



Roles and Responsibilities of Staff Members of District Judiciary

What is District Judiciary?

- District Judiciary refers to **judicial system at the district level in India**. It is the **first level of judiciary** and is responsible for hearing and deciding cases at the local level.
- The district judiciary is composed of **district courts and other lower courts**, which are presided over by district judges and other judicial officers.
- **Importance of District judiciary:-**
 - District judiciary plays a vital role in **upholding the rule of law** and **delivering justice**.
 - Handles large number of cases, making it the most accessible court for litigants. **(On an average a court of Sikkim District Judiciary handles minimum 30-35 cases daily).**



Need for training of staff of District Judiciary

- Staff members play key roles in the Justice Delivery System. While judges decide cases, staff members take care of filing of plaints, petitions etc., posting of case, calling work in the Court, delivering certified copy/judgment/order, handling of accounts etc. For efficiency in justice delivery system, it is essential for the staff members to be aware of their roles and responsibilities and be equipped with basic knowledge of the law and procedure.
- For the Justice Delivery System to be efficient, systematic training of staff members is very much essential.


Courts- Jurisdiction, Administration & Control

Courts of Sikkim District judiciary


Office & Court of District
& Session Judge

Office and Court of Chief
Judicial Magistrate-cum-
Senior Civil Judge

Office & Court of Civil Judge-
Cum Judicial Magistrate

- 
- Upon merger, Sikkim became the 22nd State of India. Under Clause (i) of Article 371F, the High Court functioning immediately prior to the date of merger became the High Court for the State of Sikkim. Under Clause (j) of the same Article all Courts of Civil, Criminal and Revenue Jurisdiction, all Authorities and all Officers, Judicial, Executive and Ministerial throughout Sikkim were to continue to exercise their respective powers subject to the provisions of the Constitution.
 - The Courts of District Judge and Subordinate Civil Judges in Sikkim are established under the provision laid down in Section 2 & 3 of Sikkim Civil Courts Act, 1978.
 - Section 2 of the Sikkim Civil Courts Act, 1978 reads as, *“Besides the High Court and the Courts constituted under any other law for the time being in force, there shall be the following classes of Civil Courts, namely:-*
 - (1) the Court of the District Judge* as defined under Article 236 of the Constitution of India*
 - (2)**the Court of Civil judge (Senior Division)*
 - (3) the Court of the Civil Judge ***Junior Division))”*

() (**) & (***) inserted by Sikkim Civil Courts (Amendment) Act, 1998*

- 
- As per section 3 (1) of the Sikkim Civil Courts Act, 1978 the State Government may increase or otherwise alter the number of District Judge, Civil Judge (Senior Division) and the Civil Judge (Junior Division) in consultation with the High Court.
 - The court of Sessions presided by the District Judge and empowered as Sessions Judge are established in every sessions division in accordance with section 9 of the Code of Criminal Procedure, 1973.
 - The High Court may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in the court of sessions in accordance with Section 9 (3) of the Cr.P.C, 1973 .
 - The court of Judicial Magistrate is established in every district as per section 11 of Cr.P.C, 1973 and the Court of Chief Judicial Magistrate is established in every district as per section 12 of Cr.P.C, 1973.

District Administration

- The District Court functions under the control of **High Court of Sikkim**
- The **Principal District Judge/District Judge** is over all administrative head of all courts functioning in the district.
- Vide notification no. 1/HCS dated 19.04.2022 of Hon'ble High Court of Sikkim it is notified that the senior most district judge in every district in the State (where there is more than 1 district judge) is referred as '**Principal District Judge**' of that judicial district.
- Principal District Judge/ District Judge Controls and supervise over the work and conduct of subordinate judges and staffs.
- The Principal District Judge/District Judge is the appointing authority for all posts which comes under the district.
- The Principal District Judge is also the inspecting authority for all civil as well as criminal courts functioning in the district courts.

Jurisdiction of Principal District & Session Judge /District & Session Judge

- Chapter III of the Sikkim Civil Courts Act, 1978 deals with jurisdiction of courts in civil matters. Section 15 and 18 deals with the jurisdiction of District Judge. The Sikkim Civil Courts Act, 1978 has been amended several times by the Sikkim Civil Courts (Amendment) Acts of 1988, 1998, 2000, 2001, 2011 and 2013.

