

**CHAPTER - III**

**STRUCTURE OF  
COURT ADMINISTRATION**

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### 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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