

CHAPTER - XIII

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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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