As amended, section 15 deals with the extent of original jurisdiction of the District Judge and provides "15. Save as otherwise provided in any law for the time being in force, the jurisdiction of a District Judge extends to all original suits for the time being cognizable by Civil Courts in the District."

The Sikkim Civil Courts Act, 1978 does not limit the pecuniary jurisdiction of the District Judge.

As amended, Section 18 deals with appeals from Civil Judge.

All suits/cases filed under Special Acts arising in the territorial jurisdiction of the entire district.

- Local jurisdiction in relation to Court or Magistrate means the local area within which the Court or the Magistrate may exercise all or any of its powers under the Cr.P.C, 1973. Such local area ,ay comprise the whole of the State or any part of the state, as State Government may by notification specify. (U/s 2 (j) Cr.P.C, 1973



Category of cases are dealt by the Principal District & Session Court/District & Session Court.

- Original Suits e.g Title Suits
- Civil Appeals
- Civil Misc. Cases
- Execution Petitions
- Session Cases
- Criminal Appeal
- Criminal Revision Petition
- Criminal Misc. Petitions

Principal District Judge/District Judge when designated as Member of Motor Accident Claim Tribunal or President of District Consumer Redressal Forum or Judge of a Commercial Court have to deal with cases of Motor Accident claim, consumer dispute and commercial disputes.

Subordinate Judge's Court


- The Subordinate Judge is the Administrative head of Sub Court.

- Administration in the Court of Chief Judicial Magistrate:-

The Chief Judicial Magistrate is the administrative head of the Chief Judicial Magistrate Court at District.

The Chief Judicial Magistrate is the inspecting authority for all Criminal Courts (Judicial Magistrate Courts) functioning in the District.

- Judicial Magistrate is the administrative head of the Court of Judicial Magistrate at the District.
- Jurisdiction of the Civil Judge :- Section 16 of the Sikkim Civil Court Act, 1978 as amended by the Sikkim Civil Court (Amendment) Act, 2013 the pecuniary jurisdiction of a Civil Judge(Senior Division) extends to suits, the value of which does not exceed 6(six) lakhs rupees and that of a Civil Judge (Junior Division) to 5(five) lakhs rupees.



Category of cases are dealt by the Subordinate Judge. (Court of CJM-cum-Sr. CJ & the Court of CJ-cum-JM)

- Original Suits e.g Title Suits
- Criminal Cases – G.R Cases, Private Complainant Cases
- Civil Misc. Cases
- Execution Petitions
- Domestic Violence Cases
- Criminal Misc. Cases
- Remand
- Money Suit valuation of which is up to than 3 lakhs.
- Commercial Disputes value of which shall not be less than 3 lakhs but does not exceed Rs. 6 lakhs (Court of Civil Judge (Senior Division)).

■ Preparation and Submission of Statements by District Judge Court as well as Subordinate Courts:-

The following statements are to be submitted periodically to the District Court for onward submission of the consolidated statement to the high Court:-

- (i) monthly Statement pending and disposed
- (ii) monthly statement UTPs
- (iii) Quarterly Statement,
- (iv) half-yearly Statement and
- (v) Annual Statement

■ After receiving the periodical statements from the Subordinate Courts functioning in the District, consolidated statements have to be submitted to the high Court periodically as detailed below. Further, statements have also to be submitted by the District Court.

- (i) monthly Statement,
- (ii) Quarterly Statement,
- (iii) half-yearly Statement and
- (v) Annual Statement

Staff in Sikkim District Judiciary

- Schedule A to N to the Sikkim Subordinate Courts' Service (Method of Recruitment and Conditions of Service) Rules, 2001 provides that the total post/staff in various courts under Sikkim District Judiciary.
- Rule 3 of the said rules provides that the Sikkim Subordinate Courts Services shall consist of one common cadre and shall include all post in the Subordinate courts as are existing now and shall also include the post as may be created from time to time as the Subordinate Courts.
- The post of Court Manager and Accounts clerk is not inserted in the schedule.
- The service rules applicable to staff of Sikkim District Judiciary are:-
 - Sikkim Subordinate Courts' Service (Method of Recruitment and Conditions of Service) Rules, 2001
 - Sikkim Government Services Rules
 - Such rules or instructions as may be issued by the Government of Sikkim and the Hon'ble High Court of Sikkim from time to time.



