

## **COURT MANAGEMENT AUTHORITY BILL, 2017**

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## COURT MANAGEMENT AUTHORITY BILL, 2017

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## **COURT MANAGEMENT AUTHORITY BILL, 2017**

*An act to provide for integrated court management system in Indian Judicial System and constitution of National Court Management Authority, Regional Court Management Authority, National Judicial Exam Commission and appointment of Court Managers.*

### **CHAPTER 1**

#### **PRELIMINARY**

##### **Section 1 – Short title, extent & commencement**

- (1) This act may be called the Court Management Authority Act, 2017
- (2) It extends to whole of India.
- (3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provisions.

##### **Section 2 – Definitions**

- (a) “Appropriate Government”

Appropriate Government in case of

- i. National Court Management Authority is Central Government or the Union Territory administration, the Central Government.
- ii. Regional Court Management Authority is State Government.

- (b) “Court Management”

Court Management means all non-judicial aspects which help to render efficient and effective justice delivery system which includes Case Management, Human Resource Management, Information Technology Management, Infrastructure Management.

- (c) “Court Manager”

Court Manager means the Court Manager appointed under Section 11.

(d) “Case Management”

Case Management means all managerial aspect which deals with cases from its institution to implementation.

(e) “National Judicial Exam Commission”

National Judicial Exam Commission means the National Judicial Exam Commission constituted under Section 13.

(f) “National Court Management Authority”

National Court Management Authority means the National Court Management Authority constituted under Section 3

(g) “National Court Management Academy”

National Court Management Academy means the National Court Management Academy established under Section 15.

(h) “Regional Court Management Authority”

Regional Court Management Authority means the Regional Court Management Authority constituted under Section 7.

## **CHAPTER 2**

### **NATIONAL COURT MANAGEMENT AUTHORITY**

#### **Section 3 – Constitution of National Court Management Authority**

- (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Court Management Authority to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) National Court Management Authority will be having its office at New Delhi.
- (3) The National Court Management Authority shall consists of –
  - a) Retired Chief Justice of India, Supreme Court of India.....Chairperson
  - b) 2 Retired judges, Supreme Court of India, High Courts.....Member
  - c) Under Secretary – Ministry of Law & Justice.....Member
  - d) Under Secretary – Ministry of Human Resource & Development.....Member
  - e) Under Secretary – Ministry of Information Technology.....Member

- f) Under Secretary – Ministry of Statistics & Programme Implementation.....Member
  - g) Academician.....Member
  - h) Jurist.....Member
- (4) Chairperson and members shall be appointed by the President on the recommendation of a committee consisting of
- a) The Prime Minister, who shall be the Chairperson of the committee
  - b) The leader of opposition in the Lok Sabha; and
  - c) A Union Cabinet Minister to be nominated by the Prime Minister

## **Section 4 – Functions**

Followings will be the functions of National Court Management Authority,

1. Overall Management of Indian Judicial System which includes Case Management, Human Resource Management, Information Technology Management, Infrastructure Management.
2. Coordinate all activities mentioned in sub-section (1) with Regional Court Management Authority
3. Conduct All India Judges Exam with the help of National Judicial Exam Commission
4. Conduct All India Bar Exam with the help of All India Bar Exam Division
5. Conduct Training, Research & Development activities with the help of National Court Management Academy
6. National Court Management Authority will assist National Legal Service Authority and State Legal Service Authority constituted under Legal Services Authority Act, 1987 in their legal aid activities mainly in information technology, information dissemination, connecting Pro Bono Lawyers and people who seek legal aid from legal services authority.
7. Any other functions as may be decided from time to time.

## **Section 5 – Term of office**

- (1) The Chairperson & Members shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for appointment

Provided that chairperson and members shall hold office as such after he has attained the age of sixty-five years.

- (2) The Chairperson & Members shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

- (3) The Chairperson & Members, at any time, by writing under his hand addressed to the President, resign from his office.

## **Section 6 – Removal**

- (1) The Chairperson & Members shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chairperson or Members, as the case may be, ought on such ground be removed.
- (2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chairperson or Member in respect of whom a reference has been made to the Supreme Court under Sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chairperson or any member if the Chairperson or a Member, as the case may be, -
  - a. is adjudged an insolvent ;or
  - b. has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
  - c. engages during his term of office in any paid employment outside the duties of his office; or
  - d. is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body ;

## **CHAPTER 3**

### **REGIONAL COURT MANAGEMENT AUTHORITY**

## **Section 7 – Constitution of Regional Court Management Authority**

- (1) The State Government shall, by notification in the Official Gazette, constitute a body to be known as the Regional Court Management Authority to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The headquarters of the Regional Court Management Authority shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.
- (3) The Regional Court Management Authority shall consists of –

