REPORT
OF THE
FIRST NATIONAL JUDICIAL PAY COMMISSION
BANGALORE
ON
IMPROVEMENT OF SERVICE CONDITIONS OF
NON-JUDICIAL STAFF IN SUBORDINATE COURTS
ASSAM
2003
FIRST NATIONAL JUDICIAL PAY COMMISSION

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Chairman

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Judge, Delhi High Court
Member

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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 19981 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

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.

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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.Chandrashekaraiah, 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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BANGALORE

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