payment of medical allowance of Rs. 100/- p.m. or reimbursement of actual expenditure. If any additional expenditure of more than Rs.1200/- p.a., is incurred in treatment, the same is reimbursed after deduction of Rs. 1200/- p.a.	No suggestions.	No suggestions.

Sl. No.	State / UT	Existing position	Summary of views of State Governments / UTs.	Summary of views of High Courts
7.	Haryana	Rs.125/- p.m. is paid as Medical allowance in addition to the benefit of reimbursement facility.	No change is required.	Keeping in view the high prices the minimum allowance should be Rs. 500/- p.m. to each employee along with existing indoor medical reimbursement facilities. Since the medical expenditure is spent for the treatment of the person, it should never be taxable.
8.	Himachal Pradesh	Reimbursement facility is available.	There is no justification for grant of extra payment.	In Himachal Pradesh reimbursement for medical claim is admissible. Nothing special for chronic disease is paid. Therefore, open medical reimbursement should be provided for them.
9.	Jammu & Kashmir	Rs.100/- p.m. is paid as Medical allowance in addition to reimbursement facility.	No suggestion.	The rate of Medical Allowance per month has been already fixed by the Government and is being drawn by the employees of the District Judiciary in addition to the reimbursement of expenses incurred on medical treatment as in-patient.
10.	Jharkhand	Rs.50/- p.m. is paid in addition to reimbursement facility.	Not received.	The Monthly allowances should be raised to Rs.500/- p.m. In addition to Govt. hospitals, other reputed hospitals should be recognised as in the Central Government.
11.	Karnataka	Rs. 25/- p.m. is paid in addition to reimbursement facility.	The payment may be enhanced to Rs.200/- p.m. and reimbursement facility for hospitalisation may be provided as admissible to Central Govt. employees. As in the case of Central Govt. certain reputed hospitals may be prescribed in addition to Govt. hospitals.	The allowance may be enhanced to Rs.100/- p.m. as in West Bengal.

Sl. No.	State / UT	Existing position	Summary of views of State Governments / UTs.	Summary of views of High Courts
12.	Kerala	Reimbursement facility is available.	The present system is adequate.	In addition to reimbursement facility an amount of Rs.200/- p.m. should be paid,
13.	Madhya Pradesh	Reimbursement facility is available.	Opposed monthly payment.	Reimbursement of medical charges is available. Hence no other suggestion is necessary.
14.	Maharashtra	Reimbursement facility is available.	No need to sanction any monthly allowance.	The High Court has made the following suggestions: (i) An advance of Rs. 1 lakh should be given for heart surgery. Similarly, Rs.75000 should be paid for other urgent operation. (ii) Full reimbursement of medical expenses upto Rs.1000/- for non-urgent nature. (iii) Full reimbursement of medical bills. (iv) Payment of a permanent medical allowance of Rs.500/- p.m.
15.	Manipur	Rs.250/- p.m. is paid in addition to reimbursement facility.	No views.	The benefit of cash payment should be uniformly extended to all employees.
15.	Meghalaya	Rs. 300/- p.m. is paid in addition to reimbursement facility.	No views / suggestions.	—
16.	Mizoram	Staff are governed by Central Govt. Medical Attendance Rules.	No need to go beyond this.	—
17.	Nagaland	Rs.100/- p.m. is paid as medical allowance.	No suggestion.	—
18.	Orissa	Medical expenses are reimbursed.	Grant of monthly allowance is not beneficial.	At times huge expenses for any treatment of serious ailments are also being borne by the State Government. In such circumstances, grant of specific monthly allowance at Rs.300/- in addition thereto will be essential.

Sl. No.	State / UT	Existing position	Summary of views of State Governments / UTs.	Summary of views of High Courts
19.	Punjab	Rs.250/- p.m. is paid in addition to reimbursement facility.	No change is required.	Keeping in view the high prices the minimum allowance should be Rs. 500/- p.m. to each employee along with existing indoor medical reimbursement facilities. Since the medical expenditure is spent for the treatment of the person, it should never be taxable.
20.	Rajasthan	Reimbursement facility is available.	There cannot be separate rules for monthly fixed medical allowance in contrast to other Govt. servants. There is also no such demand.	Now a days every one is keen to avail medical facilities in private hospitals for instant satisfactory treatment. Therefore, option should be given to employees to opt either for fixed amount of medical reimbursement or actual reimbursement of the expenditure.
21.	Sikkim	Reimbursement facility is available.	No views.	The staff of the District Judiciary are entitled to medical reimbursement for actual expenditure.
22.	Tamilnadu	1. Reimbursement of the cost of medicine with annual ceiling or payment of Rs.50/- p.m. as Medical Allowance. 2. Free treatment at Govt. hospitals. 3. Financial assistance upto Rs. 1 lakh from Govt. Employees' Health Fund Scheme.	No change is proposed.	At present the Court staff are provided with a fixed medical allowance of Rs.50/- p.m. as admissible to other Govt. Servants. This needs revision / commensurate with the expenses being incurred.
23.	Tripura	Group 'C' and 'D' employees are given a monthly allowance of Rs.100/- p.m. Group 'A' and 'B' officials are entitled to reimbursement facility.	—	—
24.	Uttar Pradesh	Reimbursement facility is available.	Payment of any medical allowance is not justified.	An amount of Rs.100/- p.m. should be paid as Medical Allowance.

Sl. No.	State / UT	Existing position	Summary of views of State Governments / UTs.	Summary of views of High Courts
25.	Uttaranchal	Reimbursement facility is available.	Payment of any medical allowance is not justified.	The Court staff should avail treatment with known hospital with permission of the District Judge. The cost of treatment should be reimbursed from the deposit amount with the Court. Alternatively, staff may be insured with the reputed Insurance Companies on State Expenditure.
26.	West Bengal	Rs.100/- p.m. is paid as medical allowance in addition to reimbursement facility.	No views / suggestions.	For purpose of extending medical facilities to staff, measures like tie-up arrangement with reputed non-Governmental hospitals and Medical Group Insurance Scheme may be considered by the Commission.
27.	Andaman & Nicobar Islands	Reimbursement facility is available.	Staff should be paid actual cost of treatment in addition to monthly allowance.	—
28.	Chandigarh	Rs.250/- p.m. is paid in addition to reimbursement facility.	A minimum allowance of Rs.500/- p.m. should be paid. It should be tax-free.	—
29.	Daman & Diu	Reimbursement facility is available.	Need to have fixed monthly cash payment in addition to reimbursement facility. A payment of Rs.100/- p.m. may be paid.	—
30.	Delhi	Reimbursement facility is available.	Views not furnished.	Views not furnished.
31.	Lakshadweep	No Medical Allowance is paid. Reimbursement facility is available.	No comments.	—
32.	Pondicherry	Central Rules are being followed.	Existing system is satisfactory.	Existing system is satisfactory.

CHAPTER - XVI

**SPECIAL ALLOWANCE AND / OR
ADDITIONAL BENEFITS FOR STAFF WORKING
IN RECORD ROOM / PROPERTY ROOM**

CHAPTER - XVI

SPECIAL ALLOWANCE AND/OR ADDITIONAL BENEFITS FOR STAFF WORKING IN RECORD ROOM/PROPERTY ROOM

The Commission has received a number of representations from the Staff Associations as well as individuals requesting to provide special allowance for staff working in Record Room / Property Room of the Court, as they have to work in an atmosphere which, in every respect, is unhealthy and unfit for human habitation.

The Commission sought the views on this aspect from the High Courts, State Governments and Associations.

The views received from the High Courts as well as the State Governments are set out below :

HIGH COURT OF ANDHRA PRADESH

It is quite desirable and reasonable to sanction Special Allowance to the Staff working in the Record Room / Property Room as these Rooms are the most congested and dust driven.

ALLAHABAD HIGH COURT

Payment of Rs.200/- p.m. be made to the officials who are posted to Record Room / Property Room.

HIGH COURT OF BOMBAY

Record Room, Strong Room and Property Room can be described as occupational hazard. The Court Staff working in such rooms are susceptible to occupational diseases.

It is, therefore, necessary to improve the condition of the Rooms by providing good ventilation, sufficient light and periodical spray of disinfectant. The staff should be sent for periodical medical check-up. They should be given Special Monthly Allowance.

HIGH COURT OF CALCUTTA

It is desirable and reasonable to sanction Special Allowance to the employees working in District Court, who run the risk of health hazard.

HIGH COURTS OF PATNA AND JHARKHAND

The Staff posted to Record Room / Property Room have to work in the congested dust Room and they may be paid Special Allowance at least at 20% of their basic pay.

PUNJAB AND HARYANA HIGH COURT

Special Allowance should be given to the Staff working in Malkhana and Record Room and there should be such a provision in the Rules.

HIGH COURT OF KARNATAKA

The Staff assigned to work in Record Room / Property Room and Library are at a disadvantage to the extent that they have to work in dust driven Room and handle old records and books. In view of insufficient accommodation, alternative spacious work rooms are not provided. It is necessary that they be paid Compensatory Allowance to the extent of 10% of their basic pay.

HIGH COURT OF KERALA

Staff members are reluctant to work in Record Room and Property Room as it creates lot of health problems to them. Risk Allowance equal to 10% of basic pay must

be given to both the categories or Special Pay scale equal to Supervisory staff must be given to them. Further, equipment like vacuum cleaner etc. must be provided.

HIGH COURTS OF MADHYA PRADESH AND CHATTISGARH

It is desirable to give Special Pay or Allowance to such staff members.

HIGH COURT OF ORISSA

10% of the basic pay for those who are engaged in such places is suggested as Compensatory Allowance.

HIGH COURT OF RAJASTHAN

It is desirable to have such provision of payment of Special Pay or Allowance.

GAUHATI HIGH COURT

It is desirable to give some benefits to the persons working in Record Room / Property Room.

HIGH COURT OF HIMACHAL PRADESH

Keeping in view the congested rooms with dust laden material, the Special Allowance will have to be allowed to Record / Property Keeper.

High Courts of GUJARAT, JAMMU AND KASHMIR, SIKKIM and UTTARANCHAL are not for paying either Special Pay or Special Allowance.

VIEWS OF STATE / U.T. GOVERNMENTS :

GOVT. OF GOA

It is desirable to give additional benefits in the form of Risk Allowance as the person working in the Record Room is prone to suffer from air borne diseases because of the dust and congestion in Record Room.

GOVT. OF HARYANA

Special Allowance may be given to the staff working in Malkhana and Record Rooms and there should be such a provision in the Rules.

GOVT. OF MAHARASHTRA

Record Room, Strong Room and Property Room can be described as occupational hazard. The Court Staff working in such rooms are susceptible to occupational diseases. It is, therefore, necessary to improve the condition of the Rooms by providing good ventilation, sufficient light and periodical spray of disinfectant. The staff should be sent for periodical medical check-up. They should be given Special Monthly Allowance.

The Administrations of ANDAMAN & NICOBAR ISLANDS, CHANDIGARH, DAMAN & DIU, and DADRA & NAGAR HAVELI have also stated that it is necessary to give some extra remuneration.

The Commission, with a view to get first-hand information, did visit the Record and Property Rooms of certain Courts and found that the conditions are quite appalling. It may be stated that there cannot be two opinions on the condition of the Record Room and Property Room attached to all Courts. Usually, these branches are housed in basement or cellar and / or at the rear end of the Court building where the natural light and air are

minimal. Added to that, there will be dampness with stinking smell of the dust laden files and / or properties.

It cannot also be denied that the staff in the Record Room / Property Room are isolated from the other staff. They have no interaction of any kind, as the public have no access to these places. Indeed, it is more a punishment and the stay in such places is oppressive in every sense of the word.

OUR RECOMMENDATIONS

With due consideration of all the facts and circumstances, we recommend the following:

1. Each of the staff posted to Record Room / Property Room shall be paid Compensatory Allowance at the rate of Rs.100/- per month.
2. We further recommend :
 - i) These rooms should be fitted with exhaust fans.
 - ii) There should be adequate lighting arrangement.
 - iii) Every week, disinfectants should be sprayed.
 - iv) The staff should be supplied with Dettol, Soap and other washing ingredients.
 - v) Staff should be given apron.
 - vi) Sufficient number of racks should be provided. No record should be put on the ground.

- vii) Dusting should be done regularly. Every Record Room / Property Room should have vacuum cleaner.

AND

- viii) The staff shall have compulsory medical check-up once in six months.

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CHAPTER - XVII

**MISCELLANEOUS
RECOMMENATIONS**

CHAPTER - XVII

MISCELLANEOUS RECOMMENDATIONS

1. Bifurcation of the Office work in heavy Courts into two Wings - House Keeping (Administrative) Wing and Technical (Judicial) Wing.

In the report submitted by the Indian Institute of Technology, New Delhi* (IIT), which is the Management Consultant for the Commission, it is stated that the efficiency of administration in heavy Courts would considerably improve if there is bifurcation of the office work into two Wings :

- (i) House Keeping (Administrative) Wing
- (ii) Technical (Judicial) Wing.

We agree with the suggestion made by IIT in view of the advantages which they have set out as follows :

1. This will clear the role ambiguities between the various cadres.
2. The responsibilities can be clearly addressed.
3. High accuracy in performing their duties.
4. It makes the employee specialize in his / her concerned field.
5. No obstruction from other department.
6. Recruitment and training becomes easy.
7. Performance appraisal becomes simpler because of limited and well-defined work content.
8. Manpower planning becomes very easy.

The disadvantages in the bifurcation pointed out by IIT are :

1. Lack of flexibility of work-force.
2. Lack of multi-functionality.

* See: Page 78-79: A Report on Restructuring of Non-Judicial Cadre (N.J.C.) Vol. I.

Indeed, these disadvantages are of minor importance.

We also agree with the suggestion of IIT that the House Keeping should consist of the following :

- i) Administration;
- ii) Human Resources Management;
- iii) Establishment;
- iv) Cash / Finance / Accounts;
- v) Library;
- vi) Information Services; and
- vii) Training.

AND

The Technical Wing should consist of the following :

- i) Judicial;
- ii) Record Keeping;
- iii) Copying;
- iv) Fine Recovery;
- v) Attached property; and
- vi) Statistics collection.

It is also stated by IIT that those officials who are posted in the House Keeping Wing could better equip themselves with the work of administration, accounts, library etc., and those who are posted in the Technical Wing could improve their skills in maintaining the records, fine recovery, disposal of property etc. This would according to us certainly improve the efficiency in the administration.

We particularly recommend the bifurcation of the office administration in the aforesaid manner in City Civil Court and such other District Courts where the workload is very heavy. The High Courts may identify such Courts where the division of administration has to be worked out.

2. The grievances of the Court staff with regard to the following matters are dealt with in this Chapter.

1. Housing facility to the Court staff,
 2. Basic amenities in Court Building,
 3. Providing uniform / uniform allowance to Group-C and Group-D employees,
 4. Need of a co-operative society for the Court staff,
 5. Remuneration / compensation for deputation to Lok Adalats,
 6. LTC / HTC benefits,
 7. Training to Court Staff,
- AND
8. Cleanliness in the Court.

We may briefly consider these in turn :

2.1 Housing facility to the Court Staff :

Almost all Associations of the Court Staff from every State / UT have requested for setting apart designated official quarters. The suggestions received by the Commission in this respect may be summarised as under:

All High Courts save High Courts of Orissa, Patna and Jharkhand, have stated that the Court staff have not been provided with designated official quarters and there is no prescribed norm for allotment of quarters to the Court staff from out of the general pool. In Orissa, Bihar and Jharkhand, the Court Staff and in Madhya Pradesh only the Clerk of the Court are provided with certain designated quarters specifically earmarked for the Judicial Department, but there is not enough quarters to go round all such employees.

The High Courts of Allahabad, Andhra Pradesh, Calcutta, Himachal Pradesh, Punjab and Haryana and Rajasthan have suggested that certain percentage of Government Quarters in the general pool may be exclusively reserved for the employees of the Judicial Department.

In some States, the Court staff like other Government employees are allotted quarters out of the general pool as per entitlement prescribed in the Rules of allotment. But, that is too many persons chasing too few. They are however, getting the House Rent Allowance as admissible to other Government servants.

Karnataka Government has suggested payment of House Rent Allowance at 30% of the basic pay.

Government of Uttar Pradesh has requested for recommending matching grant of 50% by Central Government for construction of quarters for Court employees, as is given for construction of Courts and Staff quarters for Judicial Officers.

OUR RECOMMENDATIONS :

- 1) Bearing in mind the constraints of the State Governments, we recommend that in places where there are no quarters earmarked exclusively for Court staff, not less than 15% of the Government quarters in the general pool may be set apart for Court employees.
- 2) The quarters so earmarked shall be placed at the disposal of Principal District and Sessions Judge or the Senior-most Judicial Officer at the place for making allotment to the employees.
- 3) As in the case of Judicial Officers, the construction of adequate number of quarters / houses with necessary facilities should be given the top priority, being the primary requirement of employees.
- 4) Necessary suitable site near about the Court premises may be acquired for construction of quarters to the non-judicial employees and construction thereon be taken up on priority basis.

2.2 Basic Amenities in Court Building :

It is distressing to note that in many Court buildings in most of the States, basic amenities such as room for taking lunch and separate toilets for men and women employees are lacking. The employees are taking lunch either at working table or at places outside the Court premises and using common toilets, except in District Courts and newly constructed Court buildings.

The State Government of Tamilnadu has stated that the PWD which maintains the Court buildings has been asked to provide a place for taking lunch and separate toilets for ladies.

OUR RECOMMENDATION :

In the Court buildings where such basic amenities are lacking, the State Government should take immediate steps to provide those facilities.

Where new Court buildings are to be constructed, sufficient provision should be made for adequate number of toilets for men and women employees as also separate lunch-cum-recreation rooms.

2.3 Uniform / Uniform Allowance to Group-C and Group-D Employees :

In almost all the States, Group-D / Class-IV employees and the Drivers in Group-C / Class-III have been provided with uniform.

But, certain categories of Group-C / Class-III employees have also demanded uniforms and / or Uniform Allowance.

The Commission framed a question in that regard and solicited the views of the High Courts, State Governments and the Staff Associations.

The High Courts of Gauhati, Orissa, Sikkim and Meghalaya Bench of Gauhati High Court are not in favour of providing uniform and / or Uniform Allowance to Group-C / Class-III employees working in the Courts. High Court of Madhya Pradesh has stated that there is no demand from Group-C employees for Uniform Allowance.

The State Governments have opposed providing uniform or Uniform Allowance to Group-C / Class-III employees, except Drivers. However, the States of Haryana and Punjab have stated that some technical categories in Group-C are also provided with uniform and the same may continue.

But, all the State Governments have stated that there is justification in providing uniform and / or Uniform Allowance to Group-D employees.

OUR RECOMMENDATIONS :

In order to inculcate discipline, certain categories of staff members are required to wear uniform during working hours.

- (i) We suggest that all Group-D / Class-IV employees including the Drivers be provided with uniform (livery).
- (ii) It is also appropriate that the Process Servers and the Bailiffs who are mostly attending to service of summons and execution of warrants be provided with uniforms.
- (iii) Bench Clerks and Stenographers who have to maintain dignity and decorum must wear uniforms prescribed by the High Court.
- (iv) The State must provide uniform at its cost at least once in two or three years.

2.4 Need of a Co-operative Society for the Court Staff :

Various Staff Associations have stressed the need to have a co-operative society for the Court staff in the District Headquarters, as a welfare measure.

The Commission invited the views of the High Courts, State Governments and the Staff Associations in this behalf.

In some States, such co-operative societies are functioning at some District Headquarters.

All the High Courts, except the High Courts of Jammu and Kashmir, Orissa and Sikkim, have favoured the proposal regarding the need of a Co-operative Society for the Court staff in the District Headquarters.

All the State Governments, except Gujarat, Jammu and Kashmir, Meghalaya, Mizoram and Sikkim, have also welcomed the proposal.

The High Courts of Allahabad, Andhra Pradesh, Gauhati, Bombay, Jharkhand, Madras, Patna and Rajasthan have stated that accommodation for such Co-operative Society may be provided in the Court premises itself.

The State Governments of Goa, Haryana, Karnataka, Punjab, Tripura and West Bengal have stated that there is dearth of accommodation in the Court premises for this purpose.

OUR RECOMMENDATION :

Since the promotion of the Co-operative movement is one of the directive principles of State policy and since all the High Courts and State Governments have favoured the need to have a co-operative society for the Court staff in the District Headquarters, we recommend that the High Courts and State Governments shall encourage

the Court employees to form co-operative societies for their welfare and must provide suitable accommodation for that purpose.

2.5 Remuneration / compensation for deputation to Lok Adalats :

The Court staff are deputed to Lok Adalat work on week days or general holidays. They are paid some Allowance or given Compensatory Leave in certain States.

The High Courts of Punjab and Haryana and Sikkim have informed that the Court Staff deputed to work in Lok Adalats are not paid any remuneration, but have suggested that they may be paid reasonable extra Allowance.

The High Courts of Andhra Pradesh, Calcutta and Rajasthan have stated that at present Court staff are not deputed to work in Lok Adalats, since separate staff have been provided to Legal Services Authority.

The High Court of Allahabad has stated that the Court staff deputed to work in Lok Adalats during holidays are given leave in lieu of work done on holidays.

The High Court of Bombay has informed that two days D.A is allowed to the employees for attending Lok Adalat work on holidays.

The High Court of Gujarat has stated that staff are paid T.A / D.A., whenever they work in Lok Adalats.

The High Court of Himachal Pradesh has stated that Class-III staff are paid honorarium at Rs.150/- per day and Class-IV employees are paid honorarium at Rs.100/- per day for working in Lok Adalats.

The High Court of Karnataka has suggested to pay minimum of 10% of the basic pay of the staff who attend Lok Adalats work and compensatory off to such employees who work on holidays.

The High Court of Kerala has informed that Court staff deputed to work in Lok Adalats are paid remuneration on the basis of their grade as shown below :

	Holidays	Working days
Junior Superintendent	Rs.200/-	Rs.50/-
L.D.Clerk	Rs.150/-	Rs.50/-
Peon	Rs.120/-	Rs.30/-

The High Court of Orissa has informed that employees are paid only T.A and D.A for attending Lok Adalat work.

Almost all the State / UT Governments have favoured payment of some incentive to the staff who attend to Lok Adalat work.

OUR RECOMMENDATION :

Considering the above views, we recommend that until separate staff are provided to the establishment of Legal Services Authority in each State and U.T., the Court staff who are deputed to attend Lok Adalat work should be paid compensatory allowance at the rate of 5% of their basic pay and if the officials are deputed during general holidays, they may be granted compensatory leave for the holidays forgone.

2.6 LTC / HTC Benefits to the Court Staff :

In most of the States, Court employees like other Government servants are entitled to Home Travel Concession and Leave Travel Concession.

However, in Kerala, Madhya Pradesh, Rajasthan & Sikkim, State employees are denied these facilities. We could only request these Governments to provide such concessions to all employees.

2.7 Training to Court Employees :

Training revolves around skills, attitudes and professionalism.

Training may be termed as the efforts that an organisation puts in for improving employees' performance on currently held job or a job related to it. This usually means changes in specific knowledge, skills, attitudes or behaviour. *

In most of the Government Departments, new entrants are straight-away put on the job without any training. They learn the work over a period of time, either by observing their seniors' work or taking advice from them. But, Court work cannot be performed unless one knows the Court procedure and has knowledge of basic laws.

All the High Courts have stated that training should be imparted to new entrants and also refresher courses for in-service employees, but there is variation in their views regarding period of training.

All the State Governments have also agreed that training is absolutely necessary for Court employees.

At present, in Andhra Pradesh, Karnataka, Maharashtra and Gujarat, training is imparted to Court employees.

In Andhra Pradesh, A.P. Judicial Academy is conducting training classes for in-service employees of certain categories for a period of 10 days including computer training in batches. In Gujarat, there is a scheme to impart training to the staff members under which the period of training is 5 weeks during summer vacation in each year. In Maharashtra, the period of training is 15 days in two sessions per day.

* Vol-I, p.136, of Report on Restructuring of Non-Judicial Cadre (NJC) by IIT, Delhi, Consultant of the Commission.

The High Court of Gauhati has suggested 15 days training at entry-level and 7 days training to in-service employees.

The High Courts of Patna and Jharkhand are in favour of six months training at entry-level and regular refresher course.

The High court of Himachal Pradesh has favoured regular training for a period of 3 months to the new entrants and refresher course from time to time.

The High Court of Kerala is in favour of one month training at entry-level and 7 days for in-service employees.

The High Court of Madhya Pradesh has stated that the period of training may be for 2 months both for new entrants and in-service employees.

The High Court of Rajasthan has suggested that training for a period of 30 to 90 days to the new entrants and refresher course from time to time may be provided to the in-service employees.

The High Court of Allahabad has stated that the period of training for new entrants should be one month and they should be attached to Courts / Offices for 15 days so as to enable them to acclimatize with the working system. For in-service personnel, there should be 15 days orientation course once in two years and there should be refresher course at the Central Training Institute once in 5 years.

The High Court of Uttaranchal has favoured 15 days regular training to all the employees working in Cadre "C" posts.

The High Court of Calcutta has suggested regular training at entry-level for 3 months and in-service training for 2 months.

The State Governments have also given similar views specifying the period of training at the entry-level and refresher course.

OUR RECOMMENDATION :

Considering the importance of training to the Court employees for effective discharge of their duties and in the light of the views expressed by the High Courts and State / UT Governments indicating desirability of training, it is recommended as follows:

In our Report on the service conditions of the Judicial Officers, we have suggested that State-wise or Region-wise, Judicial Training Institutes may be set up for imparting training to Judicial Officers. Such an Institute can also be training institute for Court staff. There should be training for new recruits as well as for in-service employees as refresher course.

There should be a regular training for Court employees for a period of not less than 6 weeks at entry-level and for 2 weeks of refresher course from time to time to in-service personnel.

We leave it to the discretion of the High Court to select the Subject/ Syllabus for training both at entry-level and for refresher course.

2.8 Cleanliness in the Court :

The saying "Cleanliness is next to Godliness" high lights the importance to clean surroundings and environment. Court is considered as temple of justice, but the atmosphere in the Court generally does not give that impression. It pains us to note that the Court premises and surroundings are not kept clean and tidy. It is regrettable that house keeping standards are extremely poor. Somewhere along the *line, we seem to* have relaxed our maintenance standards generously from generation.

For example, the floors of many Courts and offices do not appear to be swept and swabbed regularly. The carpets, if any, are hardly vacuumed. The glasses on the windows and tables are very much stained and smudged. Staircase landings and corridors are often stacked with papers, files and junk furniture. In some of the buildings, corners in the staircases and landings have the red spit-mark of tobacco chewing.

In many cases, furniture looks unpolished and soiled. Upholstery and caning on the sofas and chairs are torn and dirty, indicating years of neglect.

Worst of all, even several toilets have been found to be dingy and tacky.

The real problem, in our opinion, is not a matter of spending more money or one of lack of supervision and of our mindset. Somehow we seem to have compromised ourselves to a rather low equilibrium in terms of our maintenance expectations and standards.

We will appreciate that there must be an all-encompassing list of do's and don'ts for day-to-day house-keeping of Court premises and that must be prescribed by the Presiding Officer of each Court. Some of them we may set out herein below :

1. Walls, inside and outside are kept clean with periodical painting / white-washing.
2. Floors are regularly swept and swabbed and all carpets vacuumed weekly. Spaces under the furniture and cupboards and areas towards the rear of the offices must be as clean as floors in the front end of the offices.
3. Glass surfaces (windows, tabletops, doors etc.) and regularly wiped, both from inside and outside.

4. Blinds, fans and switchboards are periodically cleaned with wet cloth.
5. Toilets are cleaned with antiseptic liquid daily and with acid periodically and are kept dry.
6. Wooden furniture is kept free of scratches and stains and in reasonably polished condition.
7. Furniture with peeled-off caning is duly mended.
8. Sun-mica surfaces are sponged with soap and wet cloth periodically and chipped surfaces are attended to promptly.
9. Passages, landings and back of the Court premises and offices are kept free of furniture, files, paper work and other assorted junk.
10. Broken and unused furniture is properly junked / auctioned as appropriate.
11. Paper-work as far as possible is hidden from direct eye contact and is stored in closed almirahs.
12. Unwanted and unused paper-work is sent to the old paper storage or junked as appropriate.
13. Window frames are duly polished or painted, both from inside and outside.
14. Torn or dirty-beyond-washing upholstery are replaced.
15. Air-conditioners or Coolers are regularly serviced and kept clean.
16. Court vehicles will be maintained in prim condition and cleaned regularly.

The Judge / Sheristedar / Chief Administrative Officer / Registrar of each Court will have to be ultimate supervisors for the cleanliness and a trim up-keep of the buildings

and surroundings. They will get into the habit of moving around the premises from time to time. They must demand and ensure high standards of maintenance for their premises and the assets therein.

Cleanliness of assets, such as computer, car etc., may be held as the responsibility of those to whom the asset is entrusted for working purposes, or those who usually work with those assets.

We must improve our mindset with regard to cleanliness in Court.

And lastly, let us also outline our expectations vis-à-vis a dress code. It is not our intention to expect all our personnel to turn out in coats and ties. However, we certainly expect our personnel to give minimal consideration to their attire in a bid to project a more well-groomed and dignified image :

- a) Shirts will be buttoned up fully (except the tie button) and tucked inside the trousers.
- b) Slippers, sandals and sports shoes will give way to leather shoes.
- c) Clothes worn will be well laundered and ironed.
- d) Identity cards will be duly supported by all.

It would be ideal if caring for our surroundings and ourselves at work place, becomes a way of life with us.

We suggest that every Judge exhorts the staff to contribute actively to this exercise of their image change. A gentle hint here or a not-so-gentle goading there may be necessary from time to time, but the task cannot be achieved without the serious involvement of the employee in general.

May be, to begin with, each Judge can organise a two-hour clean-the Court / Office campaign on a Saturday afternoon to get the ball rolling. Then public, when they visit the Court, will not spoil the atmosphere.

Finally, we request the High Court to issue a circular to all Judges of the Subordinate Courts, laying down the aforesaid guidelines / principles and holding them responsible for breach of the guidelines / principles.

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CHAPTER - XVIII

**RECOMMENATIONS RELATING TO
ASSAM**

CHAPTER - XVIII

ASSAM



PART-I GENERAL RECOMMENDATIONS

I Classification of Supporting Staff of the Subordinate Courts into Groups¹

In Assam, the State Government employees are categorised as Classes and not as Groups.

Our experience tells us that classification of the staff into Classes or Grades is likely to create class-consciousness with superiority or inferiority complex. It is for this very reason the Central Government, after accepting the recommendations of the Central Pay Commission, has discontinued the system of classifying the staff into Classes or Grades and adopted the classification of Groups A, B, C and D.

For reasons stated in **Chapter-IV**, it is recommended that the existing Classes I, II, III and IV be replaced by Groups 'A', 'B', 'C' and 'D' in conformity with the revised pay structure adopted by the State Government.

II. Recruitment - Selecting Authority²

At present, in Assam, District & Sessions Judge for Civil Courts and Chief Judicial Magistrate for Criminal Courts, are the Selecting Authorities in respect of Class-III and Class-IV posts.

¹ See, **Chapter-IV**.

The Classification of supporting staff in Courts into groups should also be in conformity with the classification of Civil Services in the Central Government. In every State and Union Territory, the Central Government employees are classified as Groups 'A', 'B', 'C' and 'D'. They are generally working almost in the building adjacent to the premises in which the State Government employees are working. They meet and co-ordinate with each other. Indeed, it would be odd to have different classifications for Central and State services. They are all civil servants. It is proper to have common yardstick for their classification. For a healthy atmosphere, all the High Courts and States / Union Territories may consider re-designating their existing Classes I, II, III and IV services or other grading into Groups 'A', 'B', 'C' and 'D'.

² See, **Chapter-VI**.

In some States, PSC makes recruitment to certain categories of posts. In some other

✓

The High Court has stated that the District & Sessions Judges and the Chief Judicial Magistrates are the selecting authorities of their respective establishments. Selection of the District Judicial staff is not done by Public Service Commission or any other authority. Performance of the present selecting authorities has been satisfactory.

The State Government has expressed the same view as that of the High Court.

While the All Assam Judicial Employees' Association has stated that the performance of the existing selecting authorities is satisfactory, the All Assam Stenographers' Association has stated that the Assam Stenographers Service Rules, 1995, should be suitably amended and the Selecting Authority should have absolute power to make selection and award grades.

Having regard to the above views and to ensure more transparency, to provide collective wisdom and for reasons stated in **Chapter-VI**, we make the following recommendations :

- (i) There shall be a District Recruitment Committee for recruitment of staff of both Civil and Criminal Courts, consisting of the following :
 - a) Principal District & Sessions Judge - Chairman
 - b) Senior-most Addl. District & Sessions Judge - Member
 - c) Civil Judge (Sr. Div.) / CJM / CMM - Member
- (ii) The Recruitment Committee shall make recruitment to all categories of posts, excluding the posts for which High Court is the Appointing Authority.

States, District & Sessions Judge / Selection Committee makes recruitment. In States where PSC makes recruitment, the High Courts have stated that lot of delay is being caused in making recruitment. The Commission has, therefore, recommended constitution of District Recruitment Committee for each District to ensure speedy recruitment and also a similar Committee for City Civil Court.

✓

(iii) **Recruitment Cell :**

There shall be a Recruitment Cell established in each District Court for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. This Cell shall assist the Recruitment Committee and process the applications received for the posts and short-list them as per the guidelines of the Recruitment Committee. The Cell shall be provided with adequate staff.

- (iv) The recruitment shall take place every year well in advance before the vacancies arise.

III. MEDICAL ALLOWANCE³

In Assam, Medical Allowance of Rs.250/- p.m. is being paid to all State Government employees.

As the present payment is more than the Medical Allowance recommended by us in **Chapter-XV**, we recommend that the same may be continued.

IV. SPECIAL ALLOWANCE TO STAFF WORKING IN RECORD ROOM / PROPERTY ROOM⁴

It is uniformly found that the Record Room and Property Room generally in all Courts do not have proper work place. These branches are housed in

³ See, **Chapter XV**.