- a) Chief Justice, Supreme Court of India or High Court.....Chairperson
  - b) 2 Retired judges, Supreme Court of India or High Courts.....Member
  - c) Secretary – Department of Law & Justice.....Member
  - d) Secretary – Department of Human Resource & Development.....Member
  - e) Secretary – Ministry of Information Technology.....Member
  - f) Academician.....Member
  - g) Jurist.....Member
- (4) Chairperson and members shall be appointed by the Governor on the recommendation of a committee consisting of
- a) The Chief Minister, who shall be the Chairperson of the committee;
  - b) The Leader of Opposition in the Legislative Assembly; and
  - c) A Cabinet Minister to be nominated by the Chief Minister

## **Section 8 – Functions**

Followings will be the functions of Regional Court Management Authority,

1. Overall Management of Judicial System in the state which includes Case Management, Human Resource Management, Information Technology Management, Infrastructure Management.
2. Coordinate all activities mentioned National Court Management Authority
3. Conduct recruitment process for the appointment of court managers.
4. Conduct All India Judges Exam with the help of National Judicial Exam Commission
5. Conduct All India Bar Exam with the help of All India Bar Exam Division
6. Assist National Legal Service Authority and State Legal Service Authority constituted under Legal Services Authority Act, 1987 in their legal aid activities mainly in information technology, information dissemination, connecting Pro Bono Lawyers and people who seek legal aid from legal services authority.
7. Any other functions as may be decided from time to time.

## **Section 9 – Term of office**

- (1) The Chairperson & Members shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for appointment

Provided that chairperson and members shall hold office as such after he has attained the age of sixty-five years.

- (2) The Chairperson & Members, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.



- (3) The Chairperson & Members may, at any time, by writing under his hand addressed to the Governor, resign from his office.

### **Section 10 – Removal**

- (1) The Chairperson & Members shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the High Court, on a reference made it to by the Governor, has, on inquiry, reported that the Chairperson or Members, as the case may be, ought on such ground be removed.
- (2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chairperson or Member in respect of whom a reference has been made to the High Court under Sub-section (1) until the Governor has passed orders on receipt of the report of the High Court on such reference.
- (3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chairperson or any member if the Chairperson or a Member, as the case may be, -
  - a. is adjudged an insolvent ;or
  - b. has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
  - c. engages during his term of office in any paid employment outside the duties of his office; or
  - d. is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body ;

## **CHAPTER 4**

### **COURT MANAGERS**

#### **Section 11 – Court Managers**

- (1) Appropriate Government will appoint court managers in judicial and quasi-judicial bodies at central or state level as the case may be as per the requirement from time to time.

#### **Section 12 – Qualification of Court Managers**

- (1) Followings will be qualification for appointment of a Court Manager

- a. Must hold a degree of MBA or advanced diploma in general management.
  - b. Must have 5 years' experience/training in system and process management, IT systems management, HR management or financial system management.
  - c. Excellent communication skills.
  - d. Excellent computer application skills.
  - e. Minimum age will be 28 years and maximum 45.
  - f. Preference will be given to the candidates who holds degree in law.
- (2) After the selection of court manager, candidates will undergo one month training at National Court Management Academy, Bhopal established under Section 15.

## **CHAPTER 5**

### **NATIONAL JUDICIAL EXAM COMMISSION**

#### **Section 13 – National Judicial Exam Commission**

- (1) The National Court Management Authority shall constitute a body to be known as the National Judicial Exam Commission conducting All India Judicial Exam for subordinate judiciary in India.
- (2) National Judicial Exam Commission shall consists of –
  - a. Retired judge Supreme Court.....Chairperson
  - b. 2 Sitting judges Supreme Court of India.....Members
  - c. 2 Retired judges High Court.....Members

#### **Section 14 – Functions**

- (1) National Judicial Exam Commission will conduct the All India Judicial Exam
- (2) Regional Court Management Authority will coordinate exam in their respective states under overall supervision of National Court Management Authority.

## **CHAPTER 6**

### **NATIONAL COURT MANAGEMENT ACADEMY**

#### **Section 15 – National Court Management Academy**

- (1) National Court Management Academy will be having its office at National Judicial Academy, Bhopal

#### **Section 16 – Functions**

Functions of National Court Management Academy will be as follows

- (1) Conducting training programmes for Court Managers in India.
- (2) Conducting research & development activities on Court Management.
- (3) Any other activities incidental to objectives of the act.

## **CHAPTER 7**

### **MISCELLANEOUS**

#### **Section 17 – Monitoring & Reporting**

- (1) The National Court Management Authority or The Regional Court Management Authority as the case may be, shall as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this act during that year and forward a copy thereof to the appropriate government.
- (2) The National Court Management Authority shall prepare a consolidated report after receiving details from the Regional Court Management Authority.

#### **Section 18 – Power to make rules by appropriate government**

- (1) Appropriate Government may make rules, issue guidelines, notifications in the official gazette to carry out the provisions of this act.

## **Section 19 – Power to remove difficulties**

- (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this act as appear to it to be necessary or expedient for removal of the difficulty;
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

## THE FIRST SCHEDULE

[See sections 5(2) and 9(2)]

### Form of oath or affirmation to be made by the Chairperson/Members of National Court Management Authority/Regional Court Management Authority

"I, ....., having been appointed Chairperson/Members

swear in the name of God

solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."



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