Branches assisting the Principal District & Session Judge/ District and Sessions Judge for smooth and effective control of the Court.

- Establishment Branch
 - Accounts Branch
 - Judicial Branch
 - Copying Section
 - Computer Section
 - Record Room
 - Nazir Section
- 



DUTIES AND RESPONSIBILITIES OF THE STAFF MEMBERS WORKING IN CIVIL COURT & CRIMINAL COURTS


- Vide Notification no.6/HCS dated 26.09.2002 of the Hon'ble High Court of Sikkim the working hours of the staff of District Judiciary is from 09:30 am to 4:30 pm, sitting hours of the Courts is 10:00 am to 01:00 pm, 1:30 pm to 4:30 pm and recess hours for court & offices is 01:00 pm to 01:30 pm. The foremost duty of all staff of District Judiciary is to come to the court on time.
- Confidentiality.
- Impartiality.
- Professionalism
- Accuracy and attention to detail
- Adherence to the court proceedings
- Integrity
- Ethical behavior
- Team work

DUTIES AND RESPONSIBILITIES OF THE STAFF MEMBERS WORKING IN CIVIL COURT & CRIMINAL COURTS

► Establishment Section:-

1. **Administrative Officer/Court Managers/ Shirestedar.**

As per the Sikkim Subordinate Courts' Service (Method of Recruitment and Conditions of Service) Rules, 2001, the Administrative Officer is appointed by way of promotion from the post of Office Superintendent. The Court Managers are appointed by way of promotion from the post of Peshkar Grade I. The Administrative Officer and Court Manager assists the Principal District Judge in the administrative functioning of the Courts to enhance the efficiency of the Court Management.

- 
- Ensure that the processes and procedures of the Court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully complied with the policies and standards established by the high Court for court management and enhance access to justice.
 - Ensure that all directions issued by the High Court from time-to-time are complied with.
 - Supervision of over working of all the branches
 - Looking after the punctuality of entire staff of the court.
 - Check every month, the Registers relating to various section in the District Court, note down the defects and place them for orders of the Judge for directing the concerned staff to rectify the defects.
 - To attend all other duties as assigned by the Principal District Judge/District Judge then and there by means of office order or by means of oral order.
 - Dealing with leave of staff, recruitment process, appointments, postings, monthly & quarterly statements, loss of record, disciplinary proceeding, ACRs, Property Statements and other routine matters.
 - Dealing with Departmental inquiries.

2. Office Superintendent

To assist the Administrative Officer/Court Managers in all matters.

3. Peshkar:-

Rule 2 (a) of the Sikkim Subordinate Courts (Management and Preservation of Disposed of Records) Rules 2015 defines Peshkar as “an employee of a Subordinate Court who is responsible for holding the records of any case after its disposal till deposit in the record rooms.”

Peshkar Grade I for the court of District & Session.

Peshkar Grade II for the court of Chief Judicial Magistrate cum Senior Civil Judge.

Peshkar Grade II for the court of Judicial Magistrate cum Civil Judge.


Duties & Responsibility of a Peshkar are:-

To assist the Judge in calling and conducting the cases.

Maintain cause list of each day in the CIS

Scrutinizing of complaints, petitions, documents and put up for orders before the concerned judge

maintaining case institution and disposal record.

- 
- Preparation of monthly, periodical, half-yearly, annual statements and other statements called for then and there
 - making entries for the Cheque application received for payment.
 - maintaining register of Succession Certificate issued.
 - To attend all other duties as assigned by the Principal District Judge / Presiding Officer.
 - Preparation of Witness Summons, bailable & non-bailable Warrant, P T Warrant in pending cases for service and execution as the case may be. making entries in the relevant registers as to its disposal
 - Attending all correspondence relating to court.
 - Maintain file records as per the Sikkim Subordinate Courts (Management and Preservation of Disposed of Records) Rules 2015.
 - making entries for the Cheque application received for payment.
 - maintaining register of Succession Certificate issued.
 - Preparation of Witness Summons, bailable & non-bailable Warrant, Warrant in pending cases for service and execution as the case may be. making entries in the relevant registers as to its disposal
 - Maintain file records as per the Sikkim Subordinate Courts (Management and Preservation of Disposed of Records) Rules 2015.

4. **Stenographer & Judgment writer:-**

- Stenographer Grade 1 for the court of District & Session.
- Stenographer Grade II for the court of Chief Judicial Magistrate cum Senior Civil Judge.
- Stenographer Grade III for the court of Judicial Magistrate cum Civil J judge.
- Typing Dictations and computerising Judgments and Orders from the Judge.
- Typing evidence of the witnesses on real time.
- Taking dictation in both Civil and Criminal Cases, Bail Application etc.,
- Typing Judgments in both Civil and Criminal cases.
- To attend all other duties as assigned by the Judge / Presiding Officer.

5. Nazir:-

Summons are received by the Nazir.

- Supervises of delivery of summons through Nstep.
- After making entry of summon, the same are assigned Process Servers.
- The summons are returned by the Process Server before the date fixed either served or unserved, with report as per rule.
- Maintain Register of work of process server.
- To manage the execution of decree business.

6. Record Keeper:-

- Keeping and preserving neatly and safely all the disposed of records consigned to Record Room by all Courts.
- After the file is received, examine the index and check the entries as per various columns of Record Challan Form-I. after checking sign the certificate in presence of the concerned Peshkar, and enter the case in appropriate register by allotting number.
- If document is found missing record keeper will bring it to the notice of the concerned judicial officer.
- Sends files, when requisition received from another court and makes entry in the relevant register. He weeds out the record whose retention period has been completed.



7. Copy Section:-

- The work of Copying Section of District Court and other courts in the district level is centralized.
- Copy Section is headed by Head copyist, who examine the over all work of the copy section.
- Issue certified copies of judgments/orders/documents as and when application is filed.
- Issue uncertified copies
- Receiving of record/ returning of record
- Maintenance of Registers for the application of copies sought and made.

8. Accounts Section:-

- Preparation of Annual Budget, preparation of excess and surrender at the end of financial year, prepare salary
- Deal with matter relating to travel allowances, medical bills, arrears, GPF, CPF. All matters related to finance.
- Deals with the maintenance of accounts relating to Civil Court Deposit.

9. Computer Section/ CIS

Implementation of various e-Committee projects and guidelines for digitization of courts.

- Troubleshoot hardware and software issues.
- Maintenance and running of CIS – Centralized form of filing and checking of Civil and Criminal cases, bail applications etc.
- Monitors proper working of e-filing and e-payment.
- Entering of cases in CIS system(Case information system) if no defect, then allocated to the concerned.
- Providing of information to the Advocates/litigants regarding the filing of the case (eSewa)

10. Process server:-

- To serve the process of the courts of the district and also received from another courts.
- To return the process along with the report of service
- To perform any duty assigned by the Presiding Officer, ADM, Court Manager and Nazir.
- To process summons through NSTEP (National Service and Tracking of Electronic Process. It is developed for service and delivery of Court Processes)

11. LDA

- To attend all other duties as assigned by the Judge and Peshkar.
- To assist Peshkar in preparation of summons, warrants etc. & to attend all the correspondence of the office of concerned court.
- To maintain record register of the files and correspondence of the concerned court.
- To maintain dispatch register.
- To process file for administrative function of the courts.

12. Peon

- To perform any duty assigned by the Presiding Officer.
- To hand over the files, letters etc. to the concerned sections/officers, collection of store materials etc.

13. Driver

- To Take care of vehicle allocated to him
- To maintain log book related to the vehicle
- To perform the duty assigned by the Presiding Officer.

14. Sweeper

Responsible for all basic cleaning in and around the court premises.

- ▶ Clean floors, rooms, toilets including dusting mopping.
- ▶ Perform additional duties as needed.

List of Register to be maintained in District & Sessions Court and various forms to be prepared under Sikkim Criminal Rules of Practice 2021

- Attendance Register
- Cause list Register
- Register of cases (types of case eg. Money suit, Title Suit, G.R cases, execution petition Appeals etc.)
- Summons/warrant Register (Civil & Criminal)
- Dispatch Register
- Register of all work of the section

Section 25 of the **Sikkim Criminal Rules of Practice, 2021** provides that every judgment shall start with a preface showing the names of parties as per Form A to the Rules, A tabular statement as per FORM B and appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, prosecution exhibits, defence exhibits, court exhibits and material objects as per FORM C to the rules



Basic Legal and Procedural aspects required to be known by the staff working in courts

- What is plaint?

Plaint is the basic document of a civil nature of disputes. It is a verified statement of a person who files a civil suit, contains full description and address of both parties and the detailed particulars of the dispute required to be furnished as per Order VII Rule 1 **Code of Civil Procedure, 1908**

- Particulars to be furnished in Plaint as per Rule 1 of Order VII C.P.C.

- (i) Name of the Court in which the suit is brought
- (ii) name, description and place of residence of plaintiff
- (iii) name description and place of residence of defendant, so far as ascertained.
- (iv) Where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;
- (v) the facts of the dispute in detail constituting the cause of action and when it arose;

(vi) the facts showing that the court has jurisdiction;

(vii) the relief which the plaintiff claims;


(viii) Where the plaintiff has allowed a set off or relinquished a portion of his claim the amount so allowed or relinquished; and

(ix) a statement of the value of the subject matter of the suit for the purposes of jurisdiction and of court fees, so far as the case admits.

- Order VII Rule 2 of CPC, 1908 states that in money suit plaintiff shall state the precise amount claimed.
- Order VIII Rule 1 of CPC, 1908 provides that written statement shall be filed within 30 days from the date of the service of summons. If defendant fails to file within 30 days then he shall be allowed to file within another 90 days but not later than 120 days with reasons to be recorded in writing and on payment of cost as court deems fit.
- **The Sikkim Court Fees & Stamps Documents (Amendment) Act, 2013** provides the percentage of the value of stamp chargeable in the suit depending on the value of the subject matter of the suit.

Vide **notification 97/Home/2022 dated 20.09.2022, Home Department, Government of Sikkim** it is notified that the Court of Civil Judge (Senior Division) of all districts shall exercise pecuniary jurisdiction for adjudicating commercial disputes, the value of which shall not be less than 3 (three) lakhs and which does not exceed 6 (six) lakh rupees; and the Court of Principal District Judge or the Court of District Judge (as the case may be) shall exercise the pecuniary jurisdiction for adjudicating commercial disputes, the value of which exceeds 6 (six) lakhs rupees.

- **Rules for Video Conferencing of Court, 2020** is framed to consolidate, unify and streamline the procedure for use of video conferencing.
- Rule 3 states that video conferencing facility may be used at all stages of judicial proceedings and proceedings conducted by the Court.
- Rule 5 deals with preparatory arrangement.-
requirement of coordinator at court point and remote point. Coordinator nominated by High Court or District Court.
Schedule II to the Rules provides the request form for video conferencing.



Care to be taken that waiting area of the vulnerable witness is used only by the vulnerable witness, her family members and support person (clause 16 of the **Guidelines for recording of the evidence of vulnerable witness.**)

- As per the Rule 18 (1) of the **Sikkim Criminal Rules of Practice 2021** prosecution exhibits shall be marked as Exhibit P1, P-2 etc. in serialim. Defense Exhibit as D-1, D2 etc. Court Exhibit as C-1, C2 etc.
- Explanation to Rule 18 states that if PW1 introduces a document in evidence that document shall be marked as Exhibit P-1/PW1 .
- Rule 18(3) states that material objects produced by prosecution shall be marked as M.O-1, M.O-2 etc. and material object produced by accused as MO-A, MO-2 etc.
- **Rules for Online Electronic Filing (E-filing) 2020** provides procedure for e-filing of cases.



How to compile file of Civil and Criminal cases.

- The procedure to compile file/records of Civil and Criminal Cases in the Sub-ordinate Court of Sikkim is provided in Rule 3 **of Sikkim Subordinate Courts (Management and Preservation of Disposed of Records) Rules 2015.**



Thank you