Group D/Class IV employees generally live not in so healthy surroundings and comfortable houses. They do not have regular health check-up and silently suffer with ailments. Many do not avail reimbursement facility because of cumbersome procedure.

⁴ See, **Chapter - XVI**.

With the exception of four High Courts, namely, Gujarat, Jammu & Kashmir, Sikkim and Uttaranchal, all other High Courts have favoured either payment of special pay or special allowance. The Commission, with a view to get first hand information, did visit the Record and Property rooms of several Courts and found the condition quite appalling.

basement or cellar and / or at the rear end of the Court building where natural light and air are minimal, besides dust and dirt with awful smell. These places are generally not fit for human habitation, besides resulting into solitary confinement to officials.

The High Court has stated that it is desirable to give some benefit to the persons working in Record Room / Property Room.

The State Government has stated that the working condition in these Rooms is required to be examined properly to justify grant of additional financial benefits.

The All Assam Judicial Employees' Association has stated that it is desirable to make some provision.

Having regard to the above views and for reasons stated in **Chapter-XVI**, Special Allowance of Rs.100/- per month is recommended to each of the staff working in the Record Room / Property Room.

V. CREATION OF THE POST OF PROTOCOL OFFICER⁵

There are many places of historical and religious importance in certain States, which attract the Judges of other States and sometimes, even the Judges

⁵ See, **Chapter - XIII**.

The High Courts of (i) Allahabad, (ii) A.P. (iii) Bombay, (iv) Calcutta, (v) Gauhati, (vi) H.P. etc., have suggested creation of the post of Protocol Officer in such Districts in which places of attraction of historical or religious importance are located. Some State Governments / UTs have favoured the creation of the post of Protocol Officer in such places. But some State Governments have opposed the proposal. They have alleged that the State Government's Protocol Officer will look after the visiting dignitaries.

The contention of certain State Governments that they are taking care of the visiting Judges, providing them accommodation, travel facilities and security may be true if they are recognised as State Guests. But the Judicial Officers of the Subordinate Courts and Judges of the High Courts are not recognised as State Guests in most of the States. The Commission understands that only the Chief Justices of the High Courts and the Judges of the Supreme Court are treated as State Guests in all States. But it seems to us, even the Judges

of the Supreme Court. On such visits, the Presiding Officer or the Court staff are normally extending courtesy to the visiting Judges, but, it is at the risk of dislocation of the Court or office work.

The High Court has stated that the post of Protocol Officer is desirable in the Courts at Tezpur, Dibrugarh, Sibsagar and Silchar.

The State Government has stated that there is no need for such a post. Assistance of the District Administration can always be invoked.

The All Assam Judicial Employees' Association has suggested to create the post of Protocol Officer in each District in the pay scale of Rs.6075-11425.

✓ Having considered the above views and for reasons stated in **Chapter-XIII**, it is recommended that as suggested by the High Court, the post of Protocol Officer of the appropriate status may be created at the above places with necessary supporting staff and other facilities.

VI. ASSURED CAREER PROGRESSION SCHEME⁶

There is Assured Career Progression Scheme in most of the States, but it varies from State to State and U.T. Under the Scheme, certain States have only one ACP scale, while others have two. Some States have even more than three. But, States like Assam, Bihar, Jharkhand, Sikkim, Nagaland, Mizoram and Manipur do not have any such Scheme. The Central Government has also introduced the Scheme for the benefit of their employees. It is, therefore, not proper to deny such benefits to the employees of the said States.

who are treated as State Guests should not be placed at the mercy of the executives to look after their requirements when they go on tour. It is appropriate that the Protocol Officer in the Judicial Department takes care of their itinerary and co-ordinates with the State Government regarding accommodation, conveyance, security etc.

⁶ See, **Chapter- XIV**.

Almost all States / UTs with the exception of Assam, Bihar, Jharkhand, Sikkim, Nagaland, Mizoram and Manipur have introduced ACP Scales. Their pattern, however, differs from State to State. The ACP Scales are intended to motivate the employees to take continued

In **Chapter - XIV**, we have recommended as follows :

- (i) that the States / UTs which are not having ACP scales to introduce at least two ACP scales to their employees with an appropriate interval of years of service;
- (ii) that the States / UTs which are having one ACP Scale to their employees, may increase it to the minimum of two with an appropriate interval of years of service, and
- (iii) that the States / UTs which are having more than two ACP Scales may retain the same.

Since no ACP Scale is available to the employees in Assam, it is recommended to introduce at least two ACP Scales, with an appropriate interval of years of service.

interest in the work and to prevent dejection for want of promotion. The ACP Scales have, in fact, brought about some amount of satisfaction among the employees due to monetary benefit.

The V CPC had recommended grant of two ACP Scales to employees in the categories of Group-B, Group-C and Group-D, first financial up-gradation on completion of 8th, 10th and 12th year of service and second financial up-gradation on completion of further period of 8, 10 and 12 years respectively. But the Central Government has slightly modified the scheme, which provides for grant of two financial up-gradations on completion of 12 years and 24 years of service respectively. This is for information to the States / UTs.

PART-II CADREWISE RECOMMENDATIONS

I. CLASS-IV / GROUP-D STAFF⁷

(District Courts)

A. EXISTING SET-UP :

i. Categories of posts :

1. Office Peon / Chowkidar / Sweeper / Orderly Peon / Mali in Civil Courts	[277]	} Rs. 2450 - 3670
Peon / Chowkidar / Sweeper in Criminal Courts	[254]	
2. Daftri in Civil Courts	[21]	} Rs. 2530 - 4390
Daftri in Criminal Courts	[2]	

- ii. Mode of Recruitment : Posts at Sl.No. 1 are entry-level posts. Appointment to these posts is by direct recruitment.
- iii. Qualification : Non-matric for all posts.
- iv. Promotional Avenues : Posts at Sl.No. 2 are promotional posts to posts at Sl.No. 1.
- v. Percentage reservation for Class-IV in Class-III posts (Clerical Cadre - entry level) :
- a) 10% of the posts of L.D Assistant are earmarked for Class-IV staff, inclusive of Jarikaraks. (Process Servers).
 - b) Record - Arrangers are appointed by promotion from Class-IV employees.

⁷ See, Chapter-VI.

The Commission considers that persons in Group-D / Class-IV should have sufficient educational qualification and not just being a literate or III or IV standard as found in certain States. In these days of unemployment of a large number of educated persons, it is not advisable

B. OUR RECOMMENDATIONS :

For reasons stated in **Chapter-VI**, we make the following recommendations :

i) Qualification :

In **Chapter-VI**, we have recommended the minimum qualification of VII Standard to Class IV / Group-D, except to the category of Process Servers. The same qualification is recommended in place of the existing "Non-Matric" which may be anything in a given case.

ii) Promotional Scale :

We notice that the total cadre strength of Office Peons / Chowkidars / Sweepers / Orderlies / Peons / Mali in Civil Courts is about 277 (This figure is for the State as a whole. These posts are district-wise posts with district-wise seniority. But, we do not have post-wise and district-wise figures). They are on the pay scale of Rs.2450-3670. For these posts, the promotional cadre is Daftri, which carries the pay scale of Rs.2530-4390. This cadre consists of only 21 posts. The promotional opportunity thus available to Office Peons etc., works out to 7.58%, which is very low.

Similarly, there are 254 Peons / Chowkidars / Sweepers in Criminal Courts (even here individual cadre strength is not available). As against this number, the cadre of Daftri, which is the promotional cadre, consists of only **Two** posts. In terms of percentage, the promotional opportunity to Peons etc., works out to 0.78, which is quite insignificant.

It is thus clear that Class-IV staff in Assam do not have adequate promotional opportunities. Besides, they also **do not have ACP Scales**, as is available to employees of other States.

to appoint only just literate or III or IV standard candidates. Secondly, Group-D / Class-IV employees are eligible for promotion to the posts of Process Server and LDC / Junior Assistant. Therefore, they must have adequate knowledge of the Court procedure

In **Chapter-VI**, we have made the following recommendations :

"1. (i) The States / UTs having only one scale of pay to Group-D / Class IV employees or if promotional posts are inadequate, must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Standard and must have put in a minimum service of ten years.

(ii) Similarly, the States / UTs having two pay scales out of which one is promotional to Group-D / Class-IV employees and to whom there is no adequate further promotion must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Standard and must have put in a minimum service of five years in the first promotional scale.

(iii) The High Court may identify such Class-IV / Group-D officials who may be given this promotional scale.

(iv) The aforesaid benefit of promotional scale may not be given in case any ACP scale is available at or about that level of service."

Taking into consideration the existing promotional opportunities to Class-IV staff and keeping in view the above principles, we make the following recommendations :

for which minimum qualification of VII Standard is a must, save Process Servers. But, if any State has already prescribed higher qualification, it may prevail.

The minimum qualification for entry level posts in Group-C is SSLC / Matriculation and in certain States, it is graduation. Process Servers who possess this qualification will be made eligible for promotion along with other Group-D employees to the extent of 25% in the ratio of 1:2.

- a) There will be one more promotional scale to Office Peons / Peons / Orderlies / Chowkidars / Sweepers etc., who are not wholly connected with the manual work but carrying higher duties and responsibilities, and possess the qualification of VII Standard and have put in ten years of service.

The recommended promotional scale is Rs.2530-4390, which is presently available to Daftri.

- b) The High Court may identify such Class-IV officials who may be given this promotional scale.
- c) Daftries who are presently on the pay scale of Rs.2530-4390 be assigned the next higher pay scale i.e. Rs.2610-4840.

iii) **Reservation for Class-IV / Group-D in Class-III / Group-C posts (Clerical Cadre entry level) :**

The High Court has stated that presently 10% of posts are earmarked for promotion from Group-D and this can be raised to 15% without affecting the efficiency of the administration.

The State Government has stated that in other services also 10% of posts are earmarked for promotion from Group-D. Hence, in conformity with other services, enhancement of percentage in this service should not be encouraged.

The All Assam Judicial Employees' Association has suggested to increase the reservation quota from 10% to 30%.

In States / UTs where there is no promotional grade or inadequate promotional opportunity for Class-IV / Group-D staff, the Commission has recommended one more promotional scale to those with the minimum qualification of VII Standard with experience of ten years of service and who carry higher duties and responsibilities and not wholly connected with manual work. The benefit of this higher pay scale would be given provided there is no entitlement to ACP scale at or about the said period of ten years of service. The High Court may identify such employees.

Having considered the above views and for reasons stated in **Chapter-VI**, we recommend that 25% of the Class-III / Group-C entry level Clerical posts shall be reserved for Class-IV / Group-D employees who have the requisite qualification in the ratio of 1:2 (i.e., Process Servers:1 and other Class-IV / Group-D employees:2).

iv) **Promotion to the cadre of Process Servers / Jarikaraks :**

50% of the posts of Jarikaraks shall be appointed by promotion of Class-IV employees who possess the requisite qualification. (See **Chapter-VIII**)

II. PROCESS ESTABLISHMENT:⁸

A. EXISTING SET-UP:

- (i) Categories of posts : Process Establishment consists of two cadres in Civil Courts, viz., (i) Jarikarak (154) and (ii) Head Jarikarak (10).
- In Criminal Courts, there is only one cadre i.e., Jarikarak (99).
- Pay scale of Jarikarak is Rs.2490-4120. Pay scale of Head Jarikarak is Rs.2610-4840.
- (ii) Mode of Recruitment : Appointment to the posts of Jarikaraks is made by direct recruitment. Head Jarikaraks are appointed by promotion from Jarikaraks.
- (iii) Qualification : Non-Matric for both cadres.
- (iv) Promotional Avenues : 10% of L.D. Asst. posts are earmarked for Class-IV which is inclusive of Jarikaraks (Process Servers). Record Arrangers are appointed by promotion from Class-IV employees.

B. OUR RECOMMENDATIONS:

Assam is one of the few States having two cadres in the Process Establishment viz., (i) Process Servers (Jarikaraks) and (ii) Bailiffs (Head Jarikaraks).

However, for reasons stated in **Chapter-VIII**, we make the following recommendations with respect to qualification, mode of recruitment, pay scale etc., for Process Servers (Jarikaraks) and Bailiffs (Head Jarikaraks):

⁸ See, **Chapter - VIII**.

The Process Servers in certain States / UTs are in Group-D / Class-IV. Their qualification is also similar to the one prescribed to Group-D. But having regard to the responsible duties of the Process Servers, it is recommended that the minimum qualification for Process Servers

(1) **PROCESS SERVERS / JARIKARAKS :**

- (a) Qualification : Minimum VIII Standard or equivalent qualification.
- (b) Recommended pay scale: Rs.2650-5200 which is immediately below the pay scale of L.D. Assistant.
- (c) Mode of Recruitment : 50% by direct recruitment and 50% by promotion of Class-IV employees having the minimum qualification of VIII Standard.
- (d) Reservation in Class-III posts (Clerical Cadre - entry level) : Process Servers / Jarikaraks who have the requisite qualification shall be considered for promotion along with other categories of Class-IV / Group-D employees to the extent of 25% in the cadre of LDA in the ratio of 1:2 (Process Servers -1 and other Class-IV / Group-D employees - 2).

(2) **BAILIFFS / HEAD JARIKARAKS :**

- a) Qualification : SSC / Matriculation
- b) Mode of Recruitment : Mixed cadre - i.e., by direct recruitment and **by promotion of Process Servers (Jarikaraks)**. Percentage between direct recruitment and promotion may be determined by the High Court.

shall be VIII Standard or equivalent and their pay scale should be the highest pay scale available for Group-D / Class-IV employees in the respective State or the scale which is immediately below the pay scale of LDC / LDA.

To improve the promotional avenues to the Orderlies and Peons in Group-D, the cadre of Process Servers is made a mixed cadre. Appointment to 50% of the posts shall be made by direct recruitment and 50% by promotion of Peons and Orderlies, having the minimum qualification of VIII standard.

Process Servers who possess the qualification of SSLC / Matriculation or Graduation, wherever required, plus experience / knowledge of typing would be eligible for promotion to Group-C cadres along with qualified Group-D employees to the extent of 25% in the ratio of 1:2.

- c) Recommended : As applicable to LDA i.e.,
Pay scale Rs.2890-5725.

TRAVELLING ALLOWANCE :

At present, in Assam, actual TA is being paid to Jarikaraks and Head Jarikaraks.

Both the High Court and the State Government have stated that Jarikaraks and Head Jarikaraks may be given the T.A at the same rate as given to other employees of similar categories.

The All Assam Judicial Employees' Association has requested for grant of higher T.A.

Having considered the above views and for reasons stated in **Chapter-VIII**, FTA of not less than Rs.200/- p.m. to Process Servers (Jarikaraks) and Bailiffs (Head Jarikaraks) is recommended.

Where the Process Establishment consists of only one cadre, it should be suitably restructured into two cadres i.e. (i) Process Servers and (ii) Bailiffs.

Since Bailiffs have higher duties and responsibilities, and they should know to read and write English and local language, the minimum qualification of Matriculation is recommended. It will be a mixed cadre. The promotional quota shall be filled only by Process Servers with the requisite qualification. Same pay scale which is admissible to Assistant / LDC in the respective State / UT is allowed to Bailiff / Amin / Head Bailiff / Sale Amin.

The Process Servers and Bailiffs travel extensively. Hence, revision of FTA is recommended.

III. BENCH CLERK / READER / BENCH ASST. / PESHKAR.⁹

A. EXISTING SET-UP : Lower Division Assistants in the pay scale of Rs.2890-5725 or Upper Division Assistants in the pay scale of Rs.3850-7350 are performing the duties of Bench Clerk in all categories of Courts.

Mode of Recruitment : **Lower Division Assistants** :
80% by direct recruitment, 10% by promotion of Copyist - Typists and 10% by promotion of Class-IV employees.

Upper Division Assistants :
By promotion of Lower Division Assistants.

B. VIEWS OF HIGH COURT, STATE GOVERNMENT AND STAFF ASSOCIATION:

The High Court has stated that creation of three grades of Bench Clerks is justified. The Bench Clerk of the Court of District and Sessions Judge and Additional District and Sessions Judge may be given the pay scale of Selection Grade UDA. The pay scale of UDA may be given to the Bench Clerk of the Court of CJM, Additional CJM and Civil Judge Senior Division. The scale of LDA may be given to the Bench Clerk of SDJM, Civil Judge Junior Division, Judicial Magistrate First Class and Second Class.

The State Government too has expressed the same view as given by the High Court.

⁹ See, Chapter-IX.

In this Chapter, Bench Clerk means and includes, - Reader, Bench Assistant, Peshkar.

In our system of administration of justice, the position of the Bench Clerk is pivotal. Around him revolves the entire proceedings of the Court. Indeed, he is the master of the Court. He has to assist the Presiding Officer of the Court and also to interact with the advocates and the litigant public while at the same time keeping in touch with the various branches of the Court. He is required to know the various stages of the cases that are posted for orders or disposal for the day and inform the Presiding Officer of the Court. Bench Clerk should have certain attributes, like diligence, quickness in grasping, sound knowledge of the Court procedure and familiarity with the provisions of the Acts and Rules.

The All Assam Judicial Employees' Association has favoured creation of the three grades of Bench Clerks.

C. OUR RECOMMENDATIONS :

Having regard to the aforesaid views and for reasons stated in Chapter-IX, we make the following recommendations :

- (a) There will be three grades of Bench Clerks for the three levels of Courts namely :
- (i) Bench Clerk Grade -III , Court of Civil Judge (Jr.Div.)/Magistrate
 - (ii) Bench Clerk Grade - II, Court of Civil Judge (Sr.Div.)/CJM/CMM.
 - (iii) Bench Clerk Grade - I, District Court / Addl. District Judge Court.
- (b) Pay Scales :
- (i) Bench Clerk Grade-III - Rs.3850-7350 (Existing pay scale of UDA)
 - (ii) Bench Clerk Grade-II - Rs.3940-8425 (Next promotional pay scale i.e. Sl.No.12 of the General Pay Scales)
 - (iii) Bench Clerk Grade-I - Rs.4300-9075 (Next promotional pay scale i.e. Sl.No.15 of the General Pay Scales. There are no cadre posts in the Courts having the pay scales at Sl. No. 13 and 14 and hence not assigned).

An experienced Bench Clerk is an asset and an inexperienced Bench Clerk is a burden to the Presiding Officer. Almost all High Courts, save Gujarat and Himachal Pradesh (during the hearing they have also agreed) have agreed to have three tiers of Bench Clerks corresponding to three levels of Courts. Governments of Assam, J & K, Karnataka, Uttar Pradesh, West Bengal and UTs (except Chandigarh and Pondicherry) have also agreed to have three cadres of Bench Clerks.

We have suggested that the Bench Clerk Grade-III must be in the cadre of UDCs / Sr. Ahimads / Sr. Assistants etc., and Grade-II and Grade-I Bench Clerks *must be in the corresponding* higher cadres.

c) Mode of Recruitment :

[NOTE : These are to be appointed generally from the respective cadres in the service and not by restrictive channel of promotion from Bench Clerk Grade-III to Bench Clerk Grade-II and from Bench Clerk Grade-II to Bench Clerk Grade-I. If necessary, additional posts be created.]

- (i) Bench Clerk Grade -III : Appointment from the cadre of officials in the pay scale of Rs.3850-7350 (Upper Division Assistants / Supervisory Assistants).
- (ii) Bench Clerk Grade-II : Appointment from the cadre of officials in the pay scale of Rs.3940-8425 (Sheristedars of the Court of Civil Judge (Jr. Div.) / Magistrate to whom this scale is recommended).
- (iii) Bench Clerk Grade-I : By promotion from the cadre of Bench Clerks Gr-II and also appointment from the cadre of Sheristedars of the Courts of Civil Judge (Sr. Div.) for whom we have recommended the pay scale of Rs.4300-9075.

These three cadres have been advisedly recommended for three levels of Courts, not only having regard to the work-load of such Courts but also to provide more promotional opportunity to the existing staff who are suffering from want of promotion. The High Court / State Government / U.T. may appropriately increase the number of such posts to meet the requirements of Bench Clerks in all Courts.

IV. STENOGRAPHERS :¹⁰

A. EXISTING SET-UP :

(i) Categories of posts :

Civil Courts :

- (a) Stenographer Grade - III : Rs.3850-7350
(11)
- (b) Stenographer Grade - II : Rs.3760-9400
(17) (For Direct Recruits minimum start will be Rs.3940/-)
- (c) Stenographer Grade-I : Rs.5725-11825
(14)

Criminal Courts :

- (a) Stenographer - (31) : Rs.3760-9400

[NOTE : As on 1.11.1999 in Assam there were in all 221 Judicial Officers (District Judge / Special Judge / Additional Judge: 29; Civil Judge (Sr.Div.) / CJM / Additional CJM / Additional District and Sessions Judge: 46; Civil Judge (Jr.Div.) / Judicial Magistrate / Munsiff / Sub-Divisional Judicial Magistrate: 146). As against this number of Judicial Officers, there are only 73 Stenographers. The shortfall is 148.]

- (ii) Qualification : Diploma in Stenography
- (iii) Mode of Recruitment : Appointment to all posts is made by selection from amongst persons holding Diploma in Stenography.
- (iv) Promotional Avenues : NIL

¹⁰ See, Chapter-X.

It is difficult to get proficient and good Stenographers for Court work. They prefer Multinational Company where they get fat salary. The Court Stenographer should have a command of English and local language. He must be familiar with the substantive and procedural laws. He has to adjust to the speed and accent of the Judges who are on rotation. He has to take down the dictation continuously without interrupting the Judge. If he interrupts

B. VIEWS OF HIGH COURT, STATE GOVERNMENT AND STAFF ASSOCIATIONS :

The High Court has stated that the Stenographers deserve higher benefits proportionately than the other employees.

The State Government has stated that there is no justification for grant of higher benefit / pay to the Stenographers of the Courts. Their cadre structure and pay etc., should be at par with their kin in other wings of the Government.

The All Assam Stenographers' Association has requested (a) to grant promotion to higher grade after completion of five years of service; (b) to regularise the service of under-qualified Stenographers; and (c) to consider promotion of Senior Grade Stenographers to higher posts such as Chief Executive Officer, Chief Administrative Officer etc.

The All Assam Judicial Employees' Association has requested the Commission to consider recommending higher benefits or more promotional avenues as in Delhi or Tripura.

C. OUR RECOMMENDATIONS :

(a) In Assam, while there are three grades of Stenographers in Civil Courts, there is only one grade in Criminal Courts. As in other States, in Assam also,

the Judge by seeking clarification, he would be disturbing the Judge's thought and impeding his speed. He needs a speed of 120 words per minute to take down the dictation without omission and in some cases, the judgment runs into 50 to 100 pages, if not more. He has to be familiar with the citations or the passage to be extracted therefrom. He has to observe very stringent requirement of secrecy. He may, therefore, be given an attractive pay scale, depending upon the facts and circumstances in each State / U.T.

the entry level Stenographer has been given the same pay scale admissible to UDCs / FDAs / FDCs. However, the minimum of the pay scale of the Stenographer Grade-II is lower than that of the Stenographer Grade-III, but the maximum is higher.

The directly recruited Stenographer Grade-II is, however, given higher starting i.e. Rs.3940/- (basic pay). The point which should be noted is that though there are three grades, all these are filled by direct recruitment. Thus, there is no promotional opportunity, whatsoever.

In **Chapter-X**, we have considered the importance of the efficient Stenographers for judicial work and we have also emphasised that they should be given an attractive pay scale, with better promotional opportunity, in view of the fact that the quality and quantity of their work vastly differ from those of their counterparts in Government Departments.

For these and other reasons stated in **Chapter-X**, we make the following specific recommendations for the three grades of Stenographers for the three levels of Courts with the pay scales :

In the Trial Courts, after preliminary hearing, the Presiding Officers are invariably engaged in recording evidence. In many States, the Stenographers alone are used for recording evidence in the Open Court and also for taking dictation of judgment in home office or chambers.

It may be noted that the Judges of Subordinate Courts are not expected to dictate judgment in the Open Court. Order XX Rule 3 of the Code of Civil Procedure provides that there cannot be Open Court dictation of judgment by Presiding Officers unless they are specially empowered by the High Court. That means the Stenographers have to take down the judgment after the Court hours. Thus the Stenographer is over burdened with heavy load of work. There is need to reward this cadre with better pay scales and more promotional avenues.

There shall be three grades of Stenographers corresponding to three levels of Courts, but States having more than three grades will remain undisturbed.

	<u>Grades</u>	<u>Mode of Recruitment</u>	<u>Pay Scale</u>
(i)	Stenographer Grade-III Court of Civil Judge (Jr. Div.) (Existing Stenographer Grade-III)	Direct	Rs.3850-7350 (Existing Pay Scale)
(ii)	Stenographer Grade-II Court of Civil Judge (Sr. Div.)	50% by promotion from Stenographer Grade-III and 50% by direct recruitment	Rs.4120-9725 (Sl.No.16 of the General Pay Scale)
(iii)	Stenographer Grade-I Court of District & Sessions Judge	By promotion from Stenographer Gr.II	Rs.5725-11825 (Existing Pay Scale)

(b) Personal Assistant to Principal District & Sessions Judge :*

The incumbent of this post is to be selected by the Principal District Judge as per his choice from amongst the Stenographers Grade-I. The post is designated as Executive Asst. to Principal District & Sessions Judge. A Special Allowance of Rs.200/- per month is recommended, which is inclusive of Travelling & Compensatory Allowance.

(c) No. of Stenographers to be given to each Judge :**

- (a) Civil Judge (Jr. Div.) / Magistrate - One Grade-III Stenographer
 (b) Civil Judge (Sr. Div.) / CJM / CMM - One Grade-II Stenographer

* See, **Chapter - X.**

The Principal District & Sessions Judge being the head of the District Judiciary and the Principal Judge of the City Civil Court, being head of City Civil Court, have lot of administrative work besides usual judicial work. They need the assistance of a Personal Assistant, who is recommended a Special Allowance of Rs.200/- per month, which is inclusive of Travelling and Compensatory Allowance.

** See, **Chapter - X.**

The Civil Judge (Jr. Div.) generally writes orders / judgments. The Court of Civil Judge (Sr. Div.) is a Court of unlimited jurisdiction where High Court is not having original side cases. CMM Court and District Courts have variety of jurisdictions, besides supervisory work. Hence, different grades of Stenographers for different Courts are recommended.

- | | | |
|--|---|---|
| (c) District Judge / Additional District Judge | - | One Grade-I Stenographer |
| (d) Principal District and Sessions Judge | - | One Grade-I Stenographer and one Executive Assistant. |

[NOTE * As against 221 Judicial Officers in the State, there are only 73 Stenographers. Thus, the shortfall of Stenographers is 148. Apparently, all Judicial Officers are not provided with Stenographers. It is, therefore, suggested to create appropriate number of additional posts of various grades. While creating the posts, care may be taken to see that each Judicial Officer gets a Stenographer of one grade or the other, as indicated above.]

In this connection, it is necessary to point out the suggestion made by the Staff Association. It has suggested to regularise the services of the under-qualified Stenographers. We do not have information about their number, qualification and to whom they are attached. We hope the High Court will examine this request at the time of creation of additional posts.

(d) Pool of Stenographers :

In District Headquarters, where there is cluster of Courts, each Judge is to be provided with a Stenographer and there may be a pool of Stenographers to be determined by the High Court to meet the requirements.

(e) Permission to switch over to Ministerial / Supervisory Cadre :*

May be permitted after completion of a minimum period of service (to be determined by High Court).

* See, Chapter - X - A.

It is not desirable to treat the Stenographer like "once a mortgage, always a mortgage". His valuable experience could be fully utilised in other branches of administration as well. Hence, Stenographers may be permitted to switch over to ministerial / supervisory cadre after completion of a certain minimum period of service as determined by the High Court, subject to the condition that the option once exercised shall not be revoked.

(f) **Travelling Allowance / Compensatory Allowance / Special Allowance :***

At present, in Assam, no T.A. is paid to Stenographers who attend the Home Office of the Presiding Officer.

The High Court has suggested payment of a fixed amount, say Rs.250/- or Rs.300/- p.m.

The State Government has stated that it is not in favour of any Special Allowance etc., for Stenographers doing their duty.

The All Assam Judicial Employees' Association has stated that the Stenographers should be compensated by payment of Conveyance Allowance whenever they attend Home Office on public holidays.

The All Assam Stenographers' Association has requested: (a) to grant a minimum of Rs.500 p.m. or 10% of Basic Pay as TA / Conveyance Allowance and (b) Compensatory Allowance at double the rate of Basic Pay plus DA for working in Home Office beyond office hours and on holidays.

Having regard to the above views and for reasons stated in **Chapter-X-B**, we recommend the following Travelling Allowance / Compensatory Allowance / Special Allowance subject to production of certificate as specified therein :

Stenographers working in Taluka / Tehsil and District Headquarters	Not less than Rs.100/- p.m.
Stenographers working in cities	Not less than Rs.150/- p.m.
PA to Principal District & Sessions Judge (to be designated as Executive Assistant)	Not less than Rs.200/- p.m.

* See, **Chapter - X - B.**

Stenographers have to attend the Home Office of Judges and work even on holidays. They should, therefore, be adequately remunerated to meet the travelling expenses to attend the Home Office and to compensate the holidays forgone.

V. SHERISTEDAR / HEAD CLERK / SUPERINTENDENT / REGISTRAR :¹¹
[Civil Judge (Senior Division) and Civil Judge (Junior Division) Courts]

A. EXISTING SET-UP :

Both the posts of Sheristedar of the Courts of Civil Judge (Jr.Div.) and Civil Judge (Sr.Div.) are on the same pay scale of Rs.3850-7350. A Special Pay of Rs.45/- per month is attached to the posts. These are promotional posts to UDAs.

In Criminal Courts, the Head Ministerial Officer is the Head Assistant. The post carries the pay scale of Rs.3940-8425. This is a promotional post to UDAs.

In the Courts of the Additional District & Sessions Judge, Sheristedar performs the duties of general supervision of the office. He is on the pay scale of Rs.3940-8425. It is a promotional post to Sheristedars of the Courts of Civil Judge (Sr.Div.) and Civil Judge (Jr.Div.).

B. VIEWS OF THE HIGH COURT, STATE GOVERNMENT AND STAFF ASSOCIATION :

The High Court has stated that the Head Ministerial Officer of the Courts of Civil Judge (Sr.Div.) and Civil Judge (Jr. Div.) should be designated as Sheristedars with the pay scale of UDA plus a Special Pay of Rs.250/- p.m. or Rs.300/- p.m.

¹¹ See, Chapter -XI.

In this Chapter, Sheristedar means and includes Head Clerk / Superintendent / Registrar.

This Chapter relates to the post of Chief Ministerial Officer in the Court having decentralised system of administration. This Chapter is not concerned with the Officer who is supervising the staff of the Court, with whatever designation he has got, in the centralised system of administration. Generally, in the Courts having decentralised administration, Sheristedar / Superintendent / Head Clerk / Registrar supervises the Court administration and the staff and assists the Presiding Officer.

The State Government has stated that in Assam, the post of Sheristedar is in Group-C. Upgradation of this Group with higher pay scale should not be encouraged.

The All Assam Judicial Employees' Association has suggested that these posts may be included in Group-B.

C. OUR RECOMMENDATIONS :

For reasons stated in **Chapter-XI**, we recommend the following pay scales to the posts:

- (a) Sheristedar, Civil Judge (Jr. Div.) / - Rs.3940-8425 (Sl.No.12 of Magistrate. the General Pay Scales)
- (b) Sheristedar, Civil Judge (Sr. Div.) / - Rs.4300-9075 (Sl.No.15 of CJM the General Pay Scales)
- (c) **Sheristedar, Additional District Judge Court / Head Assistant, District Judge Court :**

Normally, Additional District Judge Court has no independent establishment. But in Assam, as per the information received, the position is different. The Sheristedar of Additional District Judge Court and the Head Assistant of the District Judge Court are in the same pay scale of Rs.3940-8425 and the total strength of both the cadres is 30. These posts are promotional posts to Sheristedar, Civil Judge (Sr.Div.), Sheristedar, Civil Judge (Jr.Div.) and Upper Division Assistants.

We have recommended higher pay scales to Sheristedar, Civil Judge (Jr. Div.) and Sheristedar, Civil Judge (Sr.Div.). (Sl.No.12 and 15 of the General Pay Scales).

For smooth working of the Court and to avoid friction among the officials, it is recommended that the post shall carry a pay scale higher than that of the Bench Clerk and Stenographer of the respective Court.

Since Sheristedar of the Additional District Judge Court / Head Assistant of the District Judge Court being promotional posts to Sheristedar of Civil Judge (Sr.Div.) Court and Sheristedar, Civil Judge (Jr.Div.) Court, they must necessarily get higher pay scale. In the normal course, the minimum higher pay scale above the recommended pay scale of Sheristedar, Civil Judge (Sr.Div.) Court is Rs.5375-10700 (Sl.No.19 of the General Pay Scales). This pay scale cannot be assigned to the Sheristedar of Additional District Judge Court, for the reason that the recommended pay scale of the Stenographer of the Additional District Judge Court is Rs.5725-11825. We have made a convention that Sheristedar being the Chief Ministerial Officer of the Court, must carry higher pay scale than that of the other staff.

Bearing in mind this principle, we recommend the pay scale of Rs.6600-12625(Sl.No.23 of the General Pay Scales) to the Sheristedar of Additional District Judge Court and the Head Assistants working in District Judge Court.

The existing supervisory arrangements in Courts having centralised administration may, however, continue with such modification as the High Court in the respective State / UT may consider necessary.

VI. CHIEF ADMINISTRATIVE OFFICER/SENIOR ADMINISTRATIVE OFFICER / SHERISTEDAR / SUPERINTENDENT / REGISTRAR / CLERK OF THE COURT / SENIOR MUNSARIM ETC.,¹²

A. EXISTING SET-UP :

- (a) Category of post : Sheristedar, District Court in the pay scale of Rs. 4300-9075.
- (b) Mode of Recruitment : By promotion from Sheristedar of Additional District Court and Head Assistant of District Court.

