

**CHAPTER - V**

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

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### 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<br>Employees’ Confederation                | } “Judicial<br>Staff”   |
| (ii)  | Andhra Pradesh State Judicial<br>Administrative Officers’ Association |                         |
| (iii) | Gujarat State Judicial Stenographers /<br>P.As Association            | } “Judicial<br>Service” |
|       | And   |                         |
| (iv)  | Tripura Government Employees’<br>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.

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