

The Justice Reform Project

Reimagining Justice in the Twenty-First Century

June 2022

Rule of Law: A “**whole of nation**” concern

- Justice is the ideal that a rule of law system aims to pursue and realize
- Justice system suffers from apparent dysfunctionality and is marred by delays
- On the **2021 Rule of Law Index** ranking, Pakistan ranked 130th out of 139 countries and jurisdiction
- All three pillars of the state – Legislature, Executive and Judiciary – have much room for improving the role they perform within the rule of law system designed to deliver justice
- It is with each institution to introspect and hold itself accountable for where it is failing the citizen
- **the Islamabad High Court seeks to hold itself accountable and fix aspects of the court system in the Federal Capital to the extent that it fails to realize the ideal of justice delivery**

Benefits to the Individual

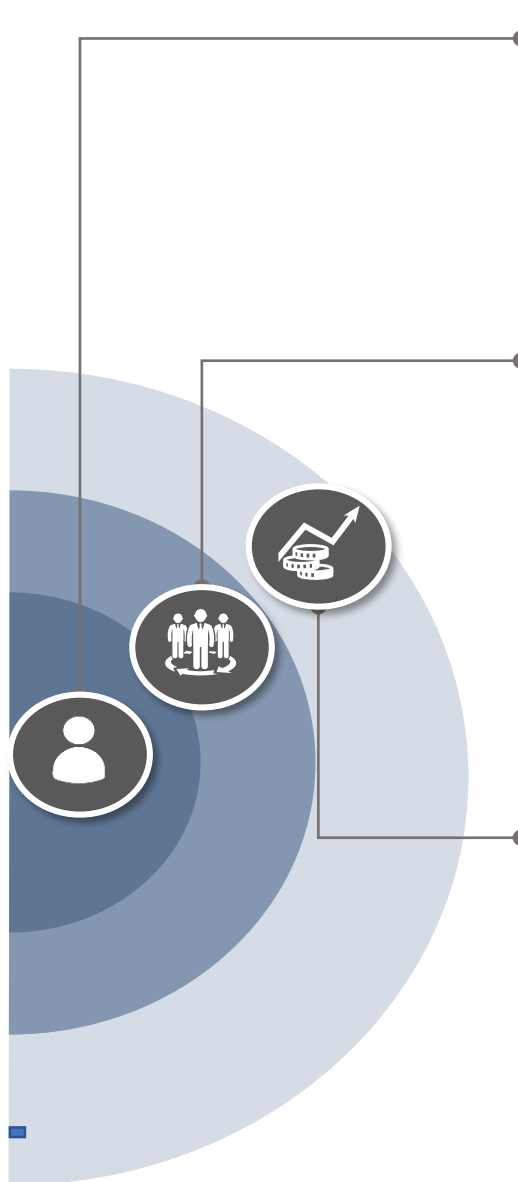
- Freedom to life and livelihood
- Trust in state institutions
- Greater awareness of, and hence heightened adherence to, rule of law
- Greater deterrence from illegal activities

Benefits to Society

- Stronger rule of law orientation of society
- Greater societal well-being due to shared perception of egalitarian, homogenous, and transparent justice delivery
- Stronger values of equity and equality, inhibiting marginalization and exploitation of otherwise targeted communities
- Similar to the individual, higher social trust in state institutions, particularly the judiciary (also triggers economic benefits)

Benefits to the Economy

- Improved ease of doing business with stricter contract enforcement, adequate dispute resolution and arbitration mechanisms, etc.
- Increased investor confidence; hence greater capital influx due to a lower country risk perception
- Reduced transaction costs and other economic frictions (with increased societal trust) as individuals and business have reduced need for due diligence, middle-men, risk assurances, etc.



Ineffective Justice Delivery: Primary Issues and Problems

Non-Exhaustive



Delays

- **The** main issue with justice system
- Can take up to 20 years for a case to move from district courts to the Supreme Court
- Issue due to pendency of cases. As on 1st June 2020*:
 - 2 million cases pending at all courts, of which 82% pending in district courts
 - In Islamabad, 17,000 cases pending at IHC, and 3 times more in district courts (50,000)



Cumbersome Processes and Procedures

- Myriad of archaic and sub-optimally designed processes and procedure
- Tedious to navigate and execute (causing further delays)
- Result in increased cost of litigation



Quality of Decisions

- Adversely impacted decisions' quality due to:
- Overloaded docket (poor decisions lead to appeals, further compounding the issue)
- Little time for research
- Lack of quality research assistance
- Lack of time and resources for training,
- Gaps in selection and promotion methodologies.

*Approximate (rounded) numbers have been presented based on "Consolidated statement showing pendency, institution and disposal of cases during the period 1- 30 April, 2022 in the Supreme Court of Pakistan, Federal Shariat Court, High Courts and District Judiciary", Law & Justice Commission of Pakistan, April 2022, http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf. Accessed 1 June 2022.