B. VIEWS OF HIGH COURT, STATE GOVERNMENT AND STAFF ASSOCIATION :

The High Court has not furnished its views in respect of this post.

The State Government has stated that the Sheristedars of the District Courts have already been conferred gazetted status.

The All Assam Judicial Employees' Association and the All Assam Stenographers' Association have requested to include this post in Group-A.

¹² See, Chapter - XII.

In this Chapter, "Chief Administrative Officer" means and includes Sheristedar, Senior Administrative Officer, Registrar, Superintendent, Section Officer, Clerk of the Court, Senior Munsarim etc. It is appropriate that this post be designated as Chief Administrative Officer.

The Chief Administrative Officer assists the District Judge in all administrative matters. He also exercises general supervision over the staff of the District Court and other Courts in the District. There is no further promotion to this incumbent. It is a responsible post, which is required to be manned by an able person with considerable experience, proven efficiency and merit. Due to the lower pay scale, the senior and experienced persons decline to accept the post, as they have to go out of their native district on promotion. The post of Chief Administrative Officer be included in Group-A/Class-I and assigned the lowest pay scale admissible to that Group/Class.

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C. **OUR RECOMMENDATIONS :**

For reasons stated in **Chapter-XII**, the lowest pay scale in Group-A / Class-I is recommended.

Recommended pay scale : Rs.8100-325-10700-EB-325-11025-400-13025, (Sl.No.24 of the General Pay Scales), which is the next pay scale admissible to Sheristedar, Addl. Dist. Judge Court/ Head Asst., Dist. Judge Court.

It is, however, made clear that the pay scale of Chief Administrative Officer should be higher than the pay scale of any other staff working in the District Administration.

Even the Indian Institute of Technology, Delhi, (Consultant of the Commission) has favoured giving higher pay scale having regard to the innumerable duties and responsibilities of the post.

VII. COMMON CATEGORY POSTS :¹³

A. EXISTING POSITION :

The Common Category posts in the Subordinate Judiciary carry the pay scale of their counterparts in other departments of the State Government.

B. VIEWS OF HIGH COURT, STATE GOVERNMENT AND STAFF ASSOCIATION :

The High Court has stated that the Court staff have to perform duties even after Court hours and during holidays and vacations. In most of the cases, prompt action is necessary. This is not so in other Departments. Therefore, higher pay scales for common cadre posts in the District Judiciary is justified.

The State Government has stated that the holders of common cadre posts in Departments / Offices of the State Government are required to work after normal office hours and during holidays. To espouse higher scale for this reason is neither justified nor warranted in this country where a regular job is itself a luxury permitted to only a privileged percentage of population.

The All Assam Judicial Employees' Association has stated that the duties and responsibilities attached to the posts are vast, different and heavy, besides time-bound. Hence, higher pay scales are justified.

¹³ See, **Chapter-VII.**

The duties and responsibilities of the common category posts in the Subordinate Courts are not comparable with those of their counterparts in the Government. The judicial employees have enormous and quite different nature of work. They are compelled to work beyond the working hours to complete the day's work. There is no question of postponement to next day. They hardly get sufficient break during lunchtime. Their work is specialized and time bound. They are required to familiarise themselves with all the Acts, Rules and Regulations of the Central and State Governments. They have backbreaking workload in view of the ever-increasing pendency in Courts. They have a higher responsibility to implement faithfully the judicial orders of Courts. They have to keep the Courts functioning on time bound basis for which they are often forced to work beyond office hours and sometimes even on holidays.

Almost all High Courts are in favour of providing adequate compensation for the arduous work done by the Court Staff. Even certain State Governments and Union Territories have come to the rescue of the Court Staff by suggesting higher pay scales to the common category posts.

C. OUR RECOMMENDATIONS :

Having regard to the above views and for reasons stated in **Chapter-VII**, we recommend the following:

(i) Holders of the following common category posts in the Ministerial cadres, other than to whom we have recommended higher pay scales in other Chapters, be given **one increment** at the initial rate of the pay scale admissible to them :

1. Stenographer Gr-I	[14]	-	Rs.5725-11825
2. Supervisory Assistant	[5+8]	}	Rs.3850-7350
3. Upper Division Assistant	[132+97]		
4. Judicial Peshkar	[14]		
5. Record Keeper	[1]		
6. Nazir	[1]		
7. Stenographer Gr-III	[11]		
8. Lower Division Assistant	[286+213]		
9. Civil Copyist / Typist Copyist	[65]	}	Rs.2890-5725
10. Crl. Copyist / Police Diary Copyist / Folio Copyist.	[149]		
11. Record Arranger	[10]		Rs.2650-5200

[NOTE: The aforesaid posts are indicative and not exhaustive. If there are any other common category posts in the Ministerial Cadres, the incumbents thereof are also entitled to the benefit of our recommendation.]

Almost all District Judges of States / Union Territories agree that the Court Staff, even of common category, deserve higher emoluments. In fact, the District Judges are the best eye-witness to certify the work-load of their staff, since the staff work under their watchful eyes. It is also their version that the staff shoulder higher responsibility and work beyond office hours almost every day with an added duty to maintain Muddemal properties and original documents.

(ii) This benefit of **one increment** at the initial rate may also be provided to:

(a) New entrants to the service

And

(b) Employees who have reached stagnation.

(iii) **Special Allowance to Drivers :**

It is recommended that Drivers working in the Subordinate Courts shall be granted a Special Allowance of not less than Rs. 150/- p.m.

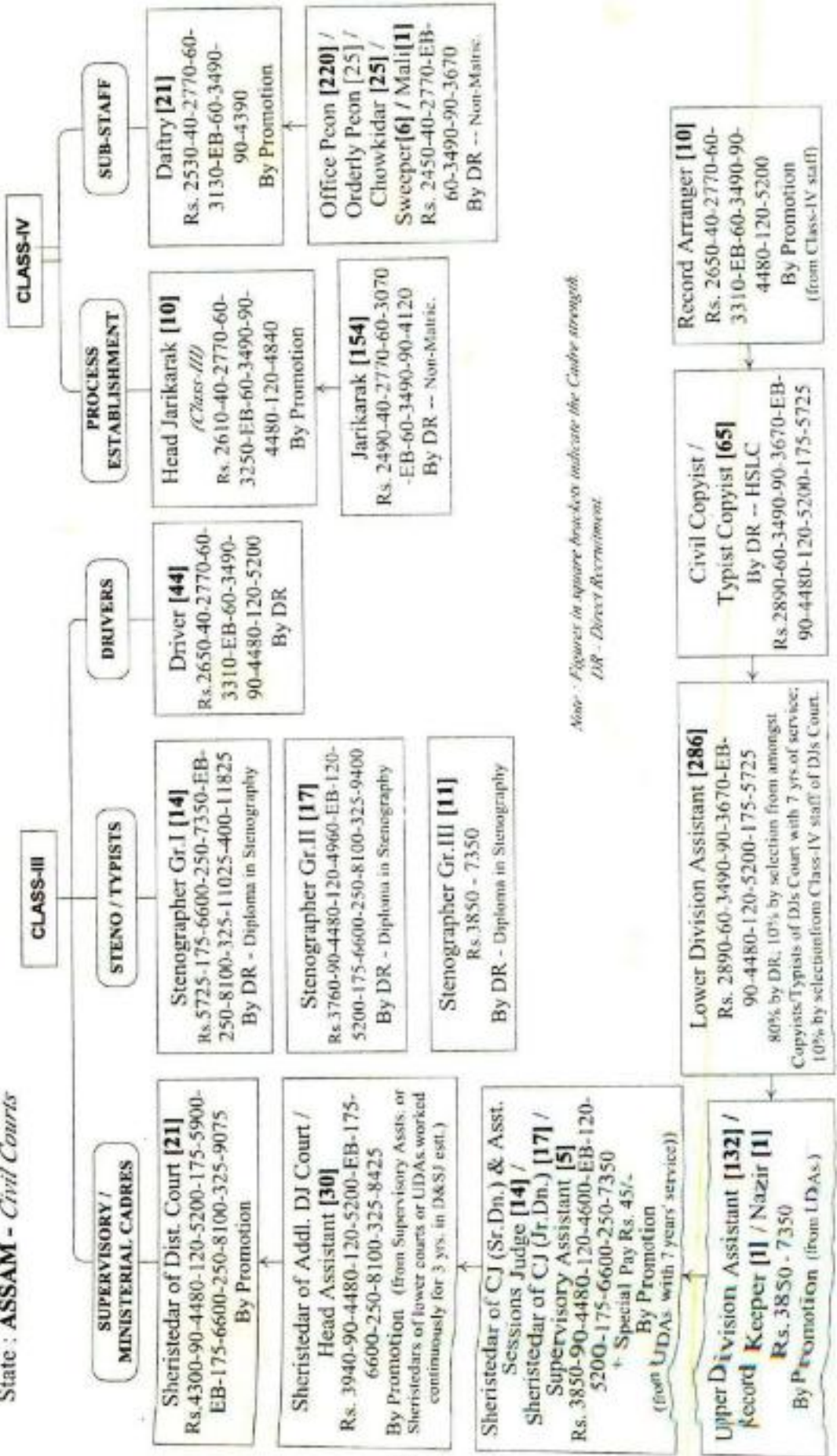
The Indian Institute of Technology (Consultant of the Commission) has also supported *grant of higher pay to Court staff*, since they form an integral part of judicial system. They help to perform the judicial process efficiently and effectively. Court's activity being absolutely labour intensive and service oriented, the Court staff forms a critical and important mass of the judicial system.

The specialisation, which the judicial employees inherit, is not properly appreciated and they are compared with staff of other Government departments. Considering the expertise they gain, the stress they undergo, the hick-ups they suffer, all require to be aptly recognised and compensated for.

* * * * *

SUBORDINATE COURT STAFF

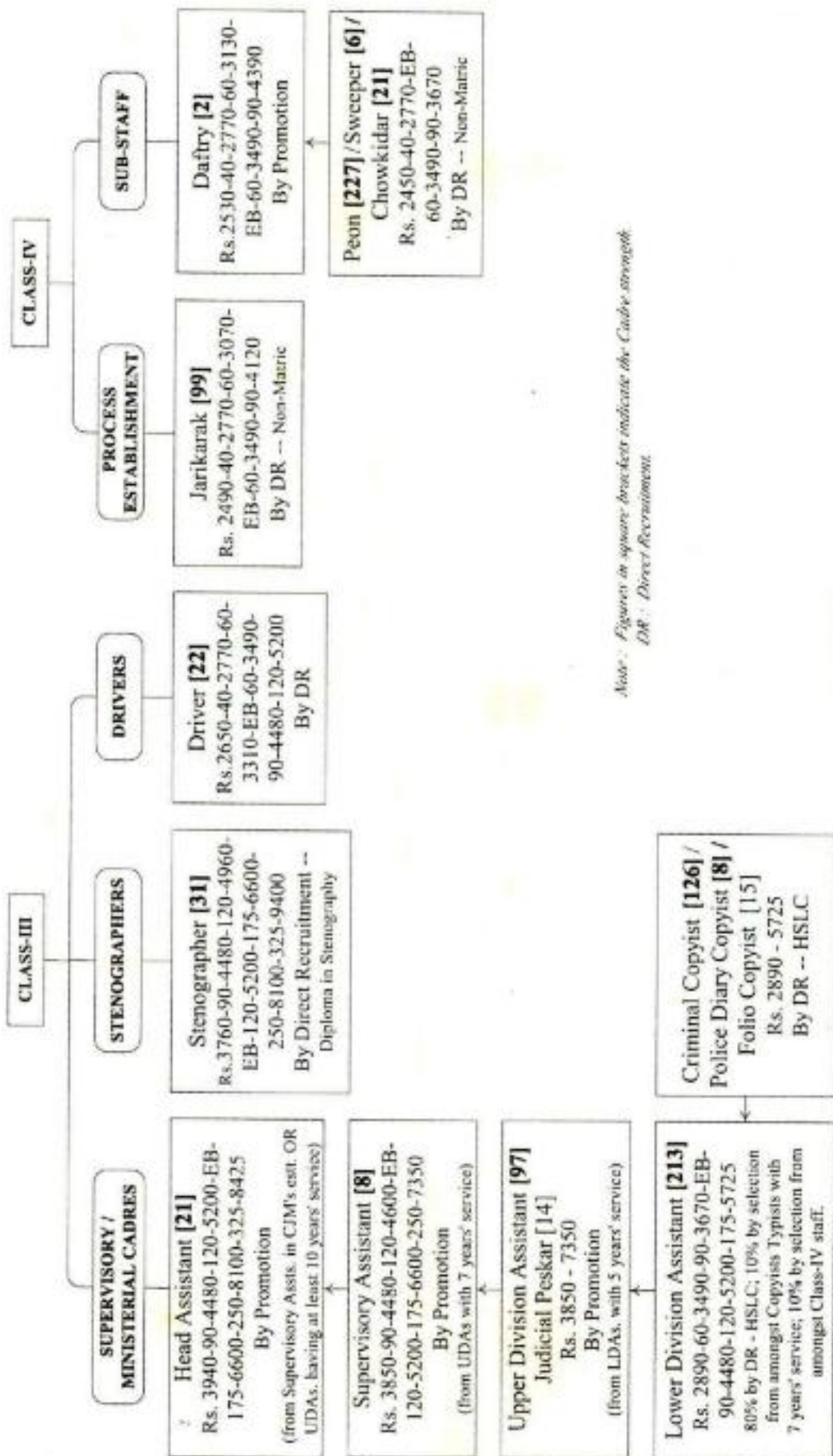
State : ASSAM - Civil Courts



Note: Figures in square brackets indicate the Cadre strength.
DR - Direct Recruitment.

SUBORDINATE COURT STAFF

State : ASSAM - Criminal Courts



Note: Figures in square brackets indicate the Cadre strength.
DR: Direct Recruitment.

Statement showing different cadres in the Subordinate Courts along with their pay scales as on 1-1-2000, mode of recruitment, etc., as furnished by the High Court vide Lt. No.HC-VII-75/96(P)/3738/A, dt.27-11-2000

State : ASSAM – Civil Courts [As per Assam District & Sessions Judges' Establishment (Ministerial) Service Rules, 1987]

Sl. No.	Cadre	Classification	Sanctioned Strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
Supervisory and Ministerial Cadres							
Gazetted post as per the information received from the Government of Assam							
1.	Sheristedar, Dist. Court	Class - III	21	4300-90-4480-120-5200-175-5900-EB-175-6600-250-8100-325-9075	Dist. & Sessions Judge	By Promotion by selection from Sheristedar of No Addl. District Court and Head Assistants of DJ specified Court with 5 years service, <i>vide Rule 6(1)</i> .	span for promotion
2.	Sheristedar, Addl. DJ Court / Head Assistant	Class-III	30	3940-90-4480-120-5200-EB-175-6600-250-8100-325-8425	- do -	By Promotion on the basis of seniority-cum-merit by selection from amongst the persons who post to must have served as Supervisory Assistant or another Sheristedar of CJ (Sr. Div.) and Dist. & Sessions Judge or Sheristedar or UDA worked continuously for 3 years in Dist. & Sessions Judges' establishment, <i>vide Rule 6(2)</i> .	from one post to another.
3.	Sheristedar of CJ (Sr. Div.) and Asst. Sessions Judge [14] / Sheristedar of CJ (Jr. Div.) [17] / Supervisory Asst. [5]	Class - III	36	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350 + Special Pay Rs.45/-	- do -	By Promotion by selection from amongst UDAs on the basis of seniority - cum - merit, who have rendered not less than 7 years of total service, out of which 3 years should be in the cadre of UDA, <i>vide Rule 6(2)</i> .	
4.	Upper Division Assistant	Class-III	132	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	- do -	By Promotion by selection on the basis of seniority - cum - merit from amongst the LDAs of the Dist. & Sessions Judges' establishment who have rendered not less than 5 years of service on the first day of the year in which the promotion is made, <i>vide Rule 6(4)</i> .	
5.	Record Keeper (only at Cachar, Silchar)	Class-III	1	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	- do -	UDA Status *	

Sl. No.	Cadre	Classification	Sanctioned strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
6.	Nazir (only at Cachar, Silchar)	Class-III	1	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350 + Special Pay Rs. 75/-	District & Sessions Judge	Recruited from amongst the LDAs. *	
7.	Lower Division Assistant	Class-III	286	2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725	- do -	<p>a) 80% by Dr. from amongst the candidates having HSLC qualification on the basis of competitive examination to be conducted by the Dist. & Sessions Judge,</p> <p>b) 10% by Selection strictly on the basis of merit from amongst the Copyist Typists of the Dist. & Sessions Judges' establishment with the same educational qualification having rendered not less than 7 years of service,</p> <p>c) Remaining 10% by selection on the basis of seniority -cum-merit from amongst Class-IV staff of the Dist. & Sessions Judges' establishment with the same educational qualification having rendered not less than 7 years of continuous service; <i>vide Rule 6(S).</i></p>	
8.	Civil Copyist / Typist Copyist	Class - III	65	2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725	- do -	By DR from amongst the candidates having HSLC qualification, through Employment Exchange.	
9.	Record Arranger	Class-III	10	2650-40-2770-60-3310-EB-60-3490-90-4480-120-5200	- do -	By promotion from Class-IV staff on seniority basis. *	
Stenographers:							
10.	Stenographer Grade-I	Class-III	14	5725-175-6600-250-7350-EB-250-8100-325-11025-400-11825	- do -	By Selection from amongst persons holding Diploma in Stenography. *	

Sl. No.	Cadre	Classification	Sanctioned strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
11.	Stenographer Grade-II	Class-III	17	3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-325-9400 [For DR minimum start will be Rs.3940 as per the Assam Services (Revision of Pay) Rules, 1998-p.1344.]	Dist. & Sessions Judge	By Selection from amongst persons holding Diploma in Stenography.*	
12.	Stenographer Grade-III	Class-III	11	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	- do -	By Selection from amongst persons holding Diploma in Stenography.*	
Drivers							
13.	Driver	Class-III	44	2650-40-2770-60-3310-EB-60-3490-90-4480-120-5200	- do -	By DR by holding a test, from amongst the Driving License holders.*	
Process Establishment							
14.	Head Jarikarak	- do -	10	2610-40-2770-60-3250-EB-60-3490-90-4480-120-4840	- do -	By Promotion from Jarikara.*	
15.	Jarikarak	Class-IV	154	2490-40-2770-60-3070-EB-60-3490-90-4120	- do -	By Direct Recruitment by holding test. Qualification: Non-Matric.*	
Sub-staff							
16.	Daftry	Class-IV	21	2530-40-2770-60-3130-EB-60-3490-90-4390	- do -	By Promotion from Class-IV staff on seniority basis.*	
17.	Office Peon [220] / Chowkidar [25] / Sweeper [6] / Orderly Peon [25] / Mali [1]	- do -	277	2450-40-2770-EB-60-3490-90-3670	- do -	By Direct Recruitment. Qualification: Non-Matric.*	

ASSAM : Criminal Courts [As per the Assam CJM's Establishment (Ministerial) Service Rules, 1987]

Sl. No.	Cadre	Classification	Sanctioned Strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
Supervisory and Ministerial Cadres							
1.	Head Assistant, Criminal Court	Class-III	21	3940-90-4480-120-5200-EB-175-6600-250-8100-325-8425	Dist & Sessions Judge on the recommendation by the Selection Board consisting of CJM and SDJM.	By Promotion by selection from UDAs having at least 10 years of service as such to their credit specified including Supervisory Assistants, in the Chief span for the Judicial Magistrate's establishment - vide <i>Rule 6(1)</i> .	No promotion from one post to another
2.	Supervisory Assistant	- do -	8	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	Chief Judicial Magistrate	By Promotion from amongst UDAs who have rendered not less than 7 years of service in the CJM's establishment (Ministerial) concerned, on the basis of seniority-cum-merit, out of which at least 3 years shall be of continuous service as UDA - vide <i>Rule 6(2)</i> .	
3.	Upper Division Asst.	-do-	97	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	-do-	By Promotion on the basis of seniority-cum-merit from amongst LDAs who have rendered not less than 5 years of service in the CJM's establishment - vide <i>Rule 6(3)</i> .	
4.	Judicial Peshkar	-do-	14	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	-do-	By Promotion from amongst LDAs who have rendered not less than 5 years of service in the CJM's establishment.*	

Sl. No.	Cadre	Classification	Sanctioned strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
5.	Lower Division Asst.	Class-III	213	2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725	Chief Judicial Magistrate	(a) 80% by DR, from amongst the candidates with HSLC or equivalent qualification on the basis of competitive examination, (b) 10% by Selection on the basis of merit from amongst the Copyist-Typists having requisite qualification with not less than 7 years of service in the CJM's establishment, (c) Remaining 10% by selection on the basis of seniority-cum-merit from amongst Class-IV staff having requisite qualification with not less than 7 years of continuous service in the CJM's establishment; <i>vide Rule 6(A).</i>	
6.	Criminal Copyist [126] Police diary Copyist [8] Folio Copyist [15]	-do-	149	2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725	-do-	By Direct Recruitment from the candidates having HSLC qualification, through Employment Exchange.	
Stenographers:							
7.	Stenographer	-do-	31	3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-325-9400	-do-	By Selection from persons holding Diploma in Stenography.*	
Drivers:							
8.	Driver	-do-	22	2650-40-2770-60-3310-EB-60-3490-90-4480-120-5200	-do-	By Direct Recruitment by holding test among the candidates who possess the driving license.*	

Sl. No.	Cadre	Classification	Sanctioned strength	Pay scale	Appointing Authority	Mode of recruitment & Qualification	Time taken for each promotion
Process Establishment:							
9.	Jarikarak	Class-IV	99	2490-40-2770-60-3070-EB-60-3490-90-4120	Chief Judicial Magistrate	By Direct Recruitment by holding test. Qualification: Non-Matric.*	
Sub-staff:							
10.	Daftary	-do-	2	2530-40-2770-60-3130-EB-60-3490-90-4390	-do-	By Promotion from Class-IV staff on seniority basis.*	
11.	Peon [227] / Chowkidar [21] / Sweeper [6]	-do-	254	2450-40-2770-EB-60-3490-90-3670	-do-	By Direct Recruitment. Qualification: Non-Matric.*	

Note: The classification and Special pay admissible are also verified with the Assam Services (Revision of Pay) Rules, 1998 and necessary corrections are effected.

*As per the information furnished by the High Court in their letter dated 12-5-1999.

ASSAM
GENERAL PAY SCALES

Sl.No.	Existing scale of pay	Span	Sl.No.	Revised Scale of pay	Span
1	2	3	4	5	6
1.	900-15-1005-20-1105-EB-20-1225-30-1435	25	1.	2450-40-2770-EB-60-3490-90-3670	22
2.	915-15-1005-20-1125-EB-20-1225-30-1435-40-1595	28	2.	2490-40-2770-60-3070-EB-60-3490-90-4120	26
3.	930-15-1005-20-1145-EB-20-1225-30-1435-40-1635-50-1735	30	3.	2530-40-2770-60-3130-EB-60-3490-90-4390	28
4.	960-15-1005-20-1185-EB-20-1225-30-1435-40-1635-50-1835	30	4.	2610-40-2770-60-3250-EB-60-3490-90-4480-120-4840	30
5.	975-15-1005-20-1205-EB-20-1225-30-1435-40-1635-50-1935	31	5.	2650-40-2770-60-3310-EB-60-3490-90-4480-120-5200	32
6.	1065-20-1225-30-1345-EB-30-1435-40-1635-50-2035-60-2095	29	6.	2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725	30
7.	1125-20-1225-30-1435-EB-40-1635-50-2035-60-2215	28	7.	3010-60-3490-90-3850-EB-90-4480-120-5200-175-6075	30
8.	1185-20-1225-30-1435-40-1555-EB-40-1635-50-2035-60-2395	28	8.	3130-60-3490-90-4030-EB-90-4480-120-5200-175-6600	31
9.	1255-30-1435-40-1635-50-1685-EB-50-2035-60-2395-80-2635	28	9.	3370-60-3490-90-4390-EB-90-4480-120-5200-175-6600-250-7100	29
10.	1515-40-1635-50-1885-EB-50-2035-60-2395-80-2715	21	10.	3850-90-4480-120-4600-EB-120-5200-175-6600-250-7350	24

Sl.No.	Existing scale of pay	Span	Sl.No.	Revised Scale of pay	Span
1	2	3	4	5	6
11.	1285-30-1435-40-1635-50-1735-EB-50-2035-60-2395-80-2875-100-3075	32	11.	3490-90-4480-120-4600-EB-120-5200-175-6600-250-8100	31
12.	1595-40-1635-50-1985-EB-50-2035-60-2395-80-2875-100-3175	24	12.	3940-90-4480-120-5200-EB-175-6600-250-8100-325-8425	27
13.	1375-30-1435-40-1635-50-1885-EB-50-2035-60-2395-80-2875-100-3375	32	13.	3580-90-4480-120-4720-EB-120-5200-175-6600-250-8100-325-8750	32
14.	1475-40-1635-50-2035-EB-60-2395-80-2875-100-3575-125-3825	33	14.	3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-325-9400	32
15.	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-3700	25	15.	4300-90-4480-120-5200-175-5900-EB-175-6600-250-8100-325-9075	25
16.	1635-50-2035-60-2275-EB-60-2395-80-2875-100-3575-125-3950	30	16.	4120-90-4480-120-5200-175-5550-EB-175-6600-250-8100-325-9725	29
17.	2095-60-2395-80-2635-EB-80-2875-100-3575-125-3950	21	17	4960-120-5200-175-6250-EB-175-6600-250-8100-325-10050	22
18.	1735-50-2035-60-2395-EB-80-2875-100-3575-125-4075	29	18	4210-90-4480-120-5200-175-5725-EB-175-6600-250-8100-325-10375	30
19.	2215-60-2395-80-2795-EB-80-2875-100-3575-125-4075	20	19.	5375-175-6600-250-6850-EB-250-8100-325-10700	21
20.	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-4200	29	20.	4300-90-4480-120-5200-175-5900-EB-175-6600-250-8100-325-11025	31

Sl.No.	Existing scale of pay	Span	Sl.No.	Revised Scale of pay	Span
1	2	3	4	5	6
21.	1835-50-2035-60-2395-80-2555-EB-80-2875-100-3575-125-4325	29	21.	4390-90-4480-120-5200-175-6075-EB-175-6600-250-8100-325-11025-400-11425	31
22.	2275-60-2395-80-2875-EB-100-3575-125-4450	22	22.	5725-175-6600-250-7350-EB-250-8100-325-11025-400-11825	22
23.	2555-80-2875-100-3275-EB-100-3575-125-4450-150-4600	19	23.	6600-250-8100-325-8750-EB-325-11025-400-12625	19
24.	2975-100-3575-125-3825-EB-125-4450-150-4750	15	24.	8100-325-10700-EB-325-11025-400-13025	14
25.	3275-100-3575-125-4200-EB-125-4450-150-5050	14	25.	8750-325-11025-400-11425-EB-400-13825	14
26.	3375-100-3575-125-4325-EB-125-4450-150-5200	14	26.	9075-325-11025-400-11825-EB-400-14225	14
27.	3575-125-4450-150-4600-EB-150-5200-175-5550	14	27.	9725-325-11025-400-12625-EB-400-14625-475-15100	14
28.	3825-125-4450-150-5200-175-5900	14	28.	10050-325-11025-400-14625-475-15575	14
29.	3950-125-4450-150-5200-175-5900-200-6100	14	29.	10375-325-11025-400-14625-475-16050	14
30.	4200-125-4450-150-5200-175-5900-200-6300	13	30.	11025-400-14625-475-17000	14

Financial Estimate on the Recommendations

State: ASSAM
(Decentralised System)

Category	Existing	Recommended	Additional burden estimated per year as per existing cadre strength (Rs. In lakhs)
1	2	3	4
Class-IV :			
i) Promotional opportunity to Peons etc.,	Only one promotional pay scale of Rs.2530-4390 which is inadequate (Daftri)	Enhancing promotional chances to eligible persons to get present pay scale of Daftries Rs.2530-4390	Estimate cannot be made for want of the no. of such eligible persons
ii) Up-grading the pay scale of Daftries	Rs.2530-4390	Rs.2610-4840	0.22
Drivers :			
	Spl.All. - Nil -	Spl. All. of Rs.150/-pm	0.79
Process Est.			
a) Jarikarak	Rs.2490-4120	Rs.2650-5200	1.48
b) Head Jarikarak	Rs.2610-4840	Rs.2890-5725	0.07
c) TA to Jarikarak & Head Jarikarak	Not being paid	Rs.200/-pm	3.94
Bench Clerks			
	LDC or UDC in all levels of courts;	Three grades for three levels of Courts;	Estimate cannot be made since these appointments are by transfer of officials in the respective pay scales & by creation of additional posts.
i) LDC - Rs.2890-5725		i) Gr.III-Rs.3850-7350	
ii) UDC - Rs.3850-7350		ii) Gr.II -Rs.3940-8425	
		iii) Gr.I -Rs.4300-9075	
i) Court of CJ (Jr.Dn.) / MC			
ii) Court of CJ (Jr.Dn.) / CJM			
iii) Court of DSJ / ADSJ / CMM			
Stenographer			
	Pay scales;		
i) Grade-III	Rs.3850-7350	i) Gr-III - Rs.3850-7350	Existing total strength of all grades is 73. Short fall of 148 posts are to be created. So, cannot be estimated right now.
ii) Grade-II	Rs.3760-9400 (with minimum start of Rs.3940/-)	ii) Gr-II - Rs.4120-9725	
iii) Grade-I	Rs.5725-11825	iii) Gr-I - Rs.5725-11825 (one additional Steno Gr.I as EA, to PDSJ/PCCC)	
b) TA/SA to Stenos / EAs	Not being given	i) For those Working in Tq/Dist. HQs Rs.100/-pm. ii) Working in cities Rs.150/-pm. iii) Spl.All.to EA-Rs.200/-pm.	Cannot be estimated for want of categorywise strength
Head Ministerial Officer:			
i) Sheristadars of CJ (Jr.Dn.) & CJ (Sr.Dn.) courts.	Rs.3850-7350 +Spl.pay Rs.45/-pm	i) C.J.(Jr.Dn.) / MC - Rs.3940-8425	0.51
ii) Head Asst.of Criminal Courts	Rs.3940-8425	ii) C.J.(Sr.Dn.)/CJM-Rs.4300-9075	1.05
iii) Sheristadars of ADSJ Courts	Rs.3940-8425	iii) ADSJ/DSJ-Rs.6600-12625	1.17
CAO:			
Sheristadar of Dist.Court	Pay scale; Rs.4300-9075	Lowest pay scale in Group-'A' Rs.8100-13025	1.07
Common Category posts:			
	In the pay scale of;	One increment at the initial rate of the pay scale;	
i) Supervisory Asst. / R.K. etc	Rs.3850-7350	Rs.90/-	2.79
ii) LDA/Copyist/PDC etc.,	Rs.2890-5725	Rs.60/-	5.13
iii) Record Arranger (C.Court)	Rs.2650-5200	Rs.40/-	0.05
iv) Steno Gr.III	Rs.3850-7350	Rs.90/-	0.12
v) Steno Gr-I	Rs.5725-11825	Rs.175/-	0.30

Total (Rs. in Lakhs) :

18.69

Note: Additional budget required may be about Rs.18.69 lakhs which is exclusive of DA, HRA, CCA and other allowances if any.

APPENDICES

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**SUMMARY OF
GENERAL
RECOMMENDATIONS**

SUMMARY OF GENERAL RECOMMENDATIONS

PREFACE

- Administration of Justice includes staff of the Court : The working of the Court does not depend only on the work of Judicial Officers in taking evidence, hearing arguments and rendering judgments. These functions are to be supplemented by staff of the Court.
- Control of the Court Staff : The Court staff are under the direct control of District Judge subject to over-all control of the High Court under article 235 of the Constitution. Their service conditions are regulated by rules framed by the Government under proviso to article 309 of the Constitution in consultation with the High Court.
- Pendency of cases and staff strength : Over the last several years, pendency of cases in all Courts is on the rise. But the staff strength in every Court is generally static.
- Direction of the Supreme Court to FNJPC. Discontent among Court staff : The Supreme Court by Order dated 7.1.1998 directed the Commission to examine and report about the steps, if any, to be taken for improvement of service conditions of the Court Staff.
- Appointment of Consultant : Since there has been no constructive study of the Court Management, the Commission engaged the services of IIT, Delhi as Consultant. They have made a study of working conditions of the Court staff using a questionnaire based survey.
- Causes of dissatisfaction among the Court staff : The major causes are (i) too much work-load, (ii) over-time work with inadequate compensation, (iii) disparity and inequality in terms of inter-alia job content, (iv) need to improve service conditions and proper

division in administration and (v) little promotional opportunity or want of adequate benefits.

The administration of justice : No Government is willing to allocate funds to establish not in the priority list of any Government : more Courts and create infrastructure. The budget allocation to the judiciary is less than 1% in all States / UTs, except NCT of Delhi. The allocation of Budget must be commensurate with the need and requirements of the Subordinate Judiciary.

INTRODUCTION

Memorandum of All India : When the Supreme Court was monitoring the steps Judicial Employees' taken by the States/Union Territories for implementing Confederation to the Chief the judgment in All India Judges' Association case, the Justice of India : the confederation submitted a Memorandum of demands dated 14.12.1996 to the Hon'ble Chief Justice of India with a request to refer those demands to the FNJPC.

Responses of Central Govt./ : Though the Supreme Court was of the view that it would State Govt./Union Territories be better to enlarge the terms of the Commission for enlargement of the terms covering also the service conditions of the staff of reference of the attached to Courts, the response of almost all the States Commission to include was not favourable to this suggestion. Subordinate Court staff

Intervening application of : The Supreme Court permitted the intervening of the All India Judicial Employees' Confederation and directed that the Intervening Confederation on 17.12.1997 application should be taken on record as a substantive application.

Order of the Supreme Court : In order to avoid escalation of the existing discontent- dated 7.1.1998 : ment among the staff of the Subordinate Courts, Supreme Court has requested FNJPC to examine the matter and make a report about the steps, if any,

required to be taken in each State, Union Territory for improvement of service conditions of the supporting staff attached to the Courts after taking into account the facts and circumstances peculiar to any State / Union Territory and the points of distinction, if any, between the States / UTs, which may be relevant for the report.

The task of the Commission : The task of the Commission is indeed difficult and complex, as for the first time such a study is undertaken without any background material. There is no uniformity in the Court administration across the Country.

Collection of material : The Commission issued Circular dated 11.3.1998 to High Courts, State Governments and Union Territory Administrations and also Staff Associations to furnish certain information regarding service conditions of the Court Staff.

Taking note of various and varied grievances of the Staff, the Commission prepared a comprehensive questionnaire and in the month of March 2000, copies of questionnaire were sent to High Courts / State Governments / Union Territory Administrations and also to Staff Associations to elicit views and comments.

Separate questionnaire by Consultant : The Consultant, Indian Institute of Technology, Delhi, prepared a set of questionnaire for each stake holder concerned with the staff of the Courts. The Commission sent those questionnaires to the cross section of stake holders viz., Staff, District Judges, Lawyers and Litigants in every State / UT. Replies received to the questionnaires were forwarded to the Consultant.

- Interim workshop : On 17.9.2000, the Consultant organized an Interim Workshop at New Delhi. It was attended by some of the District Judges, Law Secretaries of different States / Union Territories, Registrars of the High Courts, representatives of Staff Associations and Members of the Commission. The discussion in the Workshop concentrated on the service conditions of the Court staff and the need to improve their working conditions.
- Submission of Report by IIT (Delhi) : The Consultant submitted its comprehensive report on 1.6.2001.
- Oral hearing : The Commission afforded an opportunity of being heard to the representatives of the Associations, High Courts and State Governments / U.T. Administrations. The hearing commenced on 18th June 2001 and concluded on 28th August 2001.

CHAPTER-II

ADMINISTRATION OF JUSTICE AND BUDGET GRANT TO SUBORDINATE JUDICIARY - A BIRD'S-EYE VIEW

- Insufficient Infrastructure in Courts : The condition of the Court Buildings in almost all the States is in bad shape with insufficient accommodation and poor maintenance. No satisfactory steps have been taken by the respective Governments to maintain Court building or to furnish them adequately. The Government is always reluctant to part with money for the maintenance of the Building, furniture, stationery etc. of the Courts.
- Budget allocation to the Subordinate Judiciary : The Commission has obtained the Budget allocation to the Subordinate Judiciary in comparison to the Budget allocations to other departments like Health,

Education and Social Welfare in each State / Union Territory. The Budget allocation to the Judiciary is practically negligible. In some of the States, the Budget allocation to the Subordinate Judiciary is less than 1% and in certain States, it is less than even half a percent.

CHAPTER-III

STRUCTURE OF COURT ADMINISTRATION

Two types of administration : The Centralised system of administration is existing in States / UTs like Bihar, Chhattisgarh, Haryana, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, Uttar Pradesh, Uttaranchal, Chandigarh and NCT of Delhi.

In States / UTs, viz., Andhra Pradesh, Goa, Gujarat, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Tamilnadu, Tripura, West Bengal, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Pondicherry, there is decentralized system of administration.

Centralised administration : In this type of administration, the Principal District Judge controls administration. Various branches like Administrative Branch, Accounts Branch, Copying Branch, Nazareth Branch etc., of all the Courts are located in the District Judges' Office. All administrative powers over the staff working in the District are vested with Principal District and Sessions Judge.

Decentralised Administration : In this type of administration, the Principal District & Sessions Judge is the Appointing and Disciplinary authority in respect of staff belonging to Group-C and

D categories. The Presiding Officer of each Court will be the administrative Head of the Court and administrative functions are vested with him. He is also the drawing and disbursing Officer. In each Court, there will be separate Accounts Branch, Copying Branch, Record Room etc.

Recommendation : We are not recommending uniformity in the administration of the Courts in all the States / UTs. We are only highlighting certain negative points in the centralized administration. It would be for each High Court to follow that type of administration which is considered to be convenient and efficient.

CHAPTER-IV

CLASSIFICATION OF THE SUPPORTING STAFF OF THE SUBORDINATE COURTS INTO GROUPS

The Central Government with a view to create a healthy psychological climate accepted the recommendations of the Third Central Pay Commission and classified the Civil Services into Groups 'A', 'B', 'C' and 'D' instead of Classes-I, II, III and IV with reference to different pay scales as follows :

Classification of Civil Services and posts under the Central Government : (i) A central civil post carrying a pay or scale of pay not less than Rs.13,500/- is GROUP 'A'.
(ii) A central civil post carrying a pay or scale of pay of Rs.9,000/- and above but less than Rs.13,500/- is GROUP 'B'.
(iii) A central civil post carrying a pay or scale of pay of Rs.4,000/- and but less than Rs.9,000/- is GROUP 'C'.
(iv) A central civil post carrying a pay or scale of pay of Rs.4,000/- or less in GROUP 'D'.

Classification of Court Staff : The States / UTs. viz., Goa, Karnataka, Kerala, Meghalaya, Mizoram, Sikkim, Tamilnadu, Tripura, Uttar Pradesh, Uttaranchal, West Bengal, Andaman and Nicobar Islands, Pondicherry, Lakshadweep, Daman & Diu and NCT of Delhi have classified their staff as Group 'A', 'B', 'C' and 'D'.

In States / UT, viz., Assam, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan and Chandigarh, the staff are classified into Classes I, II, III and IV.

The position of Court staff in Jammu and Kashmir is not clear.

Recommendation : In service, there should not be any class consciousness. They must form a homogenous unit in whatever cadre they serve.

The Commission, therefore, strongly recommend that the existing Classes I, II, III and IV or Grades be replaced by Groups 'A', 'B', 'C' and 'D', in conformity with the revised pay structure adopted by each State / U.T.

The classification of supporting staff in Courts into Groups should also be in conformity with the classification of Civil Services in the Central Government.

CHAPTER-V

CHANGE OF NOMENCLATURE OF THE SUPPORTING STAFF OF THE SUBORDINATE COURTS

Nomenclature of the supporting staff of the subordinate courts in various States / UTs : Nomenclature of the supporting staff in the Subordinate Courts varies from State to State and Union Territories.

Recommendation : Almost all the High Courts and most of the State Associations have favoured the nomenclature of "Court Service". But, some High Courts have suggested that "Court Service" may seem to include High Court service also and it may create confusion.

In order to distinguish the staff of the District Court from the staff of the High Court, we recommend that the Court staff of the Subordinate Courts may be termed as "District Court Service".

CHAPTER-VI

HUMAN RESOURCE MANAGEMENT

Human Resource Management concerns the management of persons in an organisation wherein people are considered as valued assets.

The recruitment and promotional opportunity to Groups 'D' and certain categories of Group 'C' employees are considered in this Chapter.

Selecting Authority : We are of the opinion that the powers of the Public Service Commission to recruit staff of the Subordinate Courts should be taken away and the District Recruitment Committee shall be empowered to make all such recruitments.

District Recruitment Committee : The District Recruitment Committee for the District Courts shall consist of

- (i) Principal District and Sessions Judge - Chairman
- (ii) Senior most Addl. Dist. & Sessions - Member Judge
- (iii) Civil Judge (Sr. Dn.) / CJM / CMM - Member

The Recruitment Committee for cities with City Civil Courts shall consist of

- (i) Principal City Civil & Sessions Judge - Chairman
- (ii) Sr. most Judge in the City Civil Court / - Member Metropolitan Sessions Court
- (iii) Chief Metropolitan Magistrate / Chief - Member Judge Court of Small Causes.

The Recruitment Committee shall make recruitment to all categories of posts excluding the posts for which High Court is the Appointing Authority.

Recruitment Cell

- : There shall be a Recruitment Cell established in each District Court or City Civil Court for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. This Cell shall assist the Recruitment Committee, including processing of applications received for the posts and short-list them as per the guidelines of the Recruitment Committee.

The Recruitment shall take place every year, well in advance before the vacancies arise.

Qualification for Group 'D' posts

- : The minimum qualification for recruitment to Group 'D' posts shall be 7th Std.

If any State / UT has already prescribed higher qualification, we recommend that such qualification may prevail.

Qualification for direct recruitment to Group-C Entry-level post

- : The minimum qualification for entry-level posts in Group 'C' should be SSLC / Matriculation. In addition to qualification, experience / knowledge in typing should be insisted upon as the Lower Division Clerk / Junior Asst. will also have to type, since the Courts are being computerized.

Promotion to Group-D /
Class-IV employees

: The Commission has made the following
recommendations :

- (1) (i) The States / UTs having only one scale of pay to Group-D / Class-IV employees or if promotional posts are inadequate, must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Std. and must have put in a minimum service of ten years.
- (ii) The States / UTs having two pay scales out of which one is promotional scale to Group-D / Class-IV employees and to whom there is no adequate further promotion must provide one more promotional scale to such of the persons who are not wholly connected with the manual work but carrying higher duties and responsibilities. For entitlement to this scale, one must have the minimum qualification of VII Std. and must have put in a minimum service of five years in the first promotional scale.
- (iii) The High Court may identify such Class-IV officials who may be given this promotional scale.
- (iv) The benefit of promotional scale may not be given in case any ACP Scale is available at or about that level of service.
- (2) So far as Process Servers are concerned, if they are in Group-D / Class-IV, they must be given the highest pay scale available for Group-D / Class-IV employees in the respective States / UTs.

- (3) There shall be reservation of 25% posts in entry-level Group 'C' cadres for promotion to Group 'D' employees.

CHAPTER-VII

COMMON CATEGORY / CADRE POSTS

Common Category posts in Group 'D' / Class-IV : The first type of Common Categories are found in Group 'D' / Class-IV, generally in the cadre of Peons / Orderly, Process Servers, Bailiffs etc.

We have already considered their service conditions and recommended certain relief in other Chapters.

Secondly, since the Common Categories in the ministerial cadres in Court service perform arduous work and take greater responsibility than their counterparts in the Government, we make the following recommendations:

- Recommendation : (a) All ministerial staff other than those to whom we have recommended higher pay scale, be granted one increment at the initial rate of the existing pay scale admissible to the respective posts and / or Time Bound Promotion pay scale, if any. This benefit is also available to Stenographers whose pay scale has not been revised.
- (b) The new entrants shall be started at one stage above the minimum of the pay scale admissible to the post.
- (c) Those employees who have reached stagnation shall be granted similar benefit i.e., one increment at the initial rate of the pay scale

admissible to the post, he / she is holding even though it is outside the upper limit of the pay scale.

- (d) The Driver working in the Subordinate Courts, shall be granted a Special Allowance of not less than Rs.150/- p.m.

CHAPTER-VIII

PROCESS ESTABLISHMENT

In some States, there is only one cadre in the Process Establishment. The incumbent in such cadre performs the duties of both Process Server and Bailiff. They are either called Process Servers or Bailiffs.

There are States having two cadres in the Process Establishment (1) Process Servers and (2) Bailiffs.

There are three States viz., Rajasthan, Uttar Pradesh and Uttaranchal having three cadres in the Process Establishment.

Recommendation in respect of Process Servers where there are two cadres in Process Establishment

- Qualification : We recommend that the minimum qualification to Process Servers who are required to serve only Court notices and summons should be 8th Std. or equivalent examination.
- Pay Scale : The Pay scale in such States, where there is a separate cadre of Bailiff, should be the highest pay scale applicable for Group 'D' / Class-IV employees in the respective State or the scale which is immediately below the pay scale of LDC / LDA.
- Method of Recruitment : We recommend that appointment to 50% of the posts of Process Servers be made by direct recruitment and

50% by promotion from Peons / Orderly etc. having minimum qualification of 8th Std.

Promotional benefits : Process Servers who fall under Group 'D' / Class-IV be considered for promotion along with other categories of posts in Group-D / Class-IV, to the extent of 25% posts in the entry-level Clerical cadre in the ratio of 1:2. It is left to each State / UT to prescribe minimum service in Group 'D' for eligibility to be considered for such promotion.

In Karnataka, Tamilnadu and Punjab, where Process Servers are in Group 'C', we recommend that the Process Servers be considered for promotion to the extent of 25% in the entry-level Clerical cadre posts along with other Group 'D' / Class-IV employees in the ratio 1:2.

We further recommend that in each State / UT, there should be at least two cadres in the Process Establishment (i) cadre of Process Servers and (ii) cadre of Bailiffs. Thus, Process Servers be provided with two promotional avenues: (i) to the Clerical cadre of Group 'C' / Class-III and (ii) to the cadre of Bailiffs.

Recruitment of Bailiffs : It seems to us that it is proper that the cadre of Bailiffs instead of purely a promotional cadre or by direct recruitment or by transfer (as found in West Bengal), be made a mixed cadre.

Percentage for direct recruitment and promotion to the post of Bailiff is left to the discretion of the respective High Courts / States / UTs.

Qualification : We recommend that the minimum qualification should not be less than Matriculation for direct recruitment. Even for promotion to this cadre from lower cadre, persons having matriculation qualification alone should be considered.

Pay scale : We recommend that the pay scale which is admissible to Junior Assistant / LDC in the respective State / UT be given to the cadre of Bailiffs / Amins / Head Bailiffs / Sale Amins.

RECOMMENDATION FOR THE PROCESS ESTABLISHMENT CONSISTING OF ONLY ONE CADRE

Recommendation : We recommend that the existing cadre in the Process Establishment, where there is only one cadre should be suitably restructured into two cadres, having regard to the needs and requirements of each Court. The two cadres are (i) Process Servers of a lower cadre who are required to do generally serving processes and summons etc. and (ii) Bailiffs / Amins or whatever nomenclature they are having in their respective States, who are required generally to execute the warrants, execution of decrees and orders.

The pay scale and method of recruitment for Process Servers and Bailiffs would be as above mentioned.

RECOMMENDATION FOR THE PROCESS ESTABLISHMENT CONSISTING OF THREE CADRES

Recommendation : We recommend that the Process Servers in Rajasthan be made eligible to the post of Assistant Nazir to the extent of 50% and the remaining 50% may be by direct recruitment. Likewise, in Uttar Pradesh, the Process Servers should be made eligible for promotion to the cadre of Amins to the extent of 50%.

The above recommendation in respect of Uttar Pradesh will also apply to Uttaranchal.

Travelling Allowance :

The nature of duties of Process Servers and Bailiffs involve extensive travelling. There is escalation in the cost of transportation.

We recommend for grant of fixed Travelling Allowance of not less than Rs.200/- p.m.

CHAPTER-IX

BENCH CLERK / READER / BENCH ASSISTANT / PESHKAR

Number of Grades of Bench Clerks :

There shall be three grades of Bench Clerks corresponding to three levels of Courts, viz.,

1. Bench Clerk Grade III - Civil Judge (Jr. Dn.) / Magistrate Court.
2. Bench Clerk Grade II - Civil Judge (Sr.Dn.) / CJM / CMM Court.
3. Bench Clerk Grade I - District Court / Sessions Court.

Bench Clerk Grade III shall be in the cadre of Assistants / First Division Assistants / UDCs.

Bench Clerk Grade II in turn shall be in the cadre which is promotional to the cadre of Assistants / First Division Assistants / UDCs.

Bench Clerk Grade I in turn shall be in the next promotional cadre to the posts for Bench Clerk Grade II.

We have advisedly suggested three cadres of Bench Clerks corresponding to three levels of Court, not only having regard to the work-load of such post, but also to provide more promotional opportunity to the existing staff who are suffering from want of promotion. The High Court and State / U.T may appropriately create more number of Bench Clerks in all Courts.

In States / U.Ts. where there are more cadres of Bench Clerks, we recommend for suitable restructuring of such cadres on Court-wise basis on the lines suggested as above.

CHAPTER-X

STENOGRAPHERS

- Grades : Having regard to the nature of the work of Stenographers and the views of the High Courts, State Governments and Associations, we recommend -
- a) that in order to offer adequate promotional opportunities to Stenographers and also to provide experienced Stenographers to higher Courts, there must be minimum three grades of Stenographers in Subordinate Courts in all the States / U.Ts corresponding to the three tier hierarchy of Courts viz.,
 - i) Civil Judge (Jr. Dn.)
 - ii) Civil Judge (Sr. Dn.)
 - iii) District & Sessions Judge and similar cadres.

The States / UTs having more than three cadres are, however, allowed to continue the same.
 - b) We leave it to the wisdom of the High Court to decide about the qualification, mode of recruitment and promotion to these three cadres.
- Number of Stenographers in each Court : **Civil Judge (Jr. Dn.) / Magistrate**
Civil Judge (Jr. Dn.) be given one Stenographer in the cadre of Grade III, in addition to the post of Typist, to which he is otherwise entitled to.
- Civil Judge (Sr.Dn.) / CJM / CMM**
Civil Judge (Sr. Dn.) be provided with one Stenographer Grade II, in addition to Typist.

District and Sessions judge / Addl. District and Sessions Judge

District Judge / Addl. Dist. Judge be provided with one Stenographer Grade I, in addition to Typist.

The Principal District and Sessions Judge / Principal City Civil Court Judge be provided with one Stenographer Grade I and one Executive Assistant.

In City Civil Courts and in District Head Quarters, where there is cluster of Courts, each Judge be provided with one Stenographer. But there should be a pool of Stenographers at the disposal of the Judges to meet the requirements of the Courts for additional work.

Personal Assistant -
Executive Assistant

- : The Principal District and Sessions Judge in each District and the Principal City Civil Court Judge, where there is a City Civil Court, must be provided with a Personal Assistant.

The post of Personal Assistant must be the choice of the Principal District and Sessions Judge / Principal City Civil Court Judge. Selection to this post must be only from Grade-I Stenographers. The choice is given to the Judge, since he is required to have confidence in his Personal Assistant in his judicial and administrative matters.

We recommend a Special Allowance of Rs.200/- per month to the post, which shall be inclusive of Travelling Allowance and Compensatory Allowance.

It is, however, appropriate and indeed necessary to designate the Personal Assistant to the Principal District and Sessions Judge / Principal City Civil Court Judge as Executive Assistant. He must be designated accordingly.

Pay scale : We consider that it is essential to give Stenographers attractive pay scale depending upon the facts and circumstances in each State / UT., and at the same time ensuring, as far as possible, that it should not be too low from the pay scale of the Bench Clerk of the respective Court.

CHAPTER-X-A

WHETHER THE STENOGRAPHERS SHOULD BE ALLOWED TO SWITCH OVER TO MINISTERIAL / SUPERVISORY CADRE

We recommend that the Stenographers may be permitted to switch over to ministerial / supervisory cadre after they have completed a minimum period of service as determined by the High Court, subject to the condition that the option once exercised shall not be revoked.

CHAPTER-X-B

TRAVELLING AND COMPENSATORY ALLOWANCE

We recommend payment of Travelling Allowance / Compensatory Allowance / Special Allowance as under :

1. Stenographers working in Taluka / Tehsil and District Headquarters. - Not less than Rs.100/- p.m.
2. Stenographers working in cities. - Not less than Rs.150/- p.m.
3. Personal Assistants / Executive Assistants to the Principal District and Sessions Judge / Principal City Civil Court Judge - Not less than Rs.200/- p.m.

The Compensatory Allowance is payable to Stenographers at 1 and 2 above subject to production of a certificate issued by a Presiding Officer to the effect that the Stenographer attached to him / her attended the home office during the month.

Wherever the Travelling Allowance / Compensatory Allowance / Special Allowance paid is higher than what we have recommended, the existing payment will continue.

CHAPTER-XI

SHERISTEDAR / SUPERINTENDENT / REGISTRAR / HEAD CLERK / HEAD ASSISTANT IN COURT HAVING DECENTRALISED SYSTEM OF ADMINISTRATION

- Designation : We recommend that Chief Ministerial Officer of Civil Judge (Jr. Dn.) Court may be termed as "Sheristedar" and his counterpart in the Court of Civil Judge (Sr.Dn.) may be styled as "Senior Sheristedar".
- Pay scale and qualification of the post : The Sheristedar and Senior Sheristedar of the Court of Civil Judge (Jr. Dn.) and Civil Judge (Sr. Dn.) must get higher pay scale above that of the Bench Clerk and Stenographer of the respective Court. This may be worked out having regard to the set up and the pay scale available in each State / U.T.

CHAPTER-XII

CHIEF ADMINISTRATIVE OFFICER / SHERISTEDAR / SENIOR ADMINISTRATIVE OFFICER / REGISTRAR / SUPERINTENDENT / CLERK OF COURT / SENIOR MUNSARIM ETC.

- (i) Since this Officer, whether in Centralised or Decentralised System of Administration, looks after the entire administrative functions of all the Subordinate Courts in the District, it is appropriate that he be designated as Chief Administrative Officer.

- (ii) The post of Chief Administrative Officer be included in Group 'A' / Class-I. The pay scale of the post, as far as possible, may be the lowest pay scale admissible to that Group / Class.
- (iii) We, however, make it clear that the pay scale of CAO should be higher than the pay scale of all other staff working in the District Courts Administration. This has to be maintained to have smooth and effective administration, since CAO is the head of the Office Administration of the Courts.

CHAPTER-XIII

PROTOCOL OFFICER

We recommend that each High Court may identify the Courts where the post of Protocol Officer needs to be created and further determine the proper pay scale and necessary staff and other facilities to be provided.

Needless to say, whenever, the Protocol Officer and his staff has no protocol work, they shall attend to such other duties as may be assigned by the District Judge, from time to time.

CHAPTER-XIV

ASSURED CAREER PROGRESSION

The Assured Career Progression Scheme is allowed in different forms in different States / UTs. The Central Government has also introduced the scheme for the benefit of their employees. It is, therefore, not proper to deprive such benefits to the employees in a few States, viz., Assam, Bihar, Jharkhand, Sikkim, Nagaland, Mizoram and Manipur.

We, therefore, recommend -

- (i) that the States / UTs which are not having ACP scales to introduce at least two ACP Scales to their employees with an appropriate interval of years of service.
- (ii) that the States / UTs which are having one ACP Scale to their employees, may increase it to the minimum of two with an appropriate interval of years of service, and

- (iii) that the States / UTs which are having more than two ACP Scales may retain the same.

CHAPTER-XV

MEDICAL BENEFITS

We recommend that Medical Allowance of not less than Rs.100/- p.m. be paid to all the Court employees who are below the Clerical cadres in every State / UT and also to Drivers. This is in addition to the reimbursement of hospitalisation charges, if any.

If any State / UT allows such fixed monthly Medical Allowance to other categories of employees, the same shall continue, but at not less than Rs.100/- p.m.

The States / UTs which are paying more than Rs.100/- p.m. may continue to pay higher sum.

What we said to the lower categories of the Court Staff as to the payment of Medical Allowance, equally applies to similar cadres in the Government service. We could do no more than to suggest to all the Govts. who are supposed to be the ideal employers to give effect to the above recommendation to like Government employees also.

CHAPTER-XVI

SPECIAL ALLOWANCE AND/OR ADDITIONAL BENEFITS FOR STAFF WORKING IN RECORD ROOM / PROPERTY ROOM

We recommend the following :

1. Each of the Staff posted to Record Room / Property Room shall be paid Compensatory Allowance at the rate of Rs.100/- per month.
2. We further recommend :
 - i) These rooms should be fitted with exhaust fans.
 - ii) There should be adequate lighting arrangement.
 - iii) Every week, disinfectants should be sprayed

- iv) The staff should be supplied with Dettol, Soap and other washing ingredients.
- v) Staff should be given apron
- vi) Sufficient number of racks should be provided. No record should be put on the ground.
- vii) Dusting should be done regularly. Every Record Room / Property Room should have vacuum Cleaner.

AND

- viii) The Staff shall have compulsory medical check-up once in six months.

CHAPTER-XVII

MISCELLANEOUS CHAPTER

1. Bifurcation of the office work in heavy Courts into two wings : The Indian Institute of Technology, New Delhi, Consultant of the Commission, has stated that the efficiency of administration in heavy Courts would considerably improve if there is bifurcation of the office work into two wings viz. (i) House Keeping (Administrative) Wing and (ii) Technical (Judicial) Wing.

The Commission recommends bifurcation of the office administration in the aforesaid manner in City Civil Court and such other District Courts, where the workload is very heavy. The High Courts may identify such Courts where the division of administration has to be worked out.

2. Housing facility : The Commission has made the following recommendations :
 - 1) Bearing in mind the constraints of the State Governments, we recommend that in places where there are no quarters earmarked

exclusively for Court staff, not less than 15% of the Government quarters in the general pool may be set apart for Court employees.

- 2) The quarters so earmarked shall be placed at the disposal of Principal District and Sessions Judge or the Senior-most Judicial Officer at the place for making allotment to the employees.
- 3) As in the case of Judicial Officers, the construction of adequate number of quarters / houses with necessary facilities should be given the top priority, being the primary requirement of employees.
- 4) Necessary suitable site near about the Court premises may be acquired for construction of quarters to the non-judicial employees and construction thereon be taken up on priority basis.

3. Basic amenities in Court Building : In the Court buildings where such basic amenities are lacking, the State Government should take immediate steps to provide those facilities.

Where new Court buildings are to be constructed, sufficient provision should be made for adequate number of toilets for men and women employees as also separate lunch-cum-recreation rooms.

4. Uniform / Uniform allowance to Group-C & Group-D employees : In order to inculcate discipline, certain categories of staff members are required to wear uniform during working hours. Accordingly, the following recommendations are made :

- (i) We suggest that all Group-D / Class-IV employees including the Drivers be provided with uniform (livery).

- (ii) It is also appropriate that the Process Servers and the Bailiffs who are mostly attending to service of summons and execution of warrants be provided with uniforms.
 - (iii) Bench Clerks and Stenographers who have to maintain dignity and decorum must wear uniforms prescribed by the High Court.
 - (iv) The State must provide uniform at its cost at least once in two or three years.
5. Need of a Co-operative Society for the Court staff : We recommend that the High Courts and State Governments shall encourage the Court employees to form co-operative societies for their welfare and must provide suitable accommodation for that purpose.
6. Remuneration / compensation for deputation to Lok Adalats : We recommend that until separate staff are provided to the establishment of Legal Services Authority in each State and U.T., the Court staff who are deputed to attend Lok Adalat work should be paid compensatory allowance at the rate of 5% of their basic pay and if the officials are deputed during general holidays, they may be granted compensatory leave for the holidays forgone.
7. LTC / HTC benefits to the Court Staff : In most of the States, Court employees like other Government servants are entitled to Home Travel Concession and Leave Travel Concession.
- However, in Kerala, Madhya Pradesh, Rajasthan & Sikkim, State employees are denied these facilities. We could only request these Governments to provide such concessions to all employees.
8. Training to Court employees : Considering the importance of training to the Court employees for effective discharge of their duties and in the light of the views expressed by the High Courts

and State / UT Governments indicating desirability of training, it is recommended as follows :

In our Report on the service conditions of the Judicial Officers, we have suggested that State-wise or Region-wise, Judicial Training Institutes may be set up for imparting training to Judicial Officers. Such an Institute can also be training institute for Court staff. There should be training for new recruits as well as for in-service employees as refresher course.

There should be a regular training for Court employees for a period of not less than 6 weeks at entry-level and for 2 weeks of refresher course from time to time to in-service personnel.

We leave it to the discretion of the High Court to select the Subject / Syllabus for training both at entry-level and for refresher course.

9. Cleanliness in the Court : The saying "Cleanliness is next to Godliness", highlights the importance to clean surroundings and environment. Court is considered as temple of justice, but the atmosphere in the Court generally does not give that impression. It pains us to note that the Court premises and surroundings are not kept clean and tidy. It is regrettable that house-keeping standards are extremely poor. Somewhere along the line, we seem to have relaxed our maintenance standards generously from generation. In this context, some suggestions have been made for better upkeep of the Court environment. The High Courts have been requested to issue a suitable circular in this behalf to all the Judges of the Subordinate Courts.

* * * * *

**EVENTS OF THE
COMMISSION**

EVENTS OF THE COMMISSION

Date	Events
7-1-1998	: The Supreme Court in the case of All India Judges' Association versus Union of India and others in W.P.No. (Civil) 1022/89 requested FNJPC to examine the service conditions of the supporting staff attached to the Subordinate Courts and to make a report for improving the same.
6-2-1998	: The Commission wrote to Government of India requesting to sanction certain additional staff, so as to enable it to simultaneously take up the work relating to the staff of the Subordinate Courts.
11-3-1998	: The Commission issued Circular No.1 requesting the High Courts and State Governments / Union Territories to furnish certain basic data relating to service conditions of the staff of the Subordinate Courts.
6-4-1998	: The Registrars of High Courts were requested to circulate copies of Circular No.1 among all the recognized and un-recognised Associations in their respective States / UTs., so as to enable the Associations to furnish information.
29-1-1999	: The Government of India did not agree to provide additional staff, but requested the Commission to submit its final report in respect of Judicial Officers, as early as possible.
23-3-1999	: In reply to the letter of the Union Ministry of Law, Justice and Company Affairs dated 12-3-1999, the Hon'ble Minister was informed that the study on the service conditions of the Court staff would be taken up after submitting the report in respect of Judicial Officers.
8-9-1999	: The Commission appointed the Indian Institute of Technology, New Delhi, as Management Consultant and to make a scientific study of the problems of the Courts and grievances of the staff.

Date	Events
24-9-1999	The Commission presented an application before the Supreme Court stating that immediately after submitting the report on Judicial Officers, it (the Commission) will take up the study relating to the supporting staff in the Subordinate Courts.
11-11-1999	The Commission submitted the report on pay structure of Judicial Officers to the Prime Minister of India of Delhi.
20-12-1999	The Chairman met the representatives of the Karnataka Judicial Employees' Association, Dakshin Kannada at Udupi and held discussion regarding the questionnaire to be issued on the service conditions of the Court staff.
30-12-1999	The Commission had a meeting with the Office-bearers of the All India Judicial Employees' Confederation at Bangalore regarding issue of the questionnaire.
5-1-2000	The Commission wrote to the Registrar of the Gujarat High Court to make available a copy of the report of the Officer on Special Duty and staff pattern in the Subordinate Courts in Gujarat.
24-3-2000	The Chairman and members of the Commission had discussion with IIT experts at Delhi, regarding issue of questionnaire by IIT to elicit information required by it for its study from Judges, Court Employees, Lawyers and Litigants.
4-4-2000	The Chairman wrote to all the Chief Justices of High Courts, forwarding the copy of the questionnaire issued by the Commission with a request to furnish the views of the High Courts. Similarly, the Member-Secretary wrote to the Chief Secretaries of the State Governments and the Administrators of the UTs., the Registrars of High Courts and the various State Level Judicial Employees' Associations all over the country forwarding the questionnaire and requesting them to furnish their views. The Registrars of High Court were also requested to circulate the questionnaire among the District Judges under their control and direct them to send their views directly to the Commission.

Date	Events
24-4-2000	: The Commission wrote to Professor Prem Vrat, Deputy Director (F), IIT, Delhi to expedite the report.
19-5-2000 to 25-5-2000	: During this period, the Commission dispatched the questionnaire issued by IIT to a cross section of District Judges throughout the country.
19-7-2000	: The Commission met the representatives of the All India Judicial Employees' Confederation at Bangalore and held discussion with them regarding their various grievances.
August 2000	: During August 2000, the Commission followed up with the District Judges, obtained the responses to IIT's questionnaire and furnished them to IIT.
16-9-2000	: The Chairman and Member met the Registrars of High Courts, District and Sessions Judges and Law Secretaries who had come to attend the workshop convened by IIT on 17-9-2000 at 4 P.M. at Karnataka Bhavan, Delhi.
17-9-2000	: The Chairman and Commission Members participated in the Workshop conducted by IIT, at Delhi.
5-10-2000	: The Commission sent a reminder letter to all Chief Secretaries to expedite the views of the State Govts / UTs.
31-10-2000	: The Commission sent a reminder letter to all the Registrars of High Courts requesting to furnish the views / comments of the High Courts before the end of November 2000.
14-11-2000	: Again, the Commission wrote to all Chief Secretaries to send their views / comments of the State Governments before the end of November, without fail.
15-11-2000	: The Commission addressed all the State Level Associations to furnish their views on the questionnaire within the end of November 2000.

Date	Events
1-6-2001	Prof. Prem Vrat and Dr. Deshmukh of IIT, Delhi presented the Study Report to the Commission at Bangalore.
18-6-2001 to 30-8-2001	Personal hearings of representatives of State Governments / UTs., High Courts, Staff Associations of States / UTs, and All India Judicial Employees' Confederation.
Sept. 2001	Series of discussion were held with Sri Chammayya, former Chairman, KAT regarding drafting of the Model Recruitment Rules.
22-3-2002	Joint Secretary, Government of India, Ministry of Law and Justice, Department of Justice, called on the Chairman.
25-4-2002 to 26-4-2002	Chairman visited Udupi and met the Judicial Officers and staff of Courts in Udupi.
4-5-2002	Chairman visited Mangalore and had discussion with the Judicial Officers and staff of Courts in Mangalore.
13-6-2002	Joint Secretary, Government of India, Ministry of Law and Justice, Department of Justice, called on the Chairman.
24-6-2002 to 28-6-2002	The Commission had series of meetings and discussed regarding the final recommendations.

* * * * *

IIT's QUESTIONNAIRE & ANALYSIS OF RESPONSES

Questionnaires

Restructuring of NJC: A study conducted by IIT Delhi, March 2000

E1: Questionnaire for Non-Judicial Cadre Employees

Preamble

We are conducting a study on a re-structuring of Non-Judicial Cadre (NJC). As a part of the study we solicit your valuable response on the existing working conditions, motivation, job description of the non-judicial cadre or the support staff in the courts. Your valuable response will be helpful in understanding the existing work environment and will go a long way in improving the same. The questionnaire is divided into two sections: Section A and Section B. Please respond to both these sections.