Justice Reform Project: Scope and Key Objectives

The **scope** of the Project entails large-scale transformation of (in order of priority)

- (i) **the Islamabad High Court (IHC)** – *primary focus*
- (ii) **the Islamabad District Courts** – *secondary focus*

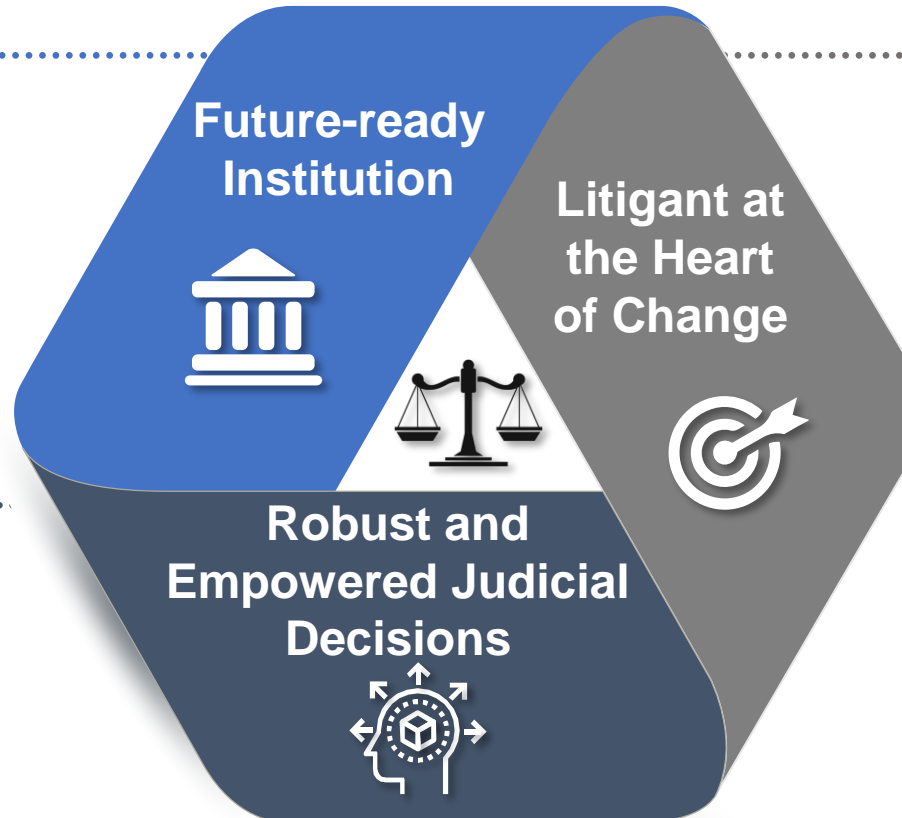
Key Project Objectives

1

Best-in-class, future-ready, and dynamic Islamabad Justice Delivery System with an **expanded ecosystem** enabled through **strategic partnerships, and targeted digitization**

3

Effective judicial decision-making empowered by an **agile think tank of well-curated case knowledge and real-time data and information**



Optimized and effective judicial services' delivery with the **litigant at the heart** of the reform

2

Reforms Required: IHC's Primary Areas of Focus

Strengthening and Revamping the Core

- 1 **Organizational Redesign**
Organizational assessment and restructuring to more closely align with best practices and activate functions required to achieve the Islamabad Justice Delivery System's strategic mandate
- 2 **HR Model Redesign and Capacity Building**
Review and modernization of the existing HR and capacity building model for both judicial officers and other staff in the Islamabad Justice Delivery System; this includes recruitment, compensation, performance management, training and capacity building
- 3 **Case Flow Management**
Assessment, revision and implementation of the end-to-end process while keeping the litigant at the heart of the redesign; innovation and digitization should be leveraged to optimize case flow
- 4 **Case Backlog Management**
Focused assessment of key causal factors to reduce case pendency and delays; short-to-medium term interventions may include supplementing capacity through additional quality resources
- 5 **Key Processes/Procedures, Cost Regimes and Controls**
Review and optimize to (i) reduce the resource burden for, and providing clarity to, a litigant; (ii) as act as a 'barrier to entry' for frivolous litigations, limine motions and dilatory tactics attempting to prolong cases; and (iii) enhance judicial administration, case hearings and adjournments
- 6 **Rules/Regulations for Islamabad's Justice Delivery Functions**
Review and streamlining of current legislation (rules and regulations) to ensure effective judicial administration, case hearings and adjournments

Building out the Institutional Framework

- 7 **Criminal Justice System**
Review of the components of the criminal justice system, including investigation, prosecution and penitentiaries to be able to distinguish between the accused and the guilty, so the principle of 'innocent until proven guilty' is upheld while ensuring conviction of the guilty
- 8 **Alternative Dispute Resolution (ADR) /Mediation**
*Build-out of an effective ADR regime, catalyzing its adoption
Development of the ADR and mediation institutional framework (particularly setting up of international arbitration institution), ADR capacity building and engagement of requisite subject-matter expertise*
- 9 **Dedicated Commercial Courts**
Set up of dedicated commercial courts with a special focus on adjudicating disputes involving international parties and foreign investors