Part A : Personal Data

- 1) Your Age _____ (years) 2) Attached to court _____
- 3) Educational Qualification
- 4) Your Present Position
- 5) For how many years have you been working in this court?
- 6) Please list various positions that you have held during your service (beginning with the first position that you held)

Position	Duration		No. of Years
	From	To	

- 7) For How many years have you been working in your present position?
 - 8) How many promotions have you received in the court?
 - 9) a) How many people are there in your section _____
b) Please give their designation
- * Please feel free to write any other comments

Part B: Overleaf

Part B : Satisfaction

Please indicate how satisfied are you with the following aspects of your job on the 5- point scale given

S. No.		Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
1	The way you are treated by the People you work with					
2	The amount of freedom you have in your job					
3	The amount of pay you get					
4	The amount of personal growth and development you get in doing your job					
5	The chances of advancement or promotion in your job					
6	The amount of challenge on your job					
7	The amount of job security you have					
8	The fringe benefits					
	8.1 LTC					
	8.2 Medical					
	8.3 Vehicle allowance					
	8.3 House allowance					
	8.4 Educational Facilities					
	8.5 Leave					
	a) Maternity					
	b) Paternity					
	c) Casual					
	d) Sick					
	e) Any other					
	8.6 Housing arrangement					
	8.7 Loan scheme for house					
9	The working conditions like					
	9.1 Lighting					
	9.2 Space					
	9.3 Cleanliness					
	9.4 Ventilation					
	9.5 Toilet					
10	Availability of the following :					
	10.1 Stationery					
	10.3 Photocopying					
	10.4 Computers					
	10.5 Phones					
	10.6 Canteen					
	10.7 Rest rooms					
	10.8 Parking facilities for vehicles					
11	Working hours					
12	Work load					
13	Commitment towards work					
14	Training					

- Please feel free to write any other comments

Thank you very much for your kind co-operation in filling in this questionnaire.

Restructuring of NJC: A study conducted by IIT Delhi, March 2000
E2: Questionnaire for Judges

Preamble

We are conducting a study on a re-structuring of Non-Judicial Cadre (NJC). As a part of the study we solicit your valuable response on the existing working conditions, motivation, job description of the non-judicial employees. Your valuable response will be helpful in understanding the existing work environment and will go a long way in improving the same.

This questionnaire aims to assess your interaction and satisfaction with the non-judicial (support) cadre (NJC) employees of your court. Please give your satisfaction with the following aspects of your interaction with the support employees on the given 5- point scale.

S. No.		Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
1.	No. of support employees with respect to the load on the court					
2.	Timeliness of the response of NJC					
3.	Quality of the services of NJC					
4.	Behavior of NJC Employees					
5.	Motivation of the NJC to do the job					
6.	Ability/skill of NJC to perform the job					

6. Please list 3 features of the working conditions of NJC that in your opinion need improvement

6.1. _____

6.2. _____

6.3. _____

7. List at least 3 ways by which support employees can be motivated

7.1. _____

7.2. _____

7.3. _____

Please feel free to write any other comments

Thank you very much for your kind co-operation in filling in this questionnaire.

Restructuring of NJC: A study conducted by IIT Delhi, March 2000
E3: Questionnaire for the Lawyers

Preamble

We are conducting a study on a re-structuring of Non-Judicial Cadre (NJC). As a part of the study we solicit your valuable response on the existing working conditions, motivation, job description of the non-judicial cadre or the support staff in the courts. Your valuable response will be helpful in understanding the existing work environment and will go a long way in improving the same. This questionnaire aims to assess your interaction and satisfaction with the non-judicial (support) cadre (NJC) employees of your court. Please give your satisfaction with the following aspects of your interaction with the court employees on a 5- point scale wherever required otherwise go by direction mentioned in the question.

- 1) Predominantly, What is the nature of cases you handle?

Civil	Criminal
-------	----------

- 2) The average time to finish your case. _____ (Years)
 3) The maximum time taken by any of your case. _____ (Year)
 4) Please indicate how satisfied are you with the following aspects of your interaction with the support staff of the district level courts.

S. No.		Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
1.	Timeliness of their response					
2.	Their support					
3.	Their Behavior					
4.	Ability/skill of NJC to perform the job					
5.	Motivation of the NJC to do the job					

- 5) The following may be responsible for the delay. In your view please rank them in the order of importance (1 : Most Important : 5: Least Important)

Delay due to	Ranking
Court Employees	
Adjournments	
Application Process	
Any other (Please Specify)	

- 6) Please list 3 ways in which support staff can delay the process of justice at each one of the following stages.
- (a) Filing of the case
 1)
 2)
 3)
- (b) During hearing
 1)
 2)
 3)
- (c) After a judgement
 1)
 2)
 3)
- 7) Please indicate the problems that you faced while interacting with the court staff. Indicate reasons for delay in the settlement/delivery of justice for the case.

- Please feel free to write any other comments

Restructuring of NJC: A study conducted by IIT Delhi, March 2000
E4: Questionnaire for the Litigants

Preamble

We are conducting a study on a re-structuring of Non-Judicial Cadre (NJC). As a part of the study we solicit your valuable response on the existing working conditions, motivation, job description of the non-judicial cadre or the support staff in the courts. Your valuable response will be helpful in understanding the existing work environment and will go a long way in improving the same.

This questionnaire aims to assess your interaction and satisfaction with the non-judicial (support) cadre (NJC) employees of the court. Please give your satisfaction with the following aspects based on your interaction with the court employees on a 5- point scale wherever required otherwise go by direction mentioned in the question.

- 1) What is the nature of case you handle?

Civil Criminal

- 2) How long has the case been going on? _____ (Years)

- 3) Please indicate how satisfied are you with the following aspects of your interaction with the support staff of the district level courts.

S. No.		Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
1.	Timeliness of their response					
2.	Their support					
3.	Their Behavior					
4.	Their ability to give you proper guidance					

- 4) The following may be responsible for the delay. In your view please rank them in the order of importance (1 : Most Important : 5: Least Important)

Source of Delay	Ranking
Court Employees	
Adjournments	
Application Process	
Any other (Please Specify)	

- 5) Please list 3 ways in which support staff can delay the process of justice at each one of the following stages.

- (a) Filing of the case

- 1)
- 2)
- 3)

- (a) During hearing

- 1)
- 2)
- 3)

(d) After a judgement

1)

2)

3)

- 6) Please indicate the problems that you faced while interacting with the court staff.
- 7) Indicate reasons for delay in the settlement/delivery of justice for the case.
- Please feel free to write any other comments

QUESTIONNAIRE ANALYSIS

3.1 Introduction

A time-tested methodology using a questionnaire-based survey was employed to get perceptions about the working conditions, workload, and various human resources related issues. A detailed questionnaire was prepared for every stakeholder in the NJC namely: NJC, Judges, Lawyers and Litigants (these questionnaires are given in Annexure E).

3.2 Objectives

The objectives of the questionnaire were to

- get valuable responses from NJC on the existing working condition, motivation, job description and other human resource related issues.
- assess the extent of satisfaction of NJC on various parameters
- get perceptions of various stakeholders such as judges, lawyers and litigants about NJC.

3.3 Structure of the Questionnaire

A structured questionnaire was developed using the various inputs and involving different stakeholders. There were 4 sets of questionnaires, viz., for NJC, Judges, Lawyers and Litigants. The basis for the design of questionnaire is given in Figure 3.1. The Questionnaire was divided into 2 sections, A and B.

Part A: Personal Profile

Age; Name of attached court; Educational Qualification; Present Position; How many years been working in this court; List of various positions; How many years been working in present position; How many promotions received in the court; How many people are in your section; other comments

Part B: Level of Satisfaction on various attributes

The respondents were asked to rate various attributes on a scale of 1 to 5 (1: Least satisfied, 5: Most satisfied). These attributes include:

- Attitude towards challenge in the job
- Freedom available, job security etc.
- Fringe Benefits and Leave Benefits
- Working Conditions
- Availability of Infrastructure
- Work Load

Each questionnaire had a section to elicit their response in an open-ended manner.

Original questionnaires for NJC, Judges, Lawyers and Litigants are contained in Annexures E1, E2, E3 and E4 respectively of Volume II of this report.

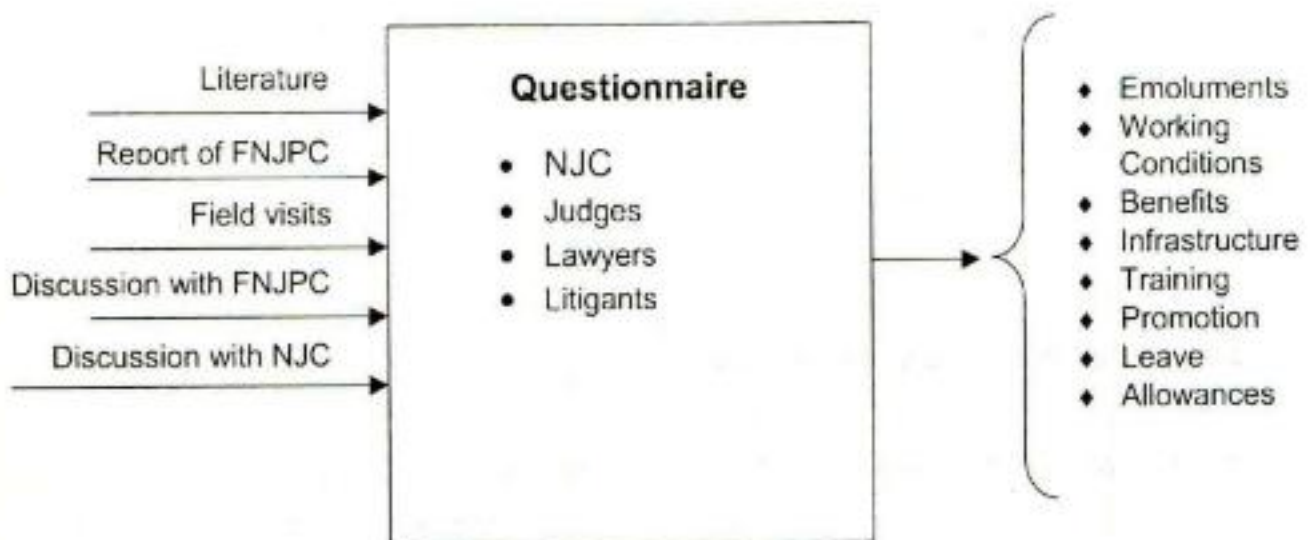


Figure 3.1: Basis for Questionnaire Design

For easy identification and traceability each set of the questionnaire was printed in different colour (NJC - Yellow; Judges - Green; Lawyers - Blue; Litigants - Pink). The questionnaire was sent across various States/UTs through the good offices of FNJPC. We got a very encouraging response on the questionnaire. Table 3.1(a) gives the number of responses for different stakeholders across different states.

Table 3.1 (a)**Number of responses from various stakeholders**

Sl. No.	State	Code	NJC	Judges	Lawyers	Litigants	Sub Total
1	Andhra Pradesh	AP	62	67	43	35	207
2	Assam	AS	74	8	8	27	117
3	Bihar	BH	153	24	24	48	249
4	Delhi	DL	56	-	-	-	56
5	Gujarat	GJ	68	37	45	29	179
6	Haryana	HR	46	9	37	15	107
7	Karnataka	KR	131	38	56	44	269
8	Madhya Pradesh	MP	63	13	11	10	97
9	Maharashtra	MH	140	49	102	79	370
10	Orissa	OR	12	3	8	1	24
11	Punjab	PJ	84	36	42	52	214
12	Rajasthan	RJ	10	-	6	20	36
13	Tamil Nadu	TN	208	61	54	51	374
14	Uttar Pradesh	UP	64	14	5	-	83
15	West Bengal	WB	116	33	15	53	217
Sub total			1287	392	456	464	2599

Table 3.1 (b) gives the breakup of the number of questionnaires received from different district level courts in various states (Court wise).

Table 3.1 (b)**The number of questionnaires received from various states (Court wise)**

State	District	NJC	Judges	Lawyers	Litigants	Sub Total
Andhra Pradesh	Chitoor	62	44	35	35	207
	Nalagonda	-	23	8	-	
		62	67	43	35	
Assam	Nagaon	12	-	-	-	117
	Kamrup	62	8	8	27	
		74	8	8	27	
Bihar	Dhanbad	50	18	20	22	249
	Patna	21	6	4	26	
	W.Champaran	82	-	-	-	
		153	24	24	48	

Delhi		56	-	-	-	56
Gujarat	Ahmedabad	9	8	10	-	179
	Surat	38	15	35	18	
	Vadodra	21	14	-	11	
		68	37	45	29	
Haryana	Hisar	46	9	37	15	107
Karnataka	Bangalore	46	11	7	15	269
	Bangalore Rural Dist.	18	8	13	5	
	Belgaum	16	8	9	6	
	Mangalore	51	11	27	18	
		131	38	56	44	
Madhya Pradesh	Durg	21	6	11	10	97
	Ratlam	42	7	-	-	
		63	13	11	10	
Maharashtra	Aurangabad	50	16	50	49	370
	Chandrapur	15	3	9	3	
	Greater Mumbai	44	19	26	27	
	Pune	31	11	17	-	
		140	49	102	79	
Orissa		12	3	8	1	24
Punjab	Ambala	6	5	4	4	214
	Amritsar	50	20	22	39	
	Ludhiana	28	11	16	9	
		84	36	42	52	
Rajasthan	Jaipur	10		6	20	36
Tamil Nadu	Chengalpattu	30	30	8	13	374
	Chennai	15	23	-	2	
	Madurantagam	-	-	-	29	
	Tiruttani	156	-	37	-	
	Villupuram	7	8	9	7	
		208	61	54	51	
Uttar Pradesh	Gorakhpur	26	14	5	-	83
	Varanasi	38	-	-	-	
		64	14	5	-	
West Bengal	Burdwan	48	8	15	27	217
	Midnapore	68	25	-	26	
		116	33	15	53	
Sub Total		1287	392	456	464	2599

Key Observations:

- There are wide variations in nomenclature for various posts across different states.
- Existing designations do not adequately reflect the responsibilities attached to these posts and status of the persons holding them

- There seems to be wide variance in pay structure and designations across various States / Union Territories

3.4 Profile of the NJC Respondents

Age-wise and gender-wise distributions of the respondents are given in Tables 3.2 and 3.3 respectively. The major portion of respondents comes from the age group of 40-50 years i.e. 41%. The average age is 43.34 years. The Maximum and median of the age is 59 years and 44.75 years respectively. 83% of the respondents are males and 17% are females. This is shown in the Figure 3.2 and Figure 3.3 respectively.

Table 3.2

Number of Respondents: Age - wise

Age (Yrs) Group	Number of respondents	Percentage
19 - 30	110	8.6
31- 40	346	26.9
41 - 50	526	40.8
51 - 59	298	23.1
Not reported	7	0.6
Total	1287	100

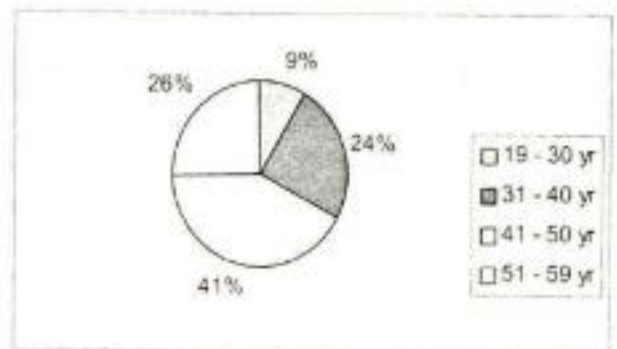


Figure 3.2: Percentage Responses from different age groups of NJC

Table 3.3

Number of Respondents: Gender - wise

Gender	Number of respondents	Percentage
Male	1041	83.5
Female	206	16.5
Not reported	40	3.1
Total	1287	100

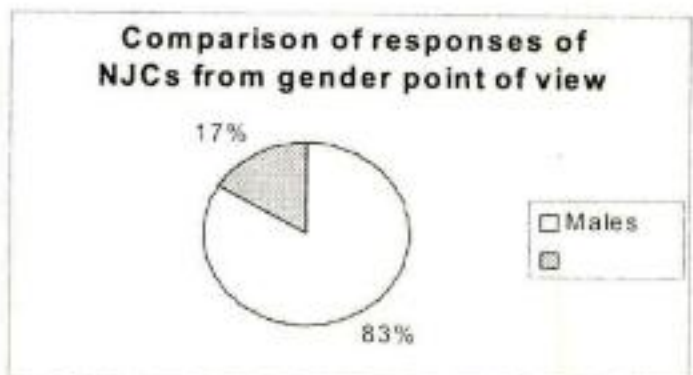


Figure 3.3: Percentage of male and Female Respondents

3.4.1 Employee Satisfaction Index (ESI) of NJC

Satisfaction of the employees was assessed on different aspects of work and Employee Satisfaction Index (ESI) was computed. Figure 3.4 shows various components of Employee Satisfaction Index. Each employee was asked to rate various attributes on a scale of 1 to 5 (1: Least Satisfied and 5: Most satisfied). The employee satisfaction index for an attribute is calculated based on the average of all the responses received for that particular attribute. Table 3.4 contains these results for different states.

Table 3.4
Employee Satisfaction Index (ESI) based on Responses from NJC

Satisfaction index on a scale of 1 to 5									
SI No.	STATE (1)	Number of Responses (2)	Treatment (3)	Freedom (4)	Payment (5)	Personal growth and development (6)	Promotion (7)	Challenge (8)	Security (9)
1	Andhra Pradesh (AP)	62	3.89	3.63	3.11	3.15	2.82	3.35	3.23
2	Assam (AS)	74	4.45	3.47	1.78	3.45	2.88	2.76	2.27
3	Bihar (BH)	153	3.07	2.14	1.66	2.20	1.48	2.18	2.04
4	Delhi (DL)	56	3.69	1.66	1.53	1.62	2.61	2.94	3.19
5	Gujarat (GJ)	68	3.88	2.75	2.36	2.32	1.69	2.41	2.88
6	Haryana (HR)	46	3.84	2.71	1.98	2.59	1.84	2.73	2.83
7	Karnataka (KR)	131	3.70	3.12	2.36	2.88	1.67	2.89	3.80
8	Madhya Pradesh (MP)	63	2.41	2.22	1.42	1.97	1.54	1.73	1.79
9	Maharashtra (MH)	140	3.74	2.99	2.46	2.69	2.11	3.36	3.00
10	Orissa (OR)	12	3.08	2.50	2.25	1.75	1.75	2.57	2.50
11	Punjab (PJ)	84	3.76	3.00	2.94	2.99	2.33	3.02	2.95
12	Rajasthan (RJ)	10	4.00	3.60	2.30	2.30	2.10	3.67	2.70
13	Tamil Nadu (TN)	208	3.76	3.15	3.40	3.27	2.83	3.32	3.19
14	Uttar Pradesh (UP)	64	1.55	1.33	1.19	1.32	1.23	1.76	1.16
15	West Bengal (WB)	116	3.58	2.78	2.12	2.20	1.79	2.78	3.51
	Overall average		3.49	2.74	2.19	2.45	2.04	2.76	2.74

Table 3.4 (contd.)

State	Satisfaction index on a scale of 1 to 5																
	BENEFITS					LEAVE BENEFITS				HOUSING			WORKING CONDITIONS				
	LTC (10)	Medical (11)	Vehicle Allowance (12)	House Allowance (13)	Educational Facilities (14)	Maternity (15)	Paternity (16)	Casual (17)	Sick Leave (18)	Any other (19)	Housing arrangement (20)	Loan scheme for house (21)	Lighting (22)	Space (23)	Cleanliness (24)	Ventilation (25)	Toilet (26)
AP	2.53	2.11	1.98	2.15	2.07	2.93	2.48	3.04	2.92	2.77	2.13	2.15	3.03	3.27	3.10	2.97	2.25
AS	1.41	1.88	1.96	1.74	1.81	3.18	2.05	2.42	2.40	2.71	1.89	1.91	2.14	1.58	2.65	2.65	1.51
BH	1.30	1.37	1.20	1.98	1.19	2.22	1.51	3.11	1.58	1.97	1.36	1.31	1.72	1.76	1.72	1.77	1.43
DL	3.30	2.39	1.96	2.85	2.31	3.25	3.33	3.38	3.35	2.64	1.23	1.76	2.00	1.87	1.89	2.26	2.55
GJ	2.21	2.03	2.05	2.23	2.08	3.77	3.85	3.59	3.79	3.49	2.53	2.55	3.07	2.97	2.98	2.95	2.63
HR	2.20	2.62	1.95	1.84	1.93	3.56	2.86	3.53	3.70	3.00	1.91	1.90	3.30	3.31	3.44	3.34	2.18
KR	1.64	1.70	1.71	1.82	1.77	3.34	3.56	3.60	2.81	2.92	1.67	1.80	2.41	2.48	2.41	2.47	1.96
MP	1.44	1.57	1.44	1.54	1.46	2.24	2.24	2.39	2.39	2.33	1.52	1.35	1.93	1.90	1.92	1.86	1.72
MH	2.10	1.86	1.93	2.55	1.67	2.83	2.07	2.17	3.25	2.75	1.87	2.12	3.25	3.17	2.96	3.12	1.98
OR	2.27	2.25	1.50	2.17	1.42	2.58	1.91	3.00	2.45	2.27	1.92	1.75	2.33	2.50	2.50	2.67	1.92
PJ	2.18	2.26	2.15	2.68	2.25	3.32	2.83	3.41	3.18	3.19	2.32	2.25	2.74	2.67	2.59	2.59	2.03
RJ	1.50	2.80	2.20	2.50	2.50	3.80	3.33	4.00	3.78	4.00	2.10	2.20	3.00	2.80	2.90	2.90	2.00
TN	2.17	2.23	2.20	2.24	2.19	3.23	2.94	3.47	3.32	3.24	2.20	2.28	3.02	2.77	2.83	2.84	2.51
UP	1.36	1.19	1.13	1.29	1.13	1.55	1.38	3.33	1.75	1.55	1.20	1.17	1.50	1.47	1.47	1.56	1.16
WB	1.30	1.91	1.34	2.17	1.48	2.93	2.22	2.64	2.93	2.00	1.34	3.01	1.62	1.43	1.59	1.52	1.58
Overall Average	1.93	2.01	1.78	2.12	1.82	2.98	2.57	3.14	2.91	2.72	1.81	1.97	2.47	2.40	2.46	2.50	1.96

Table 3.4 (contd.)

State	Satisfaction index on a scale of 1 to 5											
	AVAILABILITY						General					
Stationery (27)	Photocopying (28)	Computers (29)	Phones (30)	Canteen (31)	Rest Room (32)	Parking facility (33)	Working Hour (34)	Work load (35)	Commitment (36)	Training (37)	Employee Satisfaction Index (38)	
AP	3.75	2.84	2.66	2.25	2.18	2.03	2.45	3.07	2.56	3.12	2.42	2.75
AS	2.23	1.49	2.24	1.93	1.92	2.16	2.21	3.49	3.04	3.29	1.45	2.35
BH	1.59	2.05	1.69	1.54	1.37	1.30	1.50	2.86	2.01	2.50	1.38	1.80
DL	1.42	1.45	1.38	1.51	1.55	1.40	2.28	1.95	1.62	3.27	1.91	2.27
GJ	2.62	2.43	2.92	2.65	2.16	1.88	2.77	3.64	2.31	3.12	3.22	2.77
HR	3.12	3.42	3.38	2.49	1.90	1.73	1.69	3.11	3.14	2.95	2.07	2.69
KR	2.58	2.43	2.39	2.36	1.95	1.68	2.23	3.77	3.08	3.52	2.97	2.55
MP	2.79	2.68	2.13	1.90	1.92	1.50	1.74	2.39	1.57	2.34	1.75	1.92
MH	2.20	2.23	2.85	2.01	1.75	1.55	3.03	3.76	2.59	3.50	2.25	2.56
OR	2.08	2.17	2.00	1.55	1.42	1.42	1.67	2.25	2.25	2.83	1.91	2.15
PJ	2.81	2.85	2.13	2.33	2.05	1.91	2.01	3.24	2.54	3.37	2.09	2.66
RJ	3.10	2.00	1.40	1.60	2.10	1.90	2.60	3.75	3.13	3.63	2.00	2.75
TN	2.47	1.92	1.77	1.96	1.83	1.65	1.95	3.15	2.86	3.37	2.60	2.69
UP	1.56	1.60	1.50	1.29	1.13	1.11	1.13	2.14	1.11	2.33	1.42	1.46
WB	2.19	2.22	1.64	1.51	1.36	1.32	1.55	3.22	1.95	3.51	1.26	2.10
Overall Average	2.43	2.25	2.14	1.93	1.77	1.64	2.05	3.05	2.38	3.11	2.05	2.36



Figure 3.4: The Components of Employee Satisfaction Index (ESI)

The employee satisfaction index (ESI) varies from 1.46 to 2.77. The average ESI was found to be 2.36. Figure 3.5 shows clearly that the employee satisfaction is less than the average of 3 (scale of 1-5) in all the states.

State Code	AP	AS	BH	DL	GJ	HR	KR	MP	MH	OR	PJ	RJ	TN	UP	WB
ESI	2.75	2.35	1.80	2.27	2.77	2.69	2.55	1.92	2.56	2.15	2.66	2.75	2.69	1.46	2.10

Employment Satisfaction Index for all states

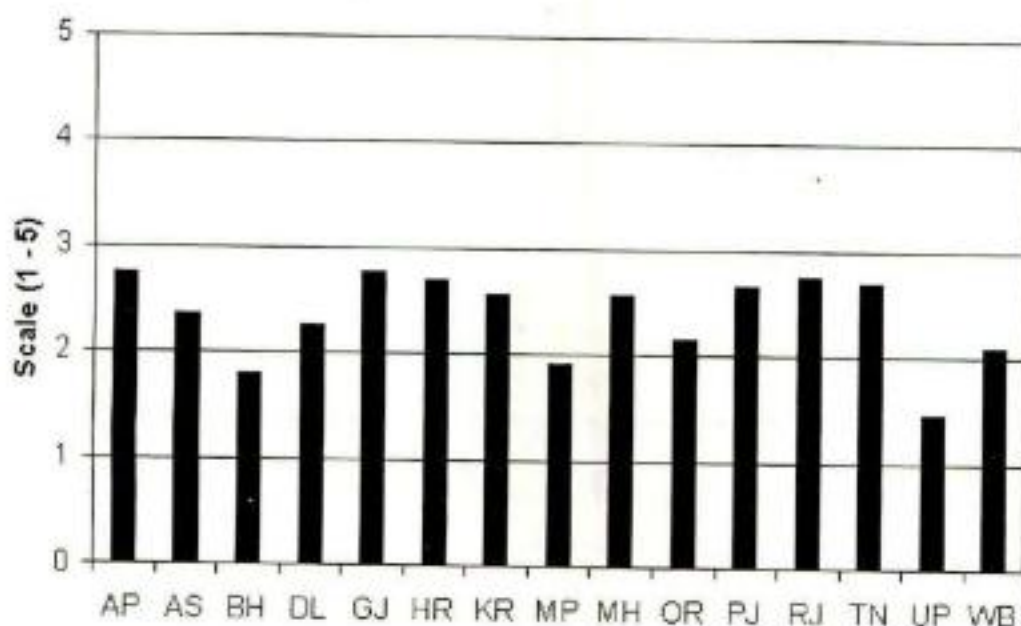


Figure 3.5: Employee Satisfaction Index for all states

Table 3.5 shows the total countrywide averages for various aspects of satisfaction.

Table 3.5

Averages for various Components of ESI on a scale of 1 to 5

(A) General										
Treatment	Freedom	Payment	Personal growth and development	Promotion	Challenge	Security				
3.49	2.74	2.19	2.45	2.04	2.76	2.74				
(B) Benefits										
LTC	Medical	Vehicle Allowance	House Allowance	Education al Facilities	Mater nity	Pater nity	Casual	Sick Leave	others	Housing arrange ment
1.93	2.01	1.78	2.12	1.82	2.98	2.57	3.14	2.91	2.72	1.81

(C) Working Conditions						
Lighting	Space	Cleanliness	Ventilation	Toilet		
2.47	2.40	2.46	2.50	1.96		
(D) Resource Availability						
Stationery	Photocopying	Computers	Phones	Canteen	Rest Room	Parking facility
2.43	2.25	2.14	1.93	1.77	1.64	2.05
(E) Miscellaneous						
Working Hours	Work load	Commitment	Training			
3.05	2.38	3.11	2.05			

Table 3.6 shows Average number of promotions received by different age groups of NJC and their average ages across various states.

Table 3.6

Average Age and Average promotions for different age groups across various states

State	Age Group	Average Age	Average number of promotions received
Andhra Pradesh	19-30	29.33	0.00
	31-40	36.91	0.73
	41-50	45.61	1.47
	51-60	53.25	2.33
Assam	19-30	26.25	0.00
	31-40	36.23	0.00
	41-50	46.26	0.56
	51-60	54.33	1.20
Bihar	19-30	29.20	0.00
	31-40	35.40	0.06
	41-50	46.08	0.58
	51-60	53.94	1.21
Delhi	19-30	25.26	0.32
	31-40	34.59	1.00
	41-50	43.70	1.33
	51-60	54.50	1.80

Gujarat	19-30	25.33	0.00
	31-40	38.29	0.50
	41-50	45.00	0.94
	51-60	54.20	1.95
Haryana	19-30	25.90	0.00
	31-40	36.67	0.29
	41-50	44.21	1.00
	51-60	54.50	1.00
Karnataka	19-30	26.58	0.00
	31-40	35.67	0.13
	41-50	46.77	0.64
	51-60	53.68	1.30
Madhya Pradesh	19-30	26.75	0.00
	31-40	35.60	0.40
	41-50	46.00	0.87
	51-60	53.75	1.63
Maharashtra	19-30	28.63	0.13
	31-40	36.30	0.69
	41-50	45.12	1.53
	51-60	53.82	2.25
Orissa	19-30	28.00	0.00
	31-40	36.67	0.67
	41-50	46.33	1.00
	51-60	53.20	1.60
Punjab	19-30	25.13	0.11
	31-40	35.11	0.50
	41-50	45.45	0.84
	51-60	53.50	1.09
Rajasthan	19-30	0.00	0.00
	31-40	38.00	0.00
	41-50	47.25	0.75
	51-60	53.00	1.50
Tamil Nadu	19-30	26.44	0.22
	31-40	36.04	0.42
	41-50	45.68	1.79
	51-60	53.39	2.71
Uttar Pradesh	19-30	27.25	0.00
	31-40	36.65	0.92
	41-50	44.57	1.18
	51-60	52.83	1.83
West Bengal	19-30	23.00	0.00
	31-40	37.29	0.12
	41-50	46.24	0.47
	51-60	54.05	1.03

Table 3.7 shows the average promotions received and service required for 1 promotion for corresponding total service for various states. It is evident that there is no uniformity in the number of promotions received across the various states.

Table 3.7

Average number of promotions for corresponding service across various states

State	Total service (in years)	Average number of promotions received	Service required for 1 promotion(years)
Andhra Pradesh	17.90	1.72	10.4
Assam	19.43	0.49	40.0
Bihar	20.54	0.68	30.2
Delhi	12.72	0.93	13.7
Gujarat	21.86	2.86	7.6
Haryana	17.02	0.51	33.5
Karnataka	20.01	2.93	6.8
Madhya Pradesh	19.61	0.87	22.5
Maharashtra	19.17	3.28	5.8
Orissa	21.25	1.99	10.7
Punjab	16.64	3.03	5.5
Rajasthan	17.00	2.14	7.9
Tamil Nadu	15.96	1.48	10.8
Uttar Pradesh	16.87	1.19	14.1
West Bengal	15.30	3.03	5.0

3.5 Response of the Judges

Age - wise and Gender - wise distributions of the responses for judges are given in Tables 3.8 and 3.9 respectively. About 46% of the respondent judges are from the age group of 41-50 year. The average age is 45.5 year. About 10 percent of the respondents are females. This is shown in Figure 3.6 and Figure 3.7 respectively

Table 3.8

Number of Judge respondents: Age - wise

Age Group	Number of respondents	Percentage
29 - 40	101	25.7
41 - 50	176	44.8
51 - 59	101	25.7
Not reported	14	3.5
Total	392	100

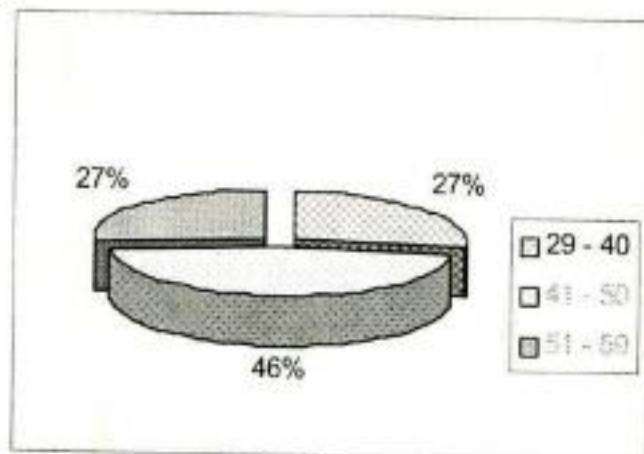


Fig. 3.6 Responses from different age groups of Judges

Table 3.9

Number of Judge respondents: Gender - wise

Gender	Number of respondents	Percentage
Male	346	88.2
Female	37	9.4
Not reported	9	2.2
Total	392	100

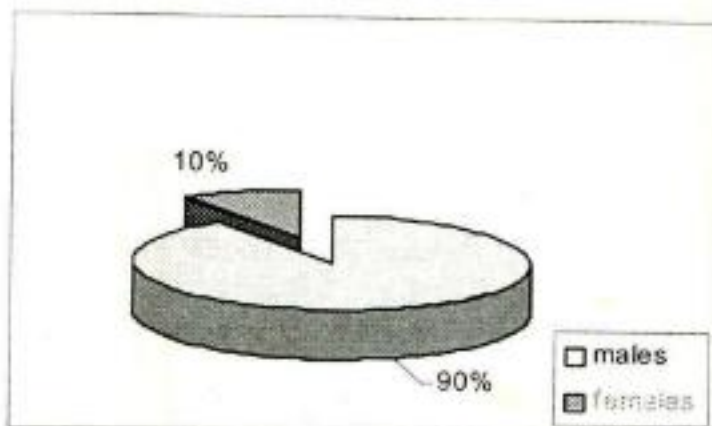


Figure 3.7: Comparison of responses of judges from gender point of view

Perceptions of the Judges

The perceptions of judges are captured in graphic form in Figure 3.8. More than 61 percent of the respondents felt that there should be compulsory training for NJC. Other features include:

- Revision of pay structure
- Improvement in working condition and infrastructure
- Need for promotion

- Harnessing of information technology tools to increase the productivity
- Incentives including official accommodations
- Introduction of a formal performance appraisal system

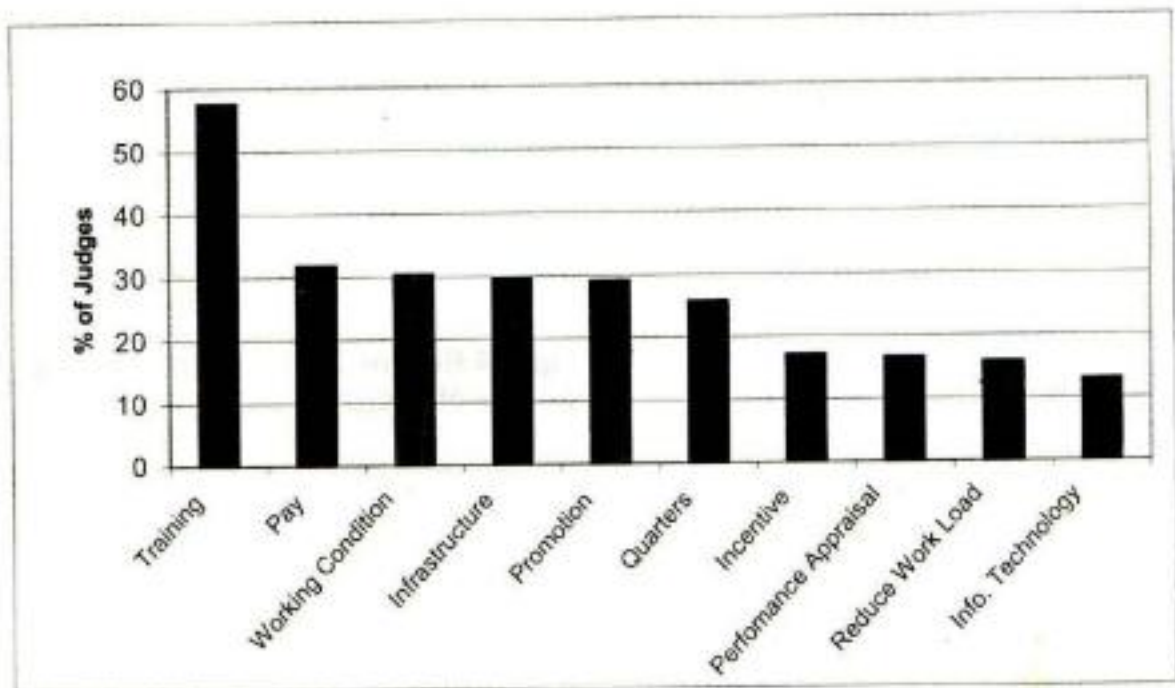


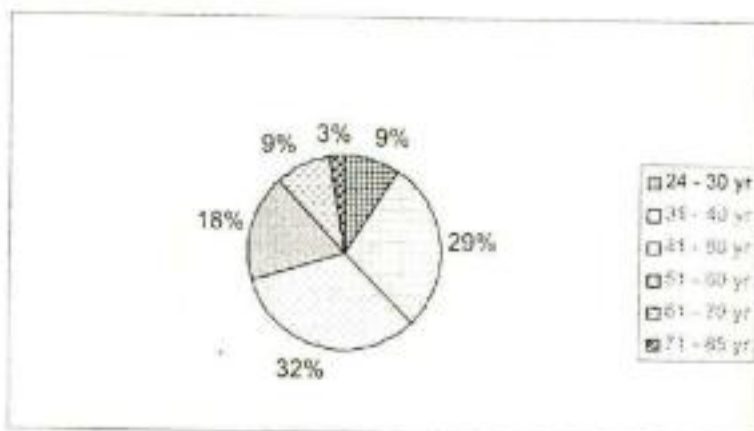
Figure 3.8 : Judges' Perception about the Key Issues

3.6 Response of the Lawyers

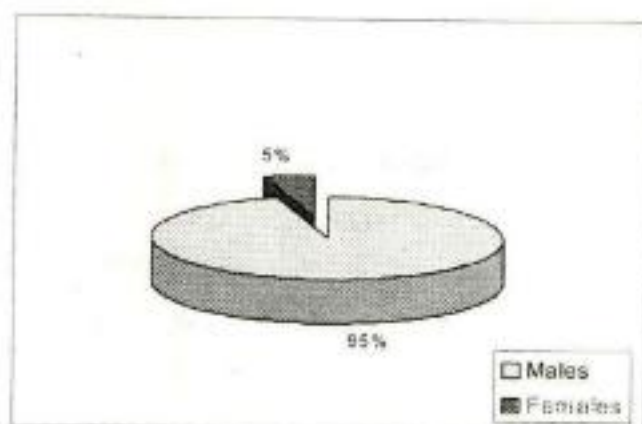
Age - wise and Gender - wise distributions of the responses for lawyers are given in Tables 3.10 and 3.11 respectively. About 32.5% of the respondent lawyers are from the age group of 41-50 year. The average age is 45.9 year. About 5 percent of the respondents are females. This is shown in Figure 3.9 and Figure 3.10 respectively

Table 3.10**Number of Lawyer respondents: Age - wise**

Age Group	Number of respondents	Percentage
24 - 30	42	9.2
31 - 40	129	28.2
41 - 50	147	32.2
51 - 60	80	17.5
61 - 70	42	9.2
71 - 85	12	2.6
Not reported	4	0.8
Total	456	100

**Figure 3.9: Profile of the Lawyer Respondents****Table 3.11****Number of Lawyer respondents: Gender - wise**

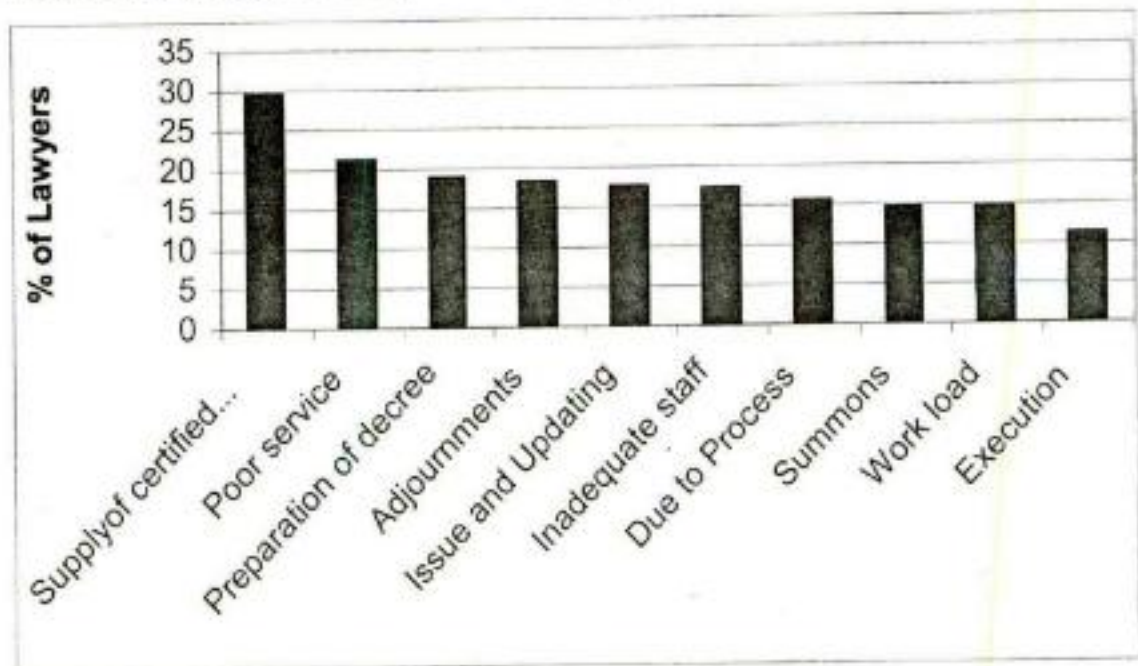
Gender	Number of respondents	Percentage
Male	407	89.4
Female	20	4.3
Not reported	29	6.3
Total	456	100

**Figure 3.10: Comparison of responses of Lawyers from gender point of view**

Perceptions of the Lawyers

The respondents felt that there has to be an improvement in the processing of certified copies and decree. The high workload is one of the main reasons for ineffectiveness in the system. This is shown in Figure 3.11

Figure 3.11: Lawyers' Perception about Key Issues

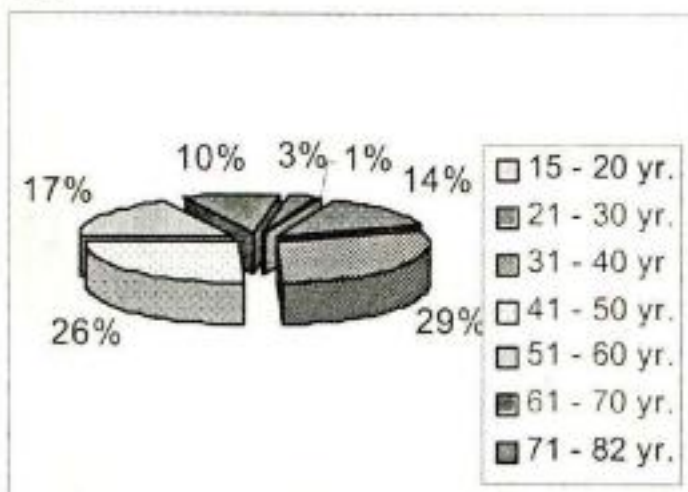


3.7 Response of the Litigants

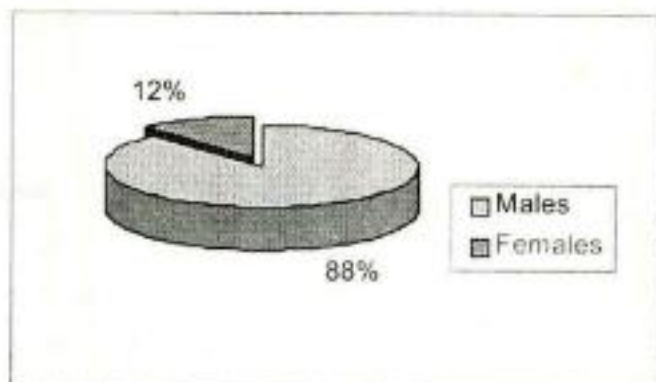
Age - wise and Gender - wise distributions of the responses for litigants are given in Tables 3.12 and 3.13 respectively. About 55% of the respondents are in the age group of 31- 50 years. The average age is 44.91 year. About 12 % of the respondents are females. This is shown in Figures 3.12 and 3.13.

Table 3.12**Number of Litigants respondents: Age- wise**

Age Group	Number of respondents	Percentage
15 - 20	3	0.6
21 - 30	62	13.3
31 - 40	127	27.3
41 - 50	115	24.7
51 - 60	75	16.1
61 - 70	46	9.9
71 - 82	12	2.5
Not reported	24	5.1
Total	464	100

**Figure 3.12: Profile of the Litigants****Table 3.13****Number of Litigants Respondents: Gender - wise**

Gender	Number of respondents	Percentage
Males	344	74.2
Females	48	10.3
Not reported	72	15.5
Total	464	100

**Figure 3.13: Comparison of no. of responses of litigants from gender point of view****Perceptions of the Litigants**

The respondents felt that the ineffectiveness of the system is mainly due to the process and inadequate staff apart from adjournment and other issues. This is shown in Figure 3.14.

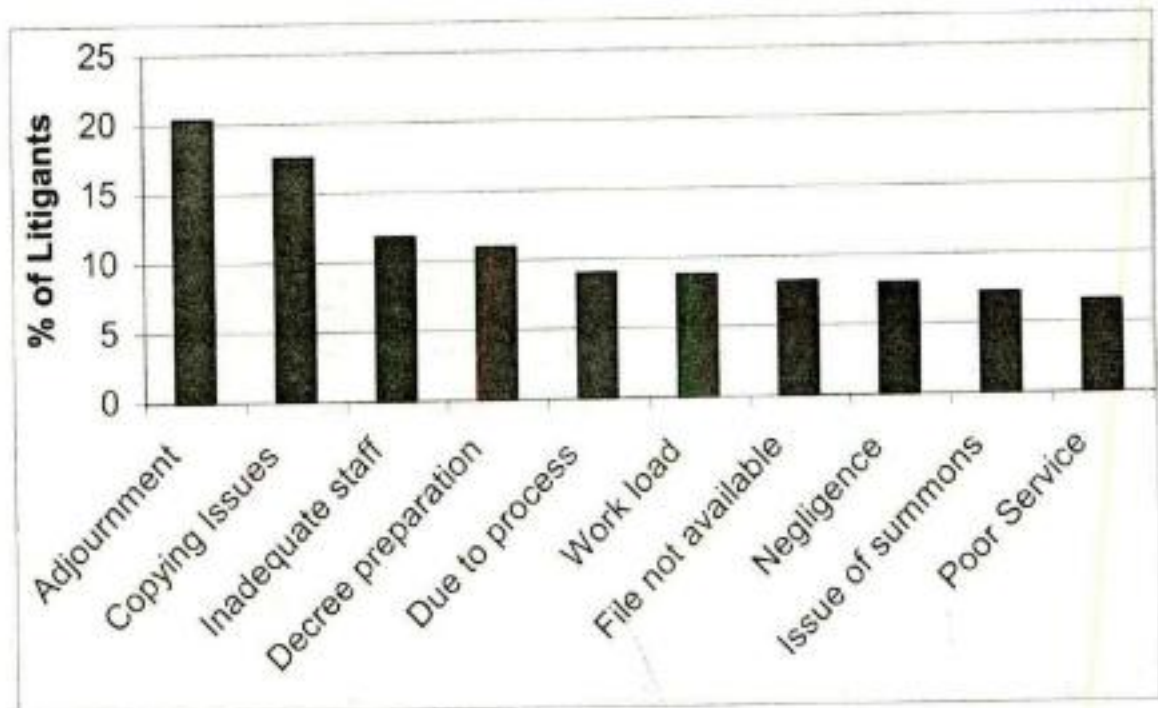


Figure 3.14: Litigants' Perceptions about the Key Issues

3.8 Open Ended Views of various stakeholders

The following views are extracted from the open-ended questions in the survey administered to various stakeholders. The questionnaire had one section wherein open-ended responses were sought from various stakeholders. The idea was to get qualitative feeling about various aspects, which could not be captured through the structured part of the questionnaire. These views are classified under various categories.

3.8.1 NJC Views

Promotion

- Promotion avenues should be created.
- Promotion should be provided after every 10 years.

- Promotion criteria should take into account the qualification and performance in addition to seniority.

Infrastructure

- Facilities like toilets, canteen, restroom, photocopying, computers, electronic typewriters should be provided.
- Phones should be provided in each court

Training

- Training should be made essential.
- All bench clerks should acquire some legal knowledge.
- Skill enhancement programmes should be conducted from time to time.

Working conditions

- Suggestion boxes should be kept so that staff can suggest freely.
- Each office should be provided with sufficient attendants.

Miscellaneous

- Judicial employees should be given special status in society.
- There is no proper distribution of workload.
- A booklet should be kept in the court showing responsibilities and duties of each category of staff.
- There should be separate service code and conduct rule for employees working in judiciary.
- There should be reduction of necessary service to 25 year for full pensioner's benefits.
- British regime designations should be changed with the new ones.
- Subordination should be curtailed.
- Staff strength should be increased.
- Job rotation (transfer) to other departments in order to get the knowledge of all the departments should be encouraged.

- Manudhane commission's recommendations should be brought in to action (two stenographers/court).
- Conveyance allowance for attending to the residence of judicial officers should be provided.
- Central pay structure should be adopted in judicial department.
- Uniform pay scales should be provided in each cadre.

3.8.2 Judges' Views

Training

- Regular training to NJC will improve the efficiency.
- Training should be followed by a test to examine the effectiveness of training.
- Basic knowledge of Indian Evidence Act, Civil Procedure Code, Criminal Procedure Code and City Civil Court rules should be provided.

Promotion

- Test should be conducted for promotion.
- Recruitment should be done on merit basis.
- Minimum qualification for recruitment should be graduation.
- Promotion and direct recruitment ratio must be 50: 50.
- Law graduates should be given priority in recruitment to the service and for promotion.
- At least 3 promotions should be given in entire career span.

Working conditions

- The employees should be treated with flexible and more humane approach.
- The litigant and advocate friendly atmosphere should be promoted.
- The office work should be adjusted such that it should not be carried over to next day at any cost and can be done by adopting modern technologies.
- There should be periodic interaction between officers and staff.

Infrastructure

- Service of summons and notices should be allowed through latest scientific means.
Ex: Email etc.
- A Training institute for NJC should be established for each district.
- More courts should be established
- Adequate stationary should be provided.
- NJC should be provided with latest technology.
- Generator should be provided during load shedding

Recruitment

- Vacancy should be filled in right time.
- Work allotment to the branch should be changed periodically (Job rotation).
- Each cadre should be treated uniformly.
- The work should be distributed evenly.
- Responsibility should be properly specified
- Work hours should be increased.
- The staffing pattern should be restructured according to load.

Miscellaneous

- The cash should be maintained by banker and should avoid maintenance of account books by the staff.
- There should be provision to appoint temporary staff in case of heavy workload.
- There should be good and timely supervision by efficient superiors.
- Work book should be maintained.
- Salary structure should be based on quality / quantity of work.
- Try to hear and solve the problems sympathetically.
- Punctuality should be maintained.
- There should be central administration of work .
- Litigants should be treated with dignity.

- Knowledge of English should be provided.
- Place of posting must be need based but not desire based.
- Humanitarian outlook should be displayed towards subordinates.
- Free education facilities should be provided to the employees' children.
- Undue lenience or inaction should initiate disciplinary action on erring staff.
- Essential needs and necessity are to be fulfilled within limits.
- Security arrangement should be provided in the court campus.
- Post of Registrar, Superintendent should be upgraded.
- Adequate forms and stationery should be available.
- Welfare activities - social gatherings, time management etc. should be arranged frequently.
- There should be extension of service on retirement in deserving cases.
- Adequate medical facilities should be provided.
- Motivate the employee by praising, lead by example, promotion and informal interaction etc.

3.8.3 Lawyers' Views

According to lawyers, the reasons for delay can be broadly identified during various stages as follows:

During Filing

- Lack of timely action in attaching the said report to the concerned file.
- While filing the case the person is not completing the proper procedure
- Raising unnecessary objections.
- Having to perform more than one job by the NJC.
- Improper security.

During Hearing

- Lack of correct Rozanama
- The matter is not ready due to non-compliance on the part of the party.
- Witnesses are not present in time.

- Too much time taken by the other side.
- To obtain the signature of presiding officer immediately after passing the order and also to obtain the signature daily on the proceedings.

After judgement

- Execution of decree not attended
- By not sending file urgently to appellate court.
- Errors made in calculation of amount.
- Lack of training of NJC.
- Not making proper entries in register and following procedure.
- Rectification and correction of judgement not implemented.

Problems and Suggestions

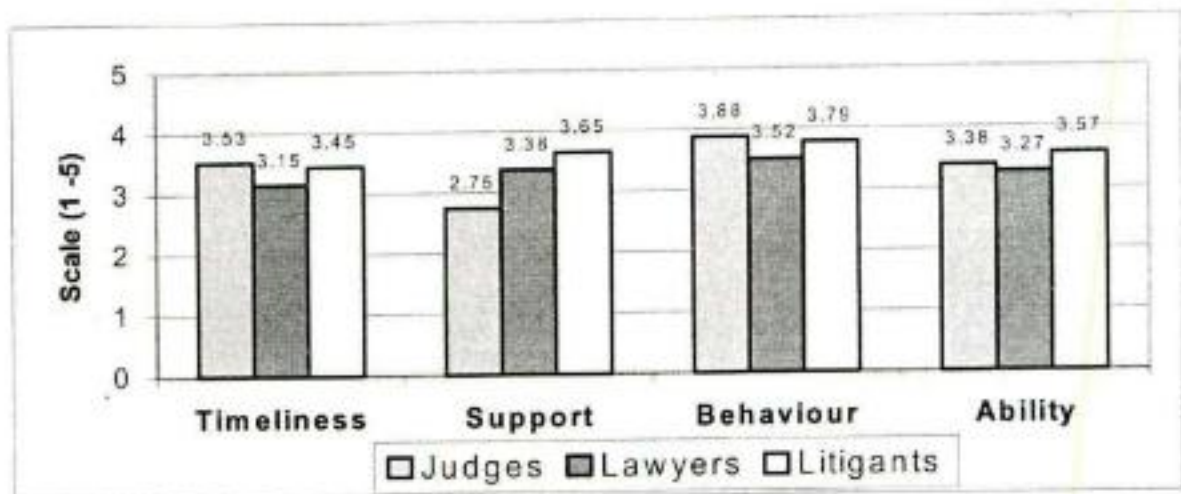
- Summons and notices not attached to file.
- Inadequate judicial staff
- Procedure for filing plaint, petition, etc should be made more easy and simple in order to make it more transparent.
- Cases having fraudulent documents, contracts, wills should be given preference.
- Without proper coordination of judges and lawyers the process of justice can not come in effect.
- Recruitment of NJC should be through competition.
- There should be surprise visits by Senior Officers in courts.
- Fortnightly interaction between Heads of each department with their staff members should be organized.

3.8.4 Litigants' Views

- Paper Procedures should be simplified.
- Fixation of time for each type of case should be enforced.
- More Lok Adalats should be conducted for speedy disposal of cases .

3.8.5 Combined perception from various stakeholders

Views from various stakeholders were sought on the following dimensions: Timeliness, Support given by NJC, Behaviour of NJC and NJC's Ability to deliver. It is heartening to note that (see Figure 3.15) the perceptions shared by the different stakeholders about NJC are nearly same. This is despite the fact that involvement of NJC may mean different things to different stakeholders. This also supports the heuristic feeling that , despite heavy work load, NJC is able to



perform a vital role in the judicial system.

Figure 3.15: Perceptions of different stakeholders

3.9 Highlights of the Chapter

1. Based on brainstorming session, discussion and field visits, questionnaires are designed for NJC, Judges, Lawyers and Litigants.
2. The objective of these questionnaires was to get an assessment on level of satisfaction of NJC with respect to emoluments, benefits, allowances, working conditions, infrastructure, and training facilities available.
3. The questionnaire was administered through FNJPC.
4. The following is the number of respondents:
NJC: 1287 Judges: 392 Lawyers: 456 Litigants: 464
Total: 2599

5. The overall Employee Satisfaction Index (ESI) on a scale of 1 to 5 (1 : least satisfied, 5 : most satisfied) of NJC is 2.36.

6. This index varies across various states as follows:

State Code	AP	AS	BH	DL	GJ	HR	KR	MP	MH	OR	PJ	RJ	TN	UP	WB
ESI	2.75	2.35	1.80	2.27	2.77	2.69	2.55	1.92	2.56	2.15	2.66	2.75	2.69	1.46	2.10

The minimum value is 1.46 in Uttar Pradesh and the maximum value is 2.77 in Gujarat.

APPENDIX - II

**QUESTIONNAIRE
ISSUED BY FNJPC**

QUESTIONNAIRE ISSUED BY FNJPC**MEMORANDUM AND QUESTIONNAIRE
ON
SERVICE CONDITIONS OF COURT STAFF**

It is generally assumed that the administration of justice is a function of the Courts. We always express this in terms of judges who preside over the Courts forgetting the lesser mortals. But, judicial machinery does not wholly centre round the judges, it covers the supporting staff of Courts as well.

In our country, judicial institutions are in pyramidic structure of Courts. The Supreme Court stands at the head of the pyramid. Under Article 146 of the Constitution of India, the Chief Justice of India or some other Judge or Officer of the Court authorised by the Chief Justice makes rules governing the service conditions of Officers and servants of the Court. Under Article 229 of the Constitution, the High Court in each State functions as the head of the State Judiciary. The Chief Justice or some other Judge or Officer of the Court authorised by the Chief Justice makes rules regulating the service conditions of the Officers and servants of each High Court.

But, for staff of the Subordinate Courts, there is no such provision in the Constitution. Their service conditions are regulated by the Statutory Rules framed by the Governor with the consultation of the High Court.

At present, each State has different forums for recruitment of ministerial personnel of Courts. The Public Service Commission or the State / District Level Recruitment Committee or the District Judge himself is the recruiting authority. The selected candidates would be placed before the High Court / District Judge for posting them in appropriate Courts.

It is experienced that there is a great deal of delay in selection and appointment of court staff by external authorities apart from the selection of unsuitable candidates. The delay causes dislocation of court work. To avoid this, it may be necessary to examine whether the District Judge and the High Court could be empowered to make recruitment to all the cadres in court staff.

Article 235 of the Constitution confers on the High Court control over subordinate judiciary and that control is exclusive in nature, comprehensive in extent and effective in operation. It comprehends on wide variety of matters not only the judicial service of the State as defined under Article 236(b), but even the ministerial personnel on the establishment of the Subordinate Courts.

These provisions have been intended to ensure independence of judiciary, which is one of the basic structures of our Constitution.

Till recently, the judicial officers in Subordinate Courts were the neglected lot. The movement to invigorate the subordinate judiciary was, indeed, taken up by the Supreme Court in what is styled as "ALL INDIA JUDGES' ASSOCIATION CASE' (AIR 1992 SC 165 AND AIR 1993 SC 2493). The Court recommended several measures to improve the service conditions of the subordinate judiciary and also directed that there should be a separate Commission to examine their service conditions.

Pursuant to the said direction, the Central Government by notification dated 21 March 1996 constituted the First National Judicial Pay Commission with Mr. Justice K. Jagannatha Shetty, Former Judge of the Supreme Court, as the Chairman and two other Members, viz., Mr. Justice P.K. Bahri (Rtd.), Judge of the Delhi High Court and Mr. Justice A.B. Murgod (Rtd.), Judge of the Karnataka High Court. The Commission was asked to examine and recommend uniform service conditions to Judicial Officers of every State / UT including the minimum qualification, age of recruitment, method of recruitment and structure of emoluments, work methods and work environment etc.

When the Commission was thus constituted, on 14 December 1996, All India Judicial Employees Confederation gave a Memorandum to the Chief Justice of India either to constitute a separate National Judicial Pay Commission or in the alternative, refer the matter to the Shetty Commission to bring uniformity in their pay scales, nomenclature and other service conditions.

In the meantime, All India Judicial Employees' Confederation has filed an application before the Supreme Court praying for permission to intervene in the case of All India Judges Association (Writ Petition (Civil) No.1022 of 1989).

On 17 December 1997, the Supreme Court, while considering that application observed, inter-alia :

xx	xx	xx
xx	xx	xx

The question now is of the manner in which this grievance brought before us by the staff of subordinate courts is required to be dealt with.

We have no doubt that the service conditions of the staff of subordinate courts is a significant factor having relevance in the functioning of the subordinate courts. This question is, therefore, directly connected with the administration of justice and thereby with the rule of law. It being so, the matter is within the ambit of this petition and it requires examination in exercise of the power of this Court under Article 32 of the Constitution of India. If necessary, with the aid of Article 142 of the Constitution of India, this Court, can issue necessary directions to the State Governments / UTs for due compliance.

We tried to avoid taking this step and to have the benefit of the Shetty Commission examining this matter in the first instance. But the stand taken by the State Governments leaves us with no option except to adopt

this procedure. We may, if necessary, at a later stage for the purpose of having the relevant data, avail suitable expert assistance or request even the Shetty Commission to examine the matter and give its report so that this Court could formulate necessary directions on that basis.

In view of the above, we permit intervention of All India Judicial Employees' Confederation and take this I.A. on record as a substantive application." (Emphasis supplied)

On 7 January 1998, the Supreme Court, on further consideration of the matter, passed the following order :

"In order to avoid escalation of the existing discontent amongst the staff of the subordinate courts in the States and for the reasons indicated in the previous order, we request the Shetty Commission to examine the matter and to make a report to this Court about the steps, if any, required to be taken in each State / Union Territory for the improvement of service conditions of the supporting staff attached to the Courts and further to also suggest interim measures of relief in respect of such staff of the subordinate courts in particular States / Union Territories. In doing so, the Shetty Commission would take into account the facts and circumstances peculiar to any State / Union Territory placed before it by the concerned State / Union Territory. The points of distinction, if any, between the States / Union Territories which may be relevant for this purpose may also be taken note of in making the report. This aspect of the matter would be considered by the Court on receipt of the report of the Shetty Commission. The Shetty Commission is requested to give its report as early as possible. The States / Union Territories are required to file their statements together with the relevant documents before the Shetty Commission within eight weeks. The States / Union Territories will take the necessary steps to assist the Shetty Commission in the

performance of this task including furnishing of all such information which may be needed for the purpose by the Shetty Commission. The High Courts are also requested to act likewise and to furnish all the requisite information to the Shetty Commission. To facilitate the Shetty Commission in the performance of its task in the discharge of this additional burden, the All India Judicial Employees' Confederation, District & Sessions Court (Intervenor) is permitted to assist the Commission." (Emphasis supplied)

The Commission, for want of adequate staff, could not take up the study of service conditions of the Court Staff along with that of the Judicial Officers. On 9 June 1998, the Commission submitted to the Supreme Court that the matter pertaining to Court Staff would be taken up effectively only after submitting the report regarding the Judicial Officers.

However, on 11 March 1998, the Commission issued a Circular to all High Courts, State Governments / UTs and Staff Associations with a request to furnish certain information regarding the service conditions of the Ministerial staff and their grievances. It is regrettable to note that most of the High Courts have not responded to the Circular. Some High Courts have simply stated that more promotional posts may be recommended. The High Courts of Kerala and Tripura Bench of the Gauhati High Court have however given their general views on grievances of their staff. It is equally regrettable to note that State Governments have adopted negative approach.

The information thus received by the Commission is found to be fragmented and inadequate and also not up-to-date.

On 11 November 1999, the Commission has submitted the Final Report in respect of the Judicial Officers. Since then, the Commission has taken up the work of the supporting staff of the Courts all over the country.

Since then, the Chairman and Members of the Commission have had several rounds of preliminary discussion with the representatives of the Court staff of New Delhi, Hyderabad, Karnataka, Tamilnadu and the representatives of the All India Judicial Employees' Confederation.

On 8 September 1999, the Commission has appointed the Indian Institute of Technology, New Delhi, as Management Consultant in the matter to have a scientific study of the problems of the Courts and grievances of the staff. The Management experts in the Institute have already commenced field work by interacting with the Court Staff particularly at Delhi, to take stock of the matter with regard to different categories of the staff.

There are over 3,000 District and Additional District Judges in the Country. The number of Civil Judges and Magistrates exceed 8,000. There are other Judicial Forums such as Consumer Forums, Labour Courts and Family Courts, presided over by Senior Judicial Officers. There are about 2.5 lakh employees in about nearly 100 cadres only in regular Courts. It will be much more if we take into account those who are in the allied Courts and Tribunals.

The number of cadres in the Subordinate Courts varies from State to State and Union Territory.

In Dadra and Nagar Haveli, Daman and Diu there are 7 cadres. Andaman and Nicobar have 6 cadres.

Small States like Mizoram has 5 cadres; Sikkim and Bihar have 8 cadres; Andhra Pradesh has 11 cadres.

The Union Territory like Chandigarh has 43 cadres.

Maharashtra has the largest contingent running up to 98 cadres.

The staff have multiple grievances. The common grievance of all the cadres is that there is lack of promotional opportunities. They are allowed to stagnate which inevitably affects their efficiency and morale. Besides they are over-burdened with workload with no adequate compensation. There is no adequate staff to meet the ever growing institution and pendency in each court.

Present strength of the staff in Courts is generally insufficient and this is to considerable extent responsible for the delay in administration of justice and also for creeping corruption. We have a substantial body of evidence whenever the High Court ask for additional staff to meet the heavy pendency of cases, the response of the Government is either inadequate or totally negative. The 14th Report of the Law Commission of India has stated that the efficient working of the Court does not depend only on the work of the judicial officer in taking evidence, hearing arguments and delivering judgments. A number of sections in the Administration Department of a Court contribute to the satisfactory ending of the case. Each Section is therefore required to be manned by adequate staff.

Former classification of posts as gazetted comprising of Class I and Class II, non-gazetted comprising Class III and Class IV have since been reclassified as Group 'A' (not less than Rs.13,500), Group 'B' (not less than Rs.9,000 but less than Rs.13,500), Group 'C' (over Rs.4,000 but less than Rs.9,000), Group 'D' (Rs.4,000 or less). These are the Central pay scales for classification. But, each State has adopted different pay scales for such classification though a few States are yet to switch over to the new system. We, however, for uniformity sake proceed on the classification of Group-wise. Bulk of the ministerial posts in the lower courts fall into Group 'C' and Group 'D'. There are cadres and cadres within each Group 'C' and Group 'D', but no adequate promotional benefits.

It is well known that in almost all States, there is acute shortage of Stenographers. The Stenographers are the backbone of Judicial Officers. But in some States, the Civil Judges (Junior Divn.) have not been provided with Stenographers. The salary structure

of Stenographers is anything but fair and adequate. The Stenographers are not provided reasonable T.A. for attending the home office of the Judicial Officers.

The Private Sectors and Public Sector Undertakings throw open vast employment opportunity for Stenographers with fat salary and perquisites.

Bailiffs and Process Servers in some States are at the lowest pay scale though in some other States they are in the pay scale of Lower Division Clerk.

The staff should be conversant with Civil Rules of Practice, Criminal Rules of Practice, Court Fee and Suits Valuation Act, Civil Procedure Code, Criminal Procedure Code, Limitation Act, Civil Service Rules, Financial Code of the respective States and C.C.A. Rules, Manual of Contingent Expenditure and Treasury Code. These could be better inculcated by proper training.

The Judicial Administration should become computer-friendly and management-driven to achieve quick results. For this purpose also training to the Court Staff is very much essential.

Grievances of the employees vary from State to State and UT. The questions framed are not directed to bring about uniformity in the service conditions of the staff in all the States / UTs. To prescribe such uniform service conditions is neither desirable nor necessary.

This Memorandum is prepared to give an idea as to the need and importance of the supporting staff in dispensation of justice in our Courts.

The annexed Questionnaire includes among others, broad categories of information covering certain aspects referred to in the Memorandum. If any other aspects touching the service conditions of the staff are required to be considered by the Commission, the same may be stated in your response, with your views and suggestions.

The comments and suggestions received on the Questionnaire will help to formulate a proper report to be submitted to the Supreme Court on the service conditions of the Court staff all over the country.

The Questionnaire duly filled in may kindly be returned to :

**The Member-Secretary
The First National Judicial Pay Commission
1st Floor, City Civil Court Complex Annexe
Central College Road
BANGALORE - 560 009.**

QUESTIONNAIRE

GENERAL :

01. Some staff Associations of the District Judiciary have suggested that they may be termed as "Court Service" instead of "Ministerial Staff". Whether this nomenclature would be appropriate? If so, please give reasons in support thereof.
02. Please give the categories of Group 'D' posts in your District Judiciary with pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE - I.
03. Group 'D' generally includes several categories of posts, some of which are promotional to the other. Please enumerate such promotional posts / cadres with their pay scales and the feeding cadres /posts for such promotional posts / cadres in the proforma enclosed as ANNEXURE - II.
04. What are the cadres / posts in Group 'C' in your District Judiciary? Please enumerate the same with their pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE - III.
05. What are the promotional posts / cadres in Group 'C' available to Group 'D' posts? Please enumerate the same in the proforma enclosed as ANNEXURE - IV.
06. What are the categories of posts in Group 'B' in your District Judiciary? Please set out the same with their pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE - V.
07. The common objection of all the State Governments is that there should not be hike in the pay scale of the Ministerial Staff in the District Judiciary since they are of common cadre posts in the Government Departments. Please set out such common cadre posts with their pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE -VI.

08. For common cadre posts in the District Judiciary, how do you justify higher pay scales? What are the compelling reasons for upward revision of pay scales or for any other benefit? Please amplify your reasons.
09. What are the non-common cadre posts in the District Judiciary? Please enumerate the same with the existing pay scales as on 1-1-2000 in the proforma enclosed as ANNEXURE - VII. Whether such pay scales need upward revision? If so, on what grounds?

RECRUITMENT AND STAFF PATTERN :

10. Who is the selecting Authority for the Court staff? Whether it is by Public Service Commission or any other Authority? Are you satisfied with the performance of such Authorities? If not, please suggest any other alternative Authority for recruitment.
11. The Commission has secured from the Supreme Court of India the information regarding pendency of Criminal cases as on 31-12-1998, district-wise, from all the States and U.Ts. Please give the information as to the pendency of Criminal Cases, district-wise from 1-1-1999 to 1-1-2000 in the proforma enclosed as ANNEXURE - VIII.
12. Please furnish the statistics of Civil cases pending, District-wise in your State / U.T. for the past five years from 1-1-1996 to 1-1-2000 in the proforma enclosed as ANNEXURE - IX.
13. The inadequacy of staff and excessive work-load due to high pendency in each Court are the common complaints from all Associations.

What are the remedial measures which you propose to remove these grievances?
14. What is the norm prescribed to provide staff pattern in the Court? Should the staff strength be related to work load in each Court?

15. What are the norms followed for sanctioning staff for the additional Court?

PROMOTION :

16. It cannot be denied that there is no adequate promotional opportunity for the court staff in Group 'C' and Group 'D' in the existing staff structure. More often, a person retires in the same post in which he entered service.

One of the grievances of the group 'D' employees is, though they possess educational qualification to hold Group 'C' post, the promotional opportunities are very less.

Presently what is the percentage of posts in Group 'C' earmarked for promotion from Group 'D'. Whether we could recommend higher percentage? If so, how much we could recommend without affecting the efficiency in the administration.

17. Is there any scheme for giving Assured Career Progression Scales (ACP) to Group 'C' and 'D' employees? If so, please set out the same. Do you consider that such scheme requires improvement? Please give your suggestions.

STENOGRAPHERS :

18. In Bihar, there are four grades of Stenographers with different names and different pay scales. In Tripura, there are six grades with different designations. In Delhi, there are five grades. In other States, there are two grades of Stenographers.

Please give the pay scales as on 1-1-2000 of different grades of Stenographers in your District Judiciary.

The request of the Stenographers, particularly those who are having only two promotional grades is that they be provided with higher benefits or more promotional grades.

Please have us your suggestions in this regard.

19. There is a general demand from Stenographers for switching over to ministerial cadre / supervisory cadre. Is there any such provision for the Stenographers of your District Judiciary? If there is no such provision, do you consider it necessary to provide for it?
20. Common complaint of Stenographers is that they are not paid adequate T.A. to attend the Home office of the Judicial Officers. They also complain that they are called to work at the week-end and even on public holidays without compensation.

Please furnish the T.A. paid to each category of Stenographers in your District Judiciary. Whether it requires upward revision? Should they be compensated otherwise if they are required to work in the Home Office at the week-end and also on public holidays? If so, how and in what terms?

21. Is there any post of P.A. or P.S. attached to the Presiding officer of each Court? If there is no such post, is it not desirable that one post of Stenographer is designated as Personal Assistant or Personal Secretary to the Presiding Officer with pay scale of a Senior Stenographer?

PROCESS SERVERS / BAILIFFS :

22. In some States, Process Servers are in the cadre of Group 'D' and in other States, they are in Group 'C' cadre. They want that they should be given the pay scale of the Constable of the respective States who are in Group 'C'. Please offer your views.
23. Bailiffs demand for creation of adequate posts of Senior Bailiffs with higher pay scales to provide promotional opportunity. They also seek more T.A. to meet the enhanced travelling expenses.

Let us have your considered views in this matter.

BENCH CLERKS :

24. In Bihar and Delhi, there are four grades of Bench Clerks with different designations. In Tripura there are three grades. In Himachal Pradesh, Punjab, Rajasthan and Uttar Pradesh, there are two grades of Bench Clerks. In other States also, there are just two grades which are either in the cadre of LDC or UDC.

The Commission is of *prima facie* opinion that it is desirable to have at least three cadres of Bench Clerks to the three grades of Courts viz., (i) Civil Judge (Jr. Dn.) / Magistrate; (ii) Civil Judge (Sr. Dn.) / CJM; (iii) District Judge / Sessions Judge / CMM.

Please offer your valuable views in this regard. Please suggest the pay scales for these three cadres.

SHERISTEDAR :

25. The Head Ministerial Officer of the Court of Civil Judge (Sr. Dn.) and Civil Judge (Jr. Dn.) is either termed as Head Clerk or Head Assistant or Superintendent.

In States like Kerala, Himachal Pradesh and Delhi, this post is in Group 'B'. It carries the pay scale of Rs. 6500-10550, Rs. 6400-10640 and Rs. 6500-10500 respectively.

In other States, like Andhra Pradesh, Assam, Bihar, the post of Sheristedar is in Group 'C', carrying the pay scales of Rs. 2600-5580, Rs.1595-2715, Rs. 1400-2600 etc.

Those who are in Group 'C' want to be included in Group 'B' and those who are in Group 'B' want to be upgraded to Group 'A'.

What are your views on these demands?

CHIEF ADMINISTRATIVE OFFICER (CAO) :

26. This post is termed in different names in different States / UTs. In Andhra Pradesh it is called as Administrative Officer of the District Court. In Assam, Bihar, Tamil Nadu and West Bengal it is styled as Sheristedar of the District Court. In Delhi, as Chief Administrative Officer-cum- Deputy Controller of Accounts. In Goa and Gujarat, as Registrar; in Punjab, Haryana and Himachal Pradesh as Superintendent of District Court and in Jammu & Kashmir the post is styled as Section Officer. But, in Uttar Pradesh, it goes by the name of Senior Administrative Officer.

In most of the States, these posts are in Group 'B' but in few States they are in non-gazatted cadre i.e. Group 'C'. In Kerala, however, this post carries the pay scale of the Deputy Secretary to the State Government.

The Associations demand that this post being the highest ministerial post in the District Judiciary with heavy duties and responsibilities, must be equated with the post of Headquarters Assistant to the Deputy Commissioner of the District. They want that it should be included in Group 'A'. Please have us your views as to the desirability of equating it to the post of Headquarters Assistant to the Dy. Commissioner / Collector of the District or as to any other higher post in the Government.

PROTOCOL OFFICER :

27. Places of historical or religious importance attract large number of Judges of superior Courts all over the country. More often, the local Court Staff are asked to attend such dignitaries and sometimes even the Presiding Officers leaving the court work are required to attend them. The Commission considers that creation of post of a Protocol Officer in such local Courts is necessary to avoid dislocation of Court work.

Please specify such local Courts in your State / UT and suggest the pay scale for such post and the assistants if necessary.

ALLOWANCES AND BENEFITS :

28. The Court Staff in the States are provided with allowances and other benefits like City (Compensatory) Allowance, House Rent Allowance, Bonus etc., as admissible to their counterparts in the Government Departments. The Staff Associations of Courts, however, have pleaded for upward revision and / or additional benefits.

Please give your reasons for and against.

MEDICAL BENEFITS :

29. In some States, in addition to the reimbursement of the expenses incurred on medical treatment as in-patient or on specified chronic diseases, some monthly cash payment to the extent of Rs.25/- in Karnataka and Rs.100/- in West Bengal is also paid. The Court Staff in States where such payment is not made have asked for the benefit of cash payment.

What are your views in this regard?

If you have any other suggestion to make in this regard, please do so.

HOUSING FACILITY :

30. Whether all or any of the Court Staff are provided with designated official quarters? If not, are there any prescribed norms for allotting quarters to the Court Staff out of the general pool?

What are your suggestions in the matter of providing residential accommodation to the Court Staff?

BASIC AMENITIES :

31. Whether basic amenities, such as, place for taking lunch and toilets, provided separately to the male and female employees in the Court buildings?

STATIONERY AND PRINTED FORMS :

32. It is a common complaint that the staff working in the District Judiciary are handicapped in discharging their duties properly on account of non-availability of stationery articles and process forms.

What is the system prevailing with regard to the supply of stationery and prescribed printed forms? Whether the supply is made as per indent placed and promptly? If there is short supply, is there provision in financial Rules to purchase the stationery or get the prescribed forms printed locally?

Suggest any other feasible method with regard to supply of stationery articles and prescribed forms to the Courts which would overcome the problem faced by the staff and at the same time ensures that the articles are not misused.

FURNITURE :

33. Another grievance of the Court Staff is that necessary furniture are not provided to them and that causes hindrance in the efficient discharge of duties.

Is there any norms regarding the scale and type of furniture to be supplied to each Court? Whether there is need to effect any changes in the matter of supplying such furniture?

UNIFORMS :

34. Whether Group 'D' employees are provided with uniforms and / or uniform allowance?

Group 'C' employees also demand uniforms and / or uniform allowance.

What are your views?

MODERN EQUIPMENT IN COURTS :

35. Whether Photocopiers are provided in all the Courts in your State / UT?

What is the method provided to keep such equipments always in good working condition with required stationery?

CO-OPERATIVE SOCIETY FOR COURT STAFF :

36. Whether there is need to have a Co-operative Society for the Court Staff in the District headquarters? Whether any accommodation could be provided for the purpose in the Court premises?

REMUNERATION / COMPENSATION FOR DEPUTATION TO LOK ADALATS :

37. It has now become common that regular Court Staff are deputed to work in Lok Adalats conducted not only in the Court premises but also elsewhere. Sometimes, it is even in the holidays. The complaint is that the deputed staff are not paid compensation for this additional work.

What are your suggestions as to the compensation payable to such staff?

STAFF IN THE RECORD ROOM AND PROPERTY ROOM :

38. Is there any provision in the relevant Rules to give additional benefits or payment for those working in Record Room / Property Room, which is generally the most congested and dust-driven room?

If there is no such provision, is it not desirable to have some such provision?

LEAVE TRAVEL CONCESSION / HOME TRAVEL CONCESSION :

39. Whether LTC / HTC benefits are provided to the Staff of Courts? If not, what are your suggestions in this regard?

LEAVE RESERVE POSTS :

40. Some Associations have asked for leave reserve posts to ensure that the Court work does not suffer when the employees take leave.

Whether such leave reserve post is necessary? If so, in what category and to what extent?

TRAINING :

41. Is it not desirable to provide regular training in Court administration at entry level and also to inservice employees?

Please suggest the period of training and subjects for training.

DISCIPLINARY PROCEEDINGS :

42. There are large scale complaints that disciplinary proceedings against the Court Staff are not disposed of expeditiously. They remain pending either at the enquiry stage or in the appellate stage.

Should there be a time-bound procedure for disposing of the disciplinary proceedings?

Please make your suggestions in this behalf.

AGE OF SUPERANNUATION :

43. The conditions of service of Court Staff of all States including the age of superannuation are governed by the respective State Rules. Some Staff Associations, however, have made a demand to raise the retirement age to 60 years on par with the age of superannuation of the Presiding Officers of Courts.

What are your views in this regard?

PENSIONARY BENEFITS :

44. The pensionary benefits of the Court Staff are regulated by the respective State Service Rules. The Court Staff Associations, however, have requested for giving them the benefits of the Central Government Rules, particularly with regard to encashment of Earned Leave upon retirement, commutation of pension, payment of gratuity, pension etc..

We would like to have your considered views in this regard.

PROFORMA

STATE / U.T. : _____

Statement showing the categories of Group 'D' posts / cadres with their pay scales as on 1-1-2000 in the District Judiciary.

Sl. No.	Category	No. of Posts	Pay Scale (Rs.)
01.			
02.			
03.			
04.			
05.			
06.			
07.			
08.			
09.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the promotional posts / cadre in Group 'D' with their pay scales as on 1-1-2000 and the feeding cadre / posts.

Sl. No.	Promotional post / cadre in Group 'D'	Scale of Pay	Feeding cadre / posts in Group 'D'
01.			
02.			
03.			
04.			
05.			
06.			
07.			
08.			
09.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the categories of Group 'C' posts / cadres with their pay scales as on 1-1-2000 in the District Judiciary.

Sl. No.	Category	No. of Posts	Pay Scale (Rs.)
01.			
02.			
03.			
04.			
05.			
06.			
07.			
08.			
09.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the categories of promotional posts / cadre in Group 'C' available to Group 'D' categories.

Sl. No.	Group 'D' posts / cadre	Category of Promotional posts / cadre available in Group 'C'
01.		
02.		
03.		
04.		
05.		
06.		
07.		
08.		
09.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the categories of Group 'B' posts / cadres with their pay scales as on 1-1-2000 in the District Judiciary.

Sl. No.	Category	No. of Posts	Pay Scale (Rs.)
01.			
02.			
03.			
04.			
05.			
06.			
07.			
08.			
09.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the Common Cadre posts existing in the District Judiciary on par with the Government Department / Section / Secretariat.

Sl. No.	District Judiciary		Govt. Dept. / Secretariat	
	Name of the post	Pay scale	Name of the post	Pay scale
01.				
02.				
03.				
04.				
05.				
06.				
07.				
08.				
09.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the Non-common cadre posts in the District Judiciary with existing pay scale.

Sl. No.	Non-common cadre posts	Pay Scale as on 1-1-2000	Suggested Pay Scale
01.			
02.			
03.			
04.			
05.			
06.			
07.			
08.			
09.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

(If necessary, please continue in the reverse page)

PROFORMA

STATE / U.T. : _____

Statement showing the Pendency of Criminal cases in District Judiciary in the
District of _____

Year / Period	Sessions Court	CMM Court	CJM Court	Court of Judicial Magistrate
01-01-1999 to 31-12-1999				

PROFORMA

STATE / U.T. : _____

Statement showing the Pendency of Civil cases in District Judiciary in the District of _____

Year/ Period	Dist. Judge Court	City Civil Court	Civil Judge (Sr. Dn.)	Small Causes Court	Civil Judge (Jr. Dn.)
01-01-1996 :					
01-01-1997 :					
01-01-1998 :					
01-01-1999 :					
01-01-2000 :					

APPENDIX - III

**NAMES OF REPRESENTATIVES OF
HIGH COURTS, STATE GOVERNMENTS / UTs
AND ASSOCIATIONS WHO APPEARED
BEFORE THE COMMISSION**

LIST OF PARTICIPANTS IN THE PERSONAL HEARING

ANDHRA PRADESH

(Dt. 19.6.2001)

G. Yethirajulu,
Registrar General,
Andhra Pradesh High Court, Hyderabad.

K.G. Shankar,
Secretary,
Department of Law,
Government of Andhra Pradesh.

N. Prabhakar,
President,
Judicial Employees Assn.,
Andhra Pradesh.

B. Kasinatha Sastry,
Org. Secretary,
A.P. Judicial Employees Association.

S. Narayana,
President,
Judicial Employees Association,
City Civil Court, Hyderabad.

Md.Imtiaz Uddin Siddiqui,
Secretary,
Judicial Employees Association,
City Civil Court, Hyderabad.

ASSAM
(Dt. 3.7.2001)

Kuladhar Phukan,
Secy. to the Government of Assam,
Judicial Dept. Dispur.

N.K. Bhattacharyya,
President,
All Assam Judicial Employees' Assn.
Silchar Cachar, Assam.

I.M. Boruah,
Gen. Secretary,
All Assam Judicial Employees' Assn.
Morigaon, Assam.

Dadul K.R. Laskar,
Treasurer,
All Assam Judicial Employees' Assn.
Assam.

A.R. Ahmed,
Member,
All Assam Judicial Employees' Assn.
Bongaigaon, Assam.

S.P. Singh,
Member,
All Assam Judicial Employees' Assn.
Silchar, Assam.

Khalekuz Zaman,
Member,
All Assam Judicial Employees' Assn.
Assam.

K.K. Bhattacharjee,
Gen. Secretary,
All Assam Stenographers Assn. of
Courts and Tribunals,
Karimganj - 788 710, Assam.

N. Dutta Chowdhury,
Jt. Secretary,
All Assam Stenographers Assn. of
Courts and Tribunals,
Cachar Silchar -788 001, Assam.

BIHAR & JHARKHAND
(Dt. 2.7.2001 & 25.7.2001)

Rajendra Prasad,
Law Secretary,
Government of Bihar.

Santosh Kumar,
General Secretary,
Bihar Judl. Services Assn.
Judicial Magistrate Civil Court,
Banka, Bihar.

Shakeel Ahmad Moeen,
State President,
Bihar State Civil Court Employees'
Assn., Civil Court,
W. Champaran, Bihar.

Shambhunath Kuwar,
General Secretary,
Civil Court, Patna.

Mahendra Prasad,
Deputy Convenor,
Jharkhand State Civil Courts
Employees Assn., Bukaro.

Ramadhar Mishra Patron,
Jharkhand Civil Courts Employees'
Assn., Giridih.

Md. Aazam Khan Suri,
Secretary,
District Civil Court Employees Assn.,
Jharkhand.

Kumar Devendra Mohan Dwivedy,
Ex-Secretary,
Civil Court, Patna.

DELHI
(Dt. 4.7.2001)

M.R. Agnihotri,
C.A.O-cum-Deputy Controller of Accts.,
District & Sessions Judges' Office,
Delhi.

Shivkanth Sharma,
President,
Tis Hazari Court of the District,
Civil Courts Delhi Nazir Assn., Delhi.

Amar Singh Mewad,
Gen. Secretary,
M.L. Lukkar, Civil & Sessions Court
Employees' Assn.,
Tis Hazari Courts, Delhi.

J.N. Jamwal,
President,
Civil & Sessions Courts Stenographers
Association, Tis Hazari, Delhi.

S.C. Sharma,
Secretary,
Civil & Sessions Courts Stenographers
Association, Tis Hazari, Delhi.

Shakti Sroop,
Driver, President,
Civil & Session Court,
Drivers' Welfare Assn., Delhi.

Dinesh Kumar,
Shakti Shrup Sharma,
President,
Drivers Assn. Tis Hazari, Delhi.

Puran Chand,
Secretary,
Bailiffs' and Process Servers' Assn.,
Delhi.

M.L. Gakhar,
Nominee,
Civil & Sessions Courts Employees'
Association, Tis Hazari Court, Delhi.

J.P. Sharma,
Civil Nazir,
Tis Hazari Court of the Legal Advisor,
Delhi.

J.B. Mandal,
Civil Nazir,
Tis Hazari Court of the District,
Civil Courts Delhi Nazir Association
Delhi.

GOA
(Dt. 20.6.2001)

Shivdas K. Gaunekar,
President,
North Goa Judl. Court Employees'
(Non-Gazetted) Assn., Panji, Goa.

Bhanudas R. Chari,
Gen. Secretary,
North Goa Judl. Court Employees'
(Non-Gazetted) Assn., Panji, Goa.

Dhananjay V. Redkar,
President,
South Goa Court Employees'
(Non-Gazetted) Assn., Panji, Margoa.

GUJARAT
(Dt. 21.6.2001 & 25.7.2001)

Gaekwad S.J.,
Registrar,
Gujarat High Court, Ahmedabad.

V.B. Gandhi,
Additional Registrar,
High Court of Gujarat, Ahmedabad.

M.M. Chavhan,
President,
Gujarat State Judicial Dept.
Class-III Employees Federation
District Court, Palanpur, Gujarat.

I.I. Malvat,
General Secretary,
Gujarat State Judicial Dept.
Class-III Employees Federation
Ahmedabad.

M.B. Jhala,
President,
Gujarat State Judicial Stenos /
PAs Assn., Rajkot, Gujarat.

Suresh R. Thakkar,
General Secretary,
Gujarat State Judicial Stenos /
PAs Association, Ahmedabad.

Sumant D. Parmar,
President,
Gujarat State Judicial Bailiffs' Assn.
City Civil Court, Bhadra,
Ahmedabad.

Bhagyan Singh F. Chhatiaya,
Secretary,
Gujarat State Judicial Bailiffs' Assn.,
Dist. Court, Nadiad, Gujarat.

Natvarlal Chhotalal Vyas,
President,
The Ahmedabad City Civil &
Sessions Court, PSs Association,
Ahmedabad.

J.A. Bhavsar,
General Secretary,
The City Civil & Sessions Court,
PSs Association, Ahmedabad.

Chandresh A. Thaker,
President,
Small Cause Court, Class-III
Servents Union, Bhadra,
Ahmedabad.

Lalit Kumar Mithalal Trivedi,
Secretary,
Small Cause Court, Class-III Assn.
City Civil Court, Bhadra,
Ahmedabad.

Kishorsinh L. Jetavat,
City Civil & Sessions Court,
Ahmedabad.

A.B. Ravat,
Small Cause Court,
Ahmedabad.

N.G. Shaikh, PA
District & Sessions Court,
Ahmedabad.

HIMACHAL PRADESH (Dt. 4.7.2001)

Ram Lal Sharma,
Addl. Registrar,
(Administration & Establishment)
Himachal Pradesh High Court,
Shimla - I, Himachal Pradesh.

Suresh Thakur,
State President,
HP Judicial Employees' Welfare,
Assn., Himachal Pradesh.

O.L. Chauhan,
General Secretary,
HP Judicial Employees' Welfare,
Assn., Nahan, Himachal Pradesh.

JAMMU & KASHMIR (Dt. 21.6.2001 & 28.8.2001)

A. H. Shochak,
Special Secretary,
Govt. of Jammu & Kashmir, Law &
Parliamentary Affairs, Srinagar.

Ajaz Ahmed,
Sr. Asst. Sub-Registrar,
Srinagar.

Khem Raj Bali,
PA to Dist. & Sessions Judge,
Jammu.

Nassar Ullah,
PA to Prl. Dist. Judge,
Srinagar.

Shabir Ahmad Kamili,
Nazir, District Judge Court,
Srinagar.

Wazir Ahmed T.,
Senior Assistant,
Chief Judicial Magistrate Court,
Jammu.

Surender Singh,
Sr. Asst. Reader Passenger
Tax & Electricity Mag., Jammu.

S. Jeelani,
Junior Stenographer,
Addl. Dist. Judge Court, Srinagar.

M. Akbar Magrey,
Senior Assistant,
MACT Court, Srinagar.

Ilyas Ahmed R.,
Nazir, (Spl. Judge)
(Anti Corruption)

Bilal Ahmed Shah,
Reader,
4th Addl. Dist. & Sessions Judge,
Srinagar.

Ah. Salam Dar,
Small Causes Court,
Srinagar.

Abdul Suleman Dar,
Head Asst-cum-Accountant,
C/o. Principal & Sessions Judge Court,
Kupwara.

KARNATAKA
(Dt. 19.6.2001)

A.C. Kabbin,
Registrar General,
High Court of Karnataka,
Bangalore.

H.M. Bharathesh,
Addl. Law Secretary
Government of Karnataka,
Bangalore.

B.S. Prabhakar Prasad,
President,
Judicial Dept. Employees' Assn.,
Bangalore.

S.N. Shivashankar,
Vice President,
Judicial Dept. Employees' Assn.,
Bangalore.

V.M. Shankar,
Gen. Secretary,
Judicial Dept. Employees' Assn.,
Bangalore.

Vijay Kumar K., E.C,
Judicial Dept. Employees' Assn.,
Bangalore.

S.G. Krishna Murthy,
President, Stenographers' Assn.,
Bangalore.

M.D. Anantha,
Gen. Secretary,
K.S.S.J/W Association,
Bangalore.

S.R. Sattigeri,
President, Stenos & JWS Branch,
Belgaum.

Syed Altaf Mohiuddin,
Judgment Writer, Dist. Court,
Karnataka.

M.S. Shivanna,
President,
Karnataka State Bailiffs' & Process
Servers Association, City Civil Court,
Bangalore.

S. Siddappa,
City Civil Court,
Bangalore.

KERALA
(Dt. 18.6.2001 & 4.7.2001)

P. Sankaran Unni,
Joint Registrar,
High Court of Kerala,
Ernakulam, Cochin.

K.K. Vijaya Kumar
Secretary to Govt. Home Dept.,
Trivandrum.

K.M. Rajendran,
President, KCJSO,
Jr. Supdt., Kozhikode,
Water Tribunal, Kozhikode.

Andrews A. Thomas,
Jr. Supdt., Munsiff's Court,
Peermadi, Idukki, Kerala.
(Gen. Secy., KCJSO)

Muraleedharan. A.,
Junior Superintendent,
Court of JMFC-I, Thrissur,
Kerala.
(President, KCJSA)

Ramachandran K.V.,
Jr. Supdt., JFCM Court,
Kasargod, Kerala.
(Gen. Secy., KCJSA)

Santha Kumari K.P.
Secretary, Kerala Judicial
Confederation Assistant (C&C) Assn.,
Addl. Chief Judicial Magistrate
(Economical Officer) Court,
Ernakulam.

V.M. Mathew,
Process Server, District Court,
Alappuzha, Kerala.
(KCJPSA)

G. Aravindakshan Nair,
Process Server, District Court,
Alappuzha, Kerala.

MADHYA PRADESH
(Dt. 22.6.2001 & 25.7.2001)

S.L. Jain,
Registrar General,
Madhya Pradesh High Court,
Jabalpur.

Chandresh Bhushan,
Principal Secretary,
Govt. of M.P., Dept. of Law
Legislative Affairs,
Bhopal.

S.K. Chourey,
President,
M.P. Judicial Employees' Assn.,
Bhopal.

Santosh Pathak,
Secretary,
M.P. Judicial Employees' Assn.,
District Court, Jabalpur,
Bhopal.

MAHARASHTRA

(Dt. 20.6.2001)

R.C. Chavan,

Additional Registrar,
High Court of Bombay,
Mumbai.

J.R. Deshpande,

Joint Secretary,
Law & Judiciary Dept.
Govt. of Maharashtra,
Manthralay, Mumbai.

Ravankar B.M.,

President,
Maharashtra State Judl. Employees
Confederation, Khamagaon Dist.
Buldana.

Durg M.R.,

Maharashtra State Judl. Employees
Confederation, Latur Dist. Court.,
Latur.

More M.S.,

Vice-President,
Maharashtra State Judl. Employees
Assn., District Court, Nanded.

Kadam M.M.,

Executive Committee Member,
Maharashtra State Judl. Employees
Assn., District Court, Nanded.

Kotgire S.P.,

Executive Committee Member,
Maharashtra State Judl. Employees
Assn., District Court, Nanded.

S.M. Deshmukh,

President,
Maharashtra State Law Graduate
Judl. Employees Assn. & Legal
Advisor of Confn.

Gulab D. Rathod,

Vice-President,
Civil Court, Buldana.

B.P. Pagare,

President,
Industrial & Labour Court
Employees Assn., Mumbai.

M.P. Vaidya,

General Secretary,
Industrial & Labour Court
Employees Assn., Mumbai.

V.P. Patil,

Advocate, Working President,
A.I.J.A., Eden I, 504, G.B. Road,
Thane (W).

MIZORAM

(Dt. 3.7.2001)

P. Chakraborty,

L.R. & Secretary,
Law & Judiciary, Govt. of Mizoram
Aizawl.

ORISSA

(Dt. 22.6.2001)

S.F. Ahmed,

Registrar (Judicial),
Orissa High Court.

Dilip Kumar Sahu,
Addl. L.R. to Government.

Nimain Ch Mohanty,
General Secretary,
All Orissa Judicial Employees Assn.,
Puri.

Naresh K.U. Tripathy,
Joint Secretary,
All Orissa Judicial Employees Assn.,
Puri.

**PUNJAB, HARYANA &
CHANDIGARH**
(Dt. 23.7.2001)

Sathis Kumar Verma,
President,
Punjab State Judl. Employees Confn.,
Patiala, Pujub.

Balwinder Singh,
Gen. Secretary,
Punjab State Judl. Employees Confn.,
Dist. & Sessions Court, Jalandhar.

Sh. Gurdial Singh,
K.C. Kashyap,
M.D. Shukla,
Sanjay Jain,
Punjab Judicial Courts Personal Staff
Association.

Sathyavir Yadav,
President,
Haryana Judl. Employees Assn.
Dist. & Sessions Court, Karnal.

Vikas Jain,
General Secretary,
Haryana Judl. Employees Assn.,
Karnal.

Ram Sharan Saini,
Org. Secretary,
Haryana Judl. Employees Assn.,
Karnal.

Rajinder Prashad,
President,
The Haryana P.S. Estab. H.O.
Civil Court, Rohtak.

Tara Singh,
General Secretary,
The Haryana P.S. Estab. H.O.
Civil Court, Rohtak.

Sunil Kumar,
Secretary,
The Haryana P.S. Estab. H.O.
Civil Court, Rohtak.

Satpal,
Naib Nazir to Civil Judge (Sub-Din.)
Rohtak, Haryana.

Jagdish Rai,
Naib Nazir to Civil Judge (Sub-Din.)
Rohtak, Haryana.

RAJASTHAN
(Dt. 5.7.2001)

M.P. Dixit,
Officer on Special Duty,
Finance Dept., Govt. of Rajasthan,
Jaipur.

Dungar Bhai Rao,
Provincial Sr. Vice President,
Rajasthan Judl. Employees Assn.
Addl. Chief Judicial Magistrate Court,
Pali, Rajasthan.

Shrivallabh Dave,
Senior Vice President,
Rajasthan Judicial Employees Assn.
Pali.

Jagadish Bharti,
General Secretary,
Rajasthan Judicial Employees Assn.

**TAMIL NADU &
PONDICHERRY**
(Dt. 18.6.2001)

G. Theva Neethi Dhas,
Joint Secretary,
Dept. of Personal & Adm. Reforms,
Govt. of Pondicherry
Pondicherry.

John C.P. Maridassan,
Deputy Secretary (Law),
Law Dept., Govt. of Pondicherry
Pondicherry.

K. Calidassane,
President,
Pondicherry State Judicial Employees
Association, Pondicherry.

D. Anbarasu,
Secretary,
Pondicherry State Judicial Employees
Association, Pondicherry.

P. Lakshumana Swamy,
Pondicherry State Judicial Employees
Federation, Pondicherry.

C. Murugesan,
State President,
Tamilnadu Judicial Employees Assn.,
District Magistrate's Court,
H.Q., Erode.

P.S. Mubarack,
State Vice-President,
CJM Court, Krishnagiri,
Tamilnadu.

K. Pondi,
State General Secretary,
District Court, Sivaganga.

S. Micheal,
President,
Tamilnadu Civil Court Junior Bailiffs
Association, Devakottai.

M. Shanmugam,
Secretary,
Tamilnadu Civil Court Junior Bailiffs
Association, Devakottai.

TRIPURA
(Dt. 3.7.2001)

N.C. Sen,
Joint Secretary, Finance,
Govt. of Tripura.

T.K. Sarkar,
General Secretary,
Tripura Judl. Employees Assn.,
Agarthala, Tripura.

D.K. Sinha,
Representative,
Tripura Judl. Employees Assn.,
Agarthala, Tripura.

UTTAR PRADESH
(Dt. 23.7.2001 & 27.8.2001)

Vijai Verma,
Joint Registrar,
High Court of Allahabad,
Allahabad.

N.K. Mehrotra,
Principal Secretary (Judicial),
U.P. Government, Lucknow.

Dr. Vijay Kumar,
Provincial President,
Civil Courts, Ministerial Service Assn.,
Lucknow.

Hari Shankar Srivastava,
Vice-President (Provincial)
Anjuman Himayat Chaprasiyan, Camp,
Lucknow, U.P.

Mahesh Kumar Sharma,
PA to Addl. Judge, Family Court,
Provincial Gen. Secretary,
U.P. Civil Courts Personal Assts. &
Stenographers Assn., Lucknow.

Sathyendra Singh Yadav,
President
Ministerial Civil Courts Assn.

Jagadish Singh,
Process Server,
District President, Anjuman Himayat
Chaprasiyan Camp, Local Unit Bareilly.

Ram Tirath Pondey,
Court of ADJ-II, (EC),
Act. District Basti, U.P.
Provincial Jt. Secretary,
Anjuman Himayat Chaprasiyan Camp,
Basti.

Girija Dayal Mourya,
Process Server, Provincial President,
Anjuman Himayat Chaprasiyan Camp,
Bareilly, U.P.

Mata Prasad Misra,
Sr. Admn. Officer,
Civil Court, U.P.

Shaim Bahadur Saxena,
Patron, Civil Courts,
Ministerial Service Assn.,
Aligarh.

Shyam Saran Srivastava,
Stenographer, Chief Judicial
Magistrates Court, Faizabad, U.P.

**WEST BENGAL & ANDAMAN
AND NICOBAR ISLANDS**
(Dt. 2.7.2001)

Kamalendu Ganguly,
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Inspection Dept. High Court,
Kolkotta.

B.K. Majumdar,
Spl. Secretary, Finance Dept.
Govt. of West Bengal,
Kolkotta.

Manabendra Majumdar,
Gen. Secretary, W.B. Court Employees
Assn., Kolkotta.

M.A. Rahaman,
Samar Saha,
M.N. Jha,
Asst. Gen. Secretary,
Representative W.B.P.S. Central Assn.,
Kolkotta.

Sankar Dutta,
Assistant Secretary,
W.B. Court Employees Assn.,
Kolkotta.

Samir Kumar Dhara,
State Treasurer,
W.B. Court Employees Assn.,
Kolkotta.

A.B. Rayachandhi,
Clerk, DJs Court,
Howrah.

Bijon Kumar Choudhary,
Member of State Committee,
W.B. Court Employees Assn.,
Dinajpur.

Lakshmikantha De,
Stenographer,
District Judges' Court, Hoogly,
Authorised Representative of the
W.B. Govt. Stenographers Assn.

Uday Chand Ray,
Stenographer,
District Judges' Court, Hoogly,
Authorised Representative of the
W.B. Govt. Stenographers Assn.

K.P.K. Nair,
President,
Judicial Employees Association,
Dist. & Sessions Court, Port Blair,
Andaman.

**ALL INDIA JUDICIAL
EMPLOYEES CONFEDERATION
(Dt. 24.7.2001)**

R.P. Bhalla,
President, All India Judicial
Employees Confederation, District
& Sessions Court, Sirsa, Haryana.

Vikas Jain,
Vice-President,
All India Judicial Employees Confdn.,
Dist. & Sessions Court, Karnal, Haryana.

Satyavir Yadav,
General Secretary,
All India Judicial Employees Confdn.,
Dist. & Sessions Court, Karnal, Haryana.

Suresh R. Thakkar,
Joint Secretary,
All India Judicial Employees Confdn.,
Dist. & Sessions Court,
Ahmedabad (Rural), Ahmedabad.

Ram Sharan Saini,
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All India Judicial Employees Confdn.,
Dist. & Sessions Court,
Sirsa, Haryana.

S.N. Shiva Shankar,
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I.I. Malvat,
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Karnataka State Judicial District
Employees Association, Bangalore.

S.K. Churay,
President,
M.P. Judicial Employees Assn.,
District Court, Bhopal, M.P.

Santosh Pathak,
Secretary,
M.P. Judicial Employees Assn.,
District Court, Jabalpur, M.P.

Sathish Kumar Verma,
President,
Punjab State Judicial Employees
Confederation, Dist. & Sessions Court,
Patiyala.

Balvinder Singh,
General Secretary,
Punjab State Judicial Employees
Confederation, Dist. & Sessions Court,
Jalandhar.

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APPENDIX - IV

**MODEL RULES FOR RECRUITMENT
TO DISTRICT COURT SERVICE**

**MODEL RULES FOR RECRUITMENT TO
DISTRICT COURT SERVICE**

.....**STATE DISTRICT COURT SERVICE RULES 2001**

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf the Governor of, in consultation with the High Court of, hereby makes the following rules, namely :-

CHAPTER - I

PRELIMINARY

1. Short Title and Commencement :-

- (1) These rules may be called theState District Court Service Rules, 2002.
- (2) They shall come into force on the expiry of one hundred days from the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context requires otherwise,-

- (1) "appointing authority" in relation to a member of the Service means,-
 - (a) the authority empowered to make appointments to the category of post which the member for the time being holds, or
 - (b) the authority which appointed the member to the service,whichever authority is the higher authority;

- (2) "equivalent qualification" means a qualification notified by the High Court as equivalent to a qualification prescribed in these rules in respect of any category of post;
- (3) "Government" means the Government of
- (4) "High Court" means the High Court of
- (5) "Official Gazette" meansGazette;
- (6) "Selecting Authority means,-
- A. in the case of Chief Administrative Officers and such other category of posts as the High Court may specify, the High Court.
- B. in the case of other category of posts, a committee constituted by the High Court, consisting of, -
- (a) in a City Civil Court,-
- | | | |
|---|---|----------|
| (i) Principal City Civil Judge of the Court | - | Chairman |
| (ii) the Senior-most City Civil Judge in the Court. | - | Member |
| (iii) the Chief Metropolitan Magistrate or Chief Judicial Magistrate or Chief Judge Small Causes Court in the City. | - | Member |
- (b) in other courts,-
- | | | |
|---|---|----------|
| (i) the Principal District Judge of the district | - | Chairman |
| (ii) the senior-most Additional District Judge in the district headquarters | - | Member |
| (iii) the senior-most Senior Civil Judge or Chief Judicial Magistrate or Chief Metropolitan Magistrate at the district headquarters | - | Member |

- (7) "Schedule" means schedule appended to these rules;
- (8) "Service" means the State District Court Service;
- (9) "State" means the State of

CHAPTER - II

CONSTITUTION OF THE SERVICE

3. **Constitution of the Service, -**

- (1) On and from the date of commencement of these rules there shall be constituted a State Civil Service known as the(Name of the State) District Court Service.
- (2) The Service shall consist of the category of posts or cadres specified in column (2) of Schedule A. The character and number of posts in each of those cadres and their scale of pay shall be as specified in the corresponding entries in columns (3) to (6) thereof.
- (3) The appointing authority shall, for the category of posts of Chief Administrative Officers and such other category of posts as the High Court may specify, - be the High Court and for other category of posts,
 - (a) in cities having a City Civil Court, the Principal City Civil Judge of the Court; and
 - (b) in other places, the Principal District Judge of the district.
- (4) With effect from the date of commencement of these rules the existing category of posts specified in column (2) of Schedule B shall stand designated as the category of posts (cadres) specified in the corresponding entries in column (1) thereof and initially they shall constitute the Service.

CHAPTER - III
RECRUITMENT

4. Method of recruitment, qualifications and age limit etc., -

In respect of each category of posts of the Service specified in column (2) of Schedule C, the method of recruitment and minimum qualification, age limit etc., shall be as specified in the corresponding entries in columns (3) and (4) thereof.

5. Procedure of appointment. -

Subject to the provisions of these rules, recruitment to any category of post in the service shall be made by the Selecting Authority,-

- (1) in the case of recruitment by direct recruitment, after giving such adequate publicity to the recruitment as the Selecting Authority may determine, in the order of merit of candidates as determined by the Selecting Authority;
- (2) in the case of recruitment by promotion, by selection by the Selecting Authority on the basis of seniority-cum-merit, that is, seniority subject to fitness of the candidate to discharge the duties of the post, from among persons eligible for promotion.

6. Disqualification for appointment. -

- (1) No person shall be eligible for appointment unless he is a citizen of India.
- (2) No man who has more than one wife living and no woman who has married a man already having another wife, shall be eligible for appointment.
- (3) No person who attempts to obtain extraneous support by any means for his candidature from officials or non-officials, shall be eligible for appointment.
- (4) No person shall be eligible for appointment if he or she -

- (a) is or has been a member of, or has associated himself or herself with, any body or association after such body or association is declared as an unlawful body or association; or
- (b) has participated in or is associated with, any activity or programme -
 - (i) aimed at subversion of the Constitution of India;
 - (ii) aimed at organised breach or defiance of law involving violence;
 - (iii) which is prejudicial to the interests of the sovereignty and integrity of India or the security of the State; or
 - (iv) which promotes, on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people; or
- (c) is dismissed from service under the Government of India or any State Government or any High Court;
- (d) is or has been debarred or disqualified by the Union or any State Public Service Commission or any High Court from appearing for any examination or selection conducted by it; and
- (e) is or has been convicted of an offence involving moral turpitude.

7. **Age limit for appointment.-**

- (1) Every candidate for appointment by direct recruitment must have attained the age of eighteen years and not attained the age of,-
 - (a) thirty two years in the case of a person belonging to any of the Scheduled Castes or Scheduled Tribes;
 - (b) thirty years in the case of a person belonging to any of the Other Backward Classes;
 - (c) twenty-eight years in the case of any other person,

on the last date fixed for the receipt of applications or on such other date as may be specified by the Selecting Authority in the notification inviting applications.

8. **Provision for reservation of appointments.-**

Appointments shall be reserved for the members of the Scheduled Castes, Scheduled Tribes, other Backward Classes and others to such extent and in such manner as may be specified by the Government under Article 16 of the Constitution of India.

9. **Direct recruitment.-**

- (1) The appointing authority may intimate the Selecting Authority in the month of January every year the number of direct recruitment vacancies existing and likely to occur during the year in different category of posts (cadres). The Selecting Authority shall invite applications by giving adequate publicity indicating the total number of vacancies notified for recruitment and the number of vacancies reserved for different reserved categories.
- (2) Subject to rules 10 to 13, direct recruitment shall be made, on the basis of the percentage of total marks secured in the qualifying examination as determined under rule 10 and of the marks secured at the interview under rule 11, by the Selecting Authority.

10. **Eligibility of candidates for the interview.-**

- (1) For purpose of selection of candidates for interview, the appointing authority shall prepare a list of names of candidates on the basis of the percentage of total marks secured in the qualifying examination in the order of merit and if two or more candidates have secured equal percentage of total marks in the qualifying examination, the order of merit in respect of such candidates shall be fixed on the basis of their age, the person or persons older in age being placed higher in the order of merit. From among the candidates whose names are included in such list, as far as may be, such number of candidates

as is equal to ten times the number of vacancies notified, selected in the order of merit, shall be eligible for the interview :

- (2) Where posts are reserved for Scheduled Castes, Scheduled Tribes, other Backward Classes or others and required number of candidates in terms of sub-rule (1) belonging to such castes, tribes or other classes are not eligible for the interview, then, notwithstanding anything contained in sub-rule (1), such number of candidates as will make up the deficiency, belonging to such castes, tribes or classes selected in the order of merit from the list of names of candidates prepared under sub-rule (1) shall also be eligible for the interview.
- (3) For the purpose of this rule,-
 - (a) 'qualifying examination' means the examination or examinations prescribed as the minimum qualification required for appointment in the rules of recruitment to the cadre concerned;
 - (b) Where the qualifying examination consists of more than one examination the percentage of total marks secured in the qualifying examination shall be the average of the percentage of total marks secured in those examinations.

11. Interview.-

- (1) Selecting Authority shall interview the eligible candidates selected under rule 10 and award marks on the basis of their performance in the interview. The maximum marks for interview shall be twenty-five. The object of such interview is to assess the suitability of the candidates for appointment to the cadre or post applied for by them and their caliber including intellectual and social traits of personality.
- (2) The Selecting Authority shall publish on the notice board of its office on the day on which interview is held or on the day following but before the commencement of the interview on that day, a list of marks obtained by each candidate in the said interview :

Provided that were the interview is held at any place other than the place of its office, the said list shall be published in such other place.

12. **List of selected candidates.-**

- (1) The Selecting Authority shall on the basis of the aggregate of the percentage of the total marks secured in the qualifying examination as determined under rule 10 and of the marks secured at the interview under rule 11 and taking into consideration the orders in force relating to reservation of posts for Scheduled Castes, Scheduled Tribes, Other Backward Classes and others prepare in the order of merit a list of candidates eligible for appointment to the category of post and if the aggregate of the percentage of total marks secured in the qualifying examinations as determined under rule 10, and of the marks secured at the interview under rule 11, of two or more candidates is equal, the order of merit in respect of such candidates shall be fixed on the basis of their age, the person or persons older in age being placed higher in the order of merit. The number of names of candidates to be included in such list shall be equal to the number of vacancies notified for recruitment.
- (2) The Selecting Authority shall in accordance with the provisions of sub-rule (1) also prepare an additional list of names of candidates not included in the list prepared under sub-rule (1) in which the number of candidates to be included shall, as far as possible, be ten percent of the number of vacancies notified.
- (3) The lists so prepared under sub-rules (1) and (2) shall be published in such manner as the High Court may direct.

13. **Appointment of candidates.-**

- (1) Subject to rules 15 and 16 candidates whose names are included in the list prepared under sub-rule (1) and published under sub-rule (3) of rule 12 may be appointed by the appointing authority in the vacancies in the particular cadre in the order in which the names are found in the list after satisfying itself, after such enquiry as may be considered necessary that each such

candidate is suitable in all respects for appointment to a post in the cadre. Candidates whose names are included in the list prepared under sub-rule (2) and published under sub-rule (3) of rule 12 may be similarly appointed after the candidates whose names are included in the list prepared under sub-rule (1) of rule 12 have been appointed.

- (2) The inclusion of the name of a candidate in any list published under rule 12, shall not confer any right of appointment.

14. Duration of operation of the lists.-

The lists of names of candidates published by the Selecting Authority under rule 12 in respect of any cadre shall cease to be operative as from the date of publication of a list prepared in respect of such cadre on the basis of the next selection.

15. Conditions relating to suitability and certificates of Character.-

No person shall be appointed unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the Service. Every candidate selected for direct recruitment shall furnish to the appointing authority certificates given not more than six months prior to the date of his selection, by two respectable persons unconnected with his school, college or university, and not related to him, testifying to his character, in addition to the certificate or certificates which may be required to be furnished from the educational institution last attended by the candidate. If any doubt arises regarding the suitability of a candidate for appointment the decision of the High Court shall be final.

16. Conditions relating to Physical Fitness.-

- (1) No candidate selected for appointment shall be appointed to any post unless he satisfies the appointing authority that he is physically fit to discharge the duties that he may be called upon to perform. High Court may by order prescribe the physical standards required to be satisfied by a person for

appointment and specify the medical authority which may grant the certificate of physical fitness and provide for such other incidental matters as may be necessary. The opinion of the Medical Authority, regarding the physical fitness or otherwise of the candidate shall be binding on the candidates.

- (2) A candidate selected for appointment who fails to appear before the Medical Authority specified by the High Court under sub-rule (1) shall be given one more opportunity to appear before such authority. If the candidate fails to appear before the Medical Authority even on the second occasion, his name shall be deleted from the list of selected candidates and he shall cease to be eligible for appointment.
- (3) The appointing authority may, in the case of persons appointed temporarily in short vacancies of less than three months duration, dispense with production of the certificate under sub-rule (1).

17. **Fees.-**

Every candidate for direct recruitment to any category of post may be required to pay such fees, as may be specified -

- (i) by the Selecting Authority in respect of his applications; and
- (ii) by the High Court, in respect of his medical examination:

Provided that in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe or a Backward class the fees payable shall be one half of the fee specified under this rule.

18. **Joining time for appointment.-**

- (1) A candidate appointed by direct recruitment shall assume charge of the post specified by the appointing authority as soon as possible after the date of the order of appointment, but not later than forty-five days from that date.

Explanation.- For the purpose of this sub-rule "the date of the order of appointment" means the date of dispatch of the order of appointment by registered post to the address given by the candidate.

- (2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, on the application of the candidate and if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time but not exceeding fifteen days as it may deem necessary.
- (3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of selected candidates and the candidate concerned shall cease to be eligible for appointment.

CHAPTER - IV

PROBATION AND OFFICIATION

19. Probation and Officiation.-

- (1) All appointments to the Service by direct recruitment shall be on probation for the period of two years.
- (2) All appointments by promotion shall be on officiating basis for a period of two years.
- (3) The period of probation or officiation, as the case may be, for reasons to be recorded in writing, may be extended by the appointing authority by such period not exceeding the period of probation or officiation, as the case may be, specified in sub-rule (1) or (2).
- (4) At the end of the period of probation or officiation or the extended period of probation or officiation, as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted, and -
 - (i) if it decides that he is suitable to hold the post to which he was appointed or promoted and has passed the examinations or tests, if any, required to be passed during the period of probation or officiation,

as the case may be, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation or officiation, as the case may be; and such an order shall have effect from the date of expiry of the period of probation or officiation, including extended period, if any, as the case may be.

(ii) if the appointing authority considers that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, he shall, by order -

(a) if he is a promotee, revert him to the post which he held prior to his promotion.

(b) if he is a probationer, discharge him from service;

(5) A person shall not be considered to have satisfactorily completed the period of probation or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation, as the case may be.

20. Discharge of a probationer during the period of probation.-

(1) Notwithstanding anything contained in rule 19, the appointing authority may, at any time during the period of probation, discharge from service, a probationer on account of his unsuitability for the Service.

(2) An order under sub-rule (1) shall indicate the grounds for the discharge but no disciplinary enquiry shall be necessary.

21. Increment during the period of probation or officiation.-

(1) A probationer or promotee may draw the increments that fall due during the period of probation or officiation. He shall not, however, draw any increment after the expiry of the period of probation or officiation unless and until he is declared to have satisfactorily completed his probation or officiation, as the case may be.

- (2) When a probationer or promotee is declared to have satisfactorily completed his probation or officiation, as the case may be, he shall draw, as from the date such order takes effect, the pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment on probation or officiation, as the case may be.
- (3) Notwithstanding anything contained in sub-rules (1) and (2) where validity of the appointment of any person,-
 - (i) as probationer is questioned in any legal proceedings before a court of law, the period of probation of such person shall continue until the final disposal of such proceedings;
 - (ii) as a promotee on officiating basis is questioned in any legal proceedings, before a court of law, the period of officiation of such promotee shall continue until the final disposal of such proceedings.

CHAPTER - V

SENIORITY

22. Seniority.-

- (1) An officer appointed in accordance with the rules of recruitment on regular basis shall be senior to persons appointed temporarily or as local candidate.
- (2) Where officers are recruited to a cadre by promotion and direct recruitment the officers recruited by promotion shall take precedence over the directly recruited officers where the date of their appointment is same.
- (3) Save as provided in sub-rules (4) to (7), seniority of officers appointed by direct recruitment or promotion shall be determined according to the dates on which they report for duty.
- (4) Where more than one officer is promoted to a cadre at the same time the inter-se seniority of persons so promoted shall be determined,-

- (i) if promotions are made from any one cadre by their inter-se seniority in that lower cadre;
 - (ii) if promotions are made from more than one cadre of same grade, by the period of their service in those cadres;
 - (iii) if promotions are made from more than one cadre of different grades, by the order in which the names of candidates are arranged in the select list.
- (5) Where more than one person is recruited by direct recruitment to a cadre the inter-se seniority of persons so recruited shall be the order in which their names are arranged in the select list.
- (6) Every year in the month of January, seniority list of officers in all cadres shall be prepared and published by the appointing authority and the lists so published shall be used for the purpose of making promotions to the next higher cadre.
- (7) Seniority of a person allowed to change his cadre as provided in these rules shall be determined in the changed cadre with reference to his first appointment to his original cadre.

CHAPTER-VI

PENALTIES

23. Penalties. -

One or more of the following penalties for good and sufficient reasons may be imposed on a member of the Service, namely :

- (i) censure;
- (ii) withholding of increment or promotion for a specified period;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, to the Government or the High Court;

- (iv) reduction to a lower stage in the time scale of pay for a specified period;
- (v) reduction to a lower time scale of pay, grade or post with further direction regarding,-
 - (a) seniority and pay in the scale of pay, grade or post to which the member is reduced;
 - (b) conditions of restoration to the scale of pay, grade or post from which he was reduced and his seniority and pay on such restoration to that scale of pay, grade or post;
- (vi) compulsory retirement;
- (vii) removal from service which shall not be disqualification for future employment;
- (viii) dismissal from service which shall ordinarily be a disqualification for future employment.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order, no penalty other than those specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption i.e, criminal misconduct by a public servant as specified in section 13 of Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

24. **Disciplinary Authorities.-**

- (1) The High Court and the appointing authority may impose any of the penalties specified in rule 23 on any member of the Service.
- (2) Without prejudice to the provisions of sub-rule (1) the Principal Senior Civil Judge and the Principal Civil Judge may impose on a member of the Service working in his court any of the penalties specified in clauses (i) to (iv) of rule 23.

CHAPTER-VII
MISCELLANEOUS

25. Age of Superannuation.-

The age of superannuation of a member of the service shall be age of superannuation specified by the Government from time to time to members of the State Civil Services.

26. Retirement in public interest.-

Notwithstanding anything contained in these rules or any other law the High Court may, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the Service who has put in not less than twenty five years of service or has attained the age of 50 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

27. Training etc.-

- (1) Every person appointed by direct recruitment to the Service shall, undergo such training as may, from time to time, be specified by the High Court.
- (2) Every member of the Service shall be given such periodical training as the High Court may, from time to time specify.
- (3) Every member of the Service shall pass such tests or examinations and within such time as the High Court may, from time to time specify.

28. Change of cadre.-

- (1) Stenographers of all grades, who have put in such number of years of service as may be specified by the High Court, may be permitted by the appointing authority to change their cadre to a cadre of equivalent grade on the clerical or ministerial side.
- (2) Change of cadre once permitted shall be final.

29. **Residuary provision.-**

The conditions of service of the members of the Service for which no express provision is made in these rules shall be determined by the laws, rules and orders for the time being applicable to members of the State Civil Services in the State, holding equivalent grade posts.

Provided that any rules other than those referred to above applicable to members of the service immediately prior to the commencement of these rules shall continue to apply to them.

* * * * *

SCHEDULE - A

[See rule 3(2)]

Category of posts (cadres)

Sl. No.	Category of posts	No. of posts			Scale of pay
		Permanent	Temporary	Total	
1	2	3	4	5	6
1.	Chief Administrative Officers				
2.	Senior Sheristedars / Senior Superintendents				
3.	Sheristedars / Superintendents				
4.	Stenographers Grade-I				
5.	Stenographers Grade-II				
6.	Stenographers Grade-III				
7.	Protocol Officers				
8.	Upper Division Clerks				
9.	Lower Division Clerks / Typists / Typist-Copyists				
10.	Bailiffs / Amins				
11.	Process Servers				
12.	Attenders / Jamedars				
13.	Peons / Orderlies				

Note : The High Court may specify the districts in which post of a Protocol Officer is necessary.

SCHEDULE - B

[See rule 3(4)]

Sl. No.	(1)	(2)
1.	Chief Administrative Officers	<p>(a) Administrative Officer in Andhra Pradesh and Manipur.</p> <p>(b) Sheristedar of Dist. Court in Assam, Bihar, Kerala, Orissa, West Bengal.</p> <p>(c) Registrar in Gujarat, Goa and Maharashtra.</p> <p>(d) Superintendent in Haryana, Himachal Pradesh, Punjab, Andaman Nicobar Islands.</p> <p>(e) Chief Administrative Officer in Karnataka.</p> <p>(f) Clerk of Court in Madhya Pradesh</p> <p>(g) Sheristedar in Meghalaya and Lakshadweep.</p> <p>(h) Senior Munsarim in Rajasthan.</p> <p>(i) Accounts Officer in Tripura.</p> <p>(j) Sr. Administrative Officer in Uttar Pradesh.</p> <p>(k) Office Superintendent in Sikkim.</p> <p>(l) Personal Assistant to Dist. Judge in Tamil Nadu.</p> <p>(m) Head Sheristedar in Pondicherry</p>
2.	Senior Sheristedars / Senior Superintendents	<p>(a) Head Clerk / Central Nazir and Sheristedar of Sub Court in Andhra Pradesh.</p> <p>(b) Sheristedar of Addl. Dist. Judges Court / Head Assistant in Assam.</p> <p>(c) Superintendent in Goa.</p> <p>(d) Sheristedar Sub Court, Senior Superintendent in Kerala.</p> <p>(e) Superintendent / Sheristedar in Maharashtra.</p>

- (f) Sheristedar in Manipur.
 - (g) Superintendent Gr-II in Punjab.
 - (h) Munsarim in Rajasthan.
 - (i) Sheristedar, Dist. Court / Addl. D.J. cum C.J.M. Court in Tamil Nadu.
 - (j) Office Superintendent, Sheristedar (Senior) in Tripura.
 - (k) Sadar Munsarim in Uttar Pradesh.
 - (l) Sheristedar in Pondicherry.
3. Sheristedars / Superintendents
- (a) Head Clerk / Sheristedar of M.M. Courts and Translator, Dist. Courts :
In Andhra Pradesh.
 - (b) Sheristedar of the Court of Civil Judge (Sr. Div.) and Asst. Sessions Judge / Sheristedar of the Court of Civil Judge (Jr.Div.), Supervisory Assistant - in Assam.
 - (c) Head Clerks / Asst. Sheristedar in Goa.
 - (d) Junior Superintendent (including Head Clerk, MACT / M.M.Courts) in Kerala.
Note: In Kerala, in between the cadre of Junior Superintendent and U.D.C. there is an intermediary cadre of Head Clerks, Civil Courts / Central Nazirs / Bench Clerks.
 - (e) Asst. Superintendent in Maharashtra (Mofussil Courts).
 - (f) Head Clerk in Manipur.
 - (g) Sr. Reader / Assistant in Rajasthan.
 - (h) Head Clerk, Dist. Court / Sheristedar, Sub Court - in Tamil nadu.
 - (i) Head Clerk in Tripura.
 - (j) Munsarim / Central Nazir in Uttar Pradesh.
 - (k) Asst. Sheristedar in Pondicherry.

- | | |
|----------------------------|--|
| 4. Stenographers Grade-I | To be specified. |
| 5. Stenographers Grade-II | - do - |
| 6. Stenographers Grade-III | - do - |
| 7. Protocol Officers | - do - |
| 8. Upper Division Clerks | (a) U.D.C / Asst. Superintendent / Deputy Superintendent in Andhra Pradesh. |
| | (b) Upper Division Asst. / Nazir in Assam. |
| | (c) Sessions Clerk / Appeal Clerk / Office Clerk - in Bihar. |
| | (d) Sr. Clerk / Clerk of the Court / Nazir - in Gujarat (Mofussil Courts) (Civil Court Jr. Div.) |
| | - Asst. Superintendent. (City Civil Courts). |
| | U.D.C / Accounts Clerk / Clerk of the Court in Goa. |
| | (e) Senior Assistants in Himachal Pradesh. |
| | (f) Senior Assistant / Civil Ahlmad / Criminal Ahlmad - in Jammu & Kashmir. |
| | (g) First Division Asst. in Karnataka. |
| | (h) Upper Division Asst. / Deputy Nazir (Civil Wing) - in Kerala. |
| | (i) Execution Clerk / Asst. Accountant in M.P. |
| | (j) Sr. Clerk / Asst. Superintendents in Maharashtra. |
| | (k) U.D.C / Record Keeper / Bench Clerk in Manipur. |
| | (l) U.D.A / Bench Asst. in Meghalaya and West Bengal. |
| | (m) U.D.Clerk in Mizoram & Rajasthan. |
| | (n) Sr. Clerk (Jr. Branch) in Orissa. |
| | (o) Assistant in Punjab, Tamil Nadu, Haryana and Chandigarh. |

- (p) U.D.A / Nazir in Sikkim.
- (q) U.D.C / Estimator - cum - Scrutiny Assistant in Tripura.
- (r) Munsarim / Munsarim - Reader in U.P.
- (s) Higher Grade Clerk in Andaman and Nicobar Islands.
- (t) Upper Division Clerk in Lakshadweep.
- (u) Senior Clerk in Pondicherry.

	To be specified
9. Lower Division Clerks / Typists / Typist-Copyists	
10. Bailiffs / Amins	- do -
11. Process Servers	- do -
12. Attenders / Jamedars	- do -
13. Peons / Orderlies	- do -

SCHEDULE - C

(See rule-4)

Sl.No.	Category of Posts	Method of Recruitment	Qualification etc.
1	2	3	4
1.	Chief Administrative Officer	By promotion from the cadre of Senior Sheristedars / Senior Superintendents	Must have put in not less than three years of service in the cadre of Senior Sheristedars / Senior Superintendents.
2.	Senior Sheristedars / Senior Superintendents	By promotion from the cadre of Sheristedars / Senior Superintendents	Must have put in not less than three years of service in the cadre of - Sheristedars / Superintendents
<p>Note : The Principal District Judge or the Principal City Civil Judge may post one of the Senior Sheristedars/ Senior Superintendents as Bench Clerk of a court of Additional District Judge or City Civil Judge, as the case may be.</p>			
3.	Sheristedars / Superintendents	By promotion from the cadre of Upper Division Clerks	Must have put in not less than three years of service in the cadre of Upper Division Clerks.
<p>Note : The Principal District Judge may post one of the Sheristedars / Senior Superintendents as the Bench Clerk of a court of Senior Civil Judge (including Principal Senior Civil Judge) or a Criminal Court of that Grade.</p>			
4.	Stenographers Grade-I	By promotion from the cadre of Stenographers Grade-II	Must have put in not less than three years of service in the cadre of Stenographers Grade-II.
<p>Note : One of the Stenographers Grade-I may be posted as Executive Assistant to the Principal District Judge or the Principal City Civil Judge.</p>			
5.	Stenographers Grade-II	75% by promotion from the cadre of Stenographer Grade-III	<u>For Promotion</u> : Must have put in not less than three years of service in the cadre of Stenographers Grade-III.

1	2	3	4
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25% by direct recruitment

For Direct Recruitment :

- (i) Must be holder of a Bachelor's degree by a university established by law in India.
- (ii) Must have passed examination in Typewriting and Shorthand conducted by *.....* or equivalent qualification.
- (iii) Must have such knowledge or qualification in computer operation as may be specified by the High Court.

6. Stenographer
Grade-III

40% by promotion from the cadres of Lower Division Clerks / Typists / Typist Copyist

For Promotion :

- (i) Must have passed examination in Typewriting and Shorthand conducted by *.....* or equivalent qualification.
- (ii) Must have passed SSLC / Matriculation examination conducted by

..... here specify name of examination.

..... here specify the authority conducting examination.

1	2	3	4
---	---	---	---

60% by direct recruitment

For Direct Recruitment :

- (i) Must have passed SSLC / Matric examination conducted by *.....*
- (ii) Must have passed examination in Typewriting and short-hand conducted by *.....* or equivalent qualification.
- (iii) Must have such knowledge or qualification in computer operation as may be specified by the High Court.

7. Protocol Officer By posting a suitable officer from any of the cadres.

8. Upper Division Clerk 60% by promotion from the cadre of Lower Division Clerks / Typists / Typist Copyists.

For promotion :

Must have put in not less than three years of service in the cadre of Lower Division Clerks / Typists / Typists Copyists.

40% by direct recruitment

For Direct Recruitment :

- (i) Must be holder of a degree granted by a university established by law in India.

..... here specify name of examination.

..... here specify the authority conducting examination.

1	2	3	4
---	---	---	---

- (ii) Must have passed examination in Typewriting conducted by *.....* or equivalent qualification.
- (iii) Must have such knowledge or qualification in computer operation as may be specified by the High Court.

Note : The Principal District Judge may post one of the Upper Division Clerks to work as Bench Clerk of the court of a Civil Judge (including Principal Civil Judge) or a Criminal Court of his Grade.

9. Lower Division Clerks / Typists / Typist-Copyists.	75% by direct recruitment.	<u>For direct recruitment & Promotion :</u>
	25% by promotion from the cadres of Process Servers and Attenders / Jamedars in the ratio of 1:2; every third vacancy being filled by promotion of Process Servers.	<ul style="list-style-type: none"> (i) Must have passed SSLC/ Matriculation examination conducted by *.....* (ii) Must have knowledge and experience in Typewriting and must have passed examination in Typewriting conducted by *.....* (iii) Must have such knowledge or qualification in computer operation as may be specified by the High Court.

..... here specify name of examination.
 here specify the authority conducting examination.

1	2	3	4
10.	Bailiffs / Amins	66 2/3% by promotion from the cadre of Process Servers	<u>For promotion :</u> Must have put in not less than three years of service in the cadre of Process Servers.
		33 1/3% by direct recruitment	<u>For Direct Recruitment :</u> Must have passed SSLC / Matriculation examination conducted by *.....*
11.	Process Servers	50% by promotion from the cadre of Attenders / Jamedars	<u>For promotion :</u> (i) Must have put in not less than three years of service in the cadre of Attenders / Jamedars. (ii) Must have passed VIII standard examination.
		50% by direct recruitment	<u>For Direct Recruitment :</u> Must have passed VIII standard examination.
12.	Attenders / Jamedars	By promotion from the cadre of Peons / Orderlys	Must have put in not less than five years of service in the cadre of Peons / Orderlys.
13.	Peons / Orderlies	By direct recruitment	Must have passed VII standard examination.

..... here specify the authority conducting examination.

- Note:**
1. The High Court may modify the qualifications for recruitment of Stenographers of all grades, Upper Division Clerks, Lower Division Clerks and Bailiffs.
 2. The High Court may, if necessary, modify the methods of recruitment and the percentage for different modes of recruitment to a cadre.

* * * *

ERRATA

Page No.	Line No.	Existing	Read As / Delete
15	Last line	dias	dais
39	Four	"Bihar"	delete
96	Sl.No.18	Adin Gr.I	Amin Gr.I
201	Sl.No.15	Chhatisgarh - 250/- p.m.	delete
223	Eighteen	lift	life

SUMMARY OF RECOMMENDATIONS

20	Caption	Protocol Officer	Protocol Establishment
20	Twenty one	Servive	Service