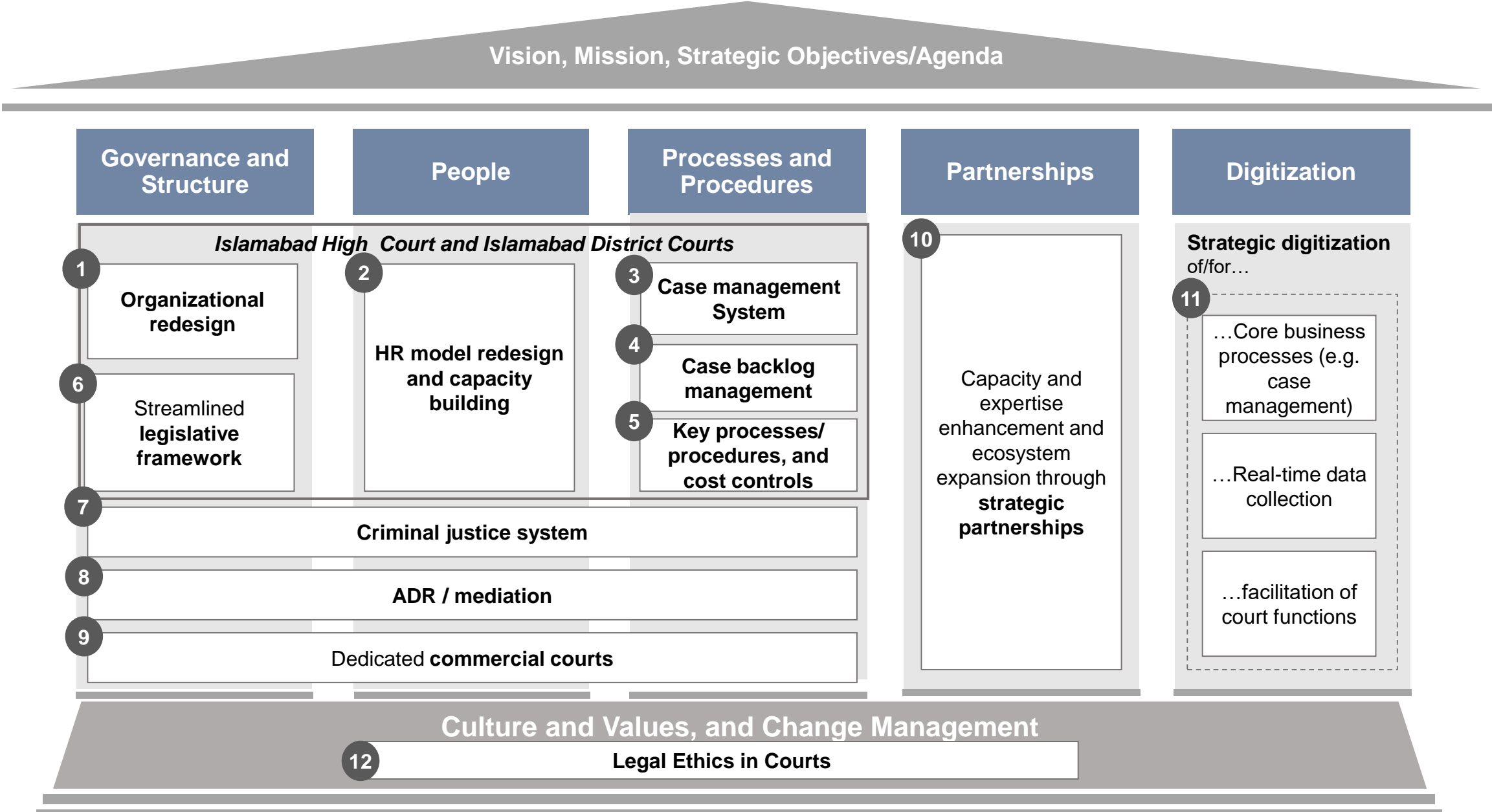
Establishing Foundational Enablers

- 10 **Strategic Partnerships**
Determination and establishment of key strategic partnerships to supplement capabilities of the Islamabad Justice Delivery System, hence robustly expanding their ecosystem and building, advancing operational capability, and building a critical mass of cutting-edge expertise and knowledge
- 11 **Strategic Digitization**
Strategic need determination for, and implementation of, technology to (i) optimize core processes including case management, (ii) enable data-driven decision making through real-time data and information, and (iii) elevate and facilitate court functions and judicial proceedings
- 12 **Legal Ethics in Courts**
Establishment of ways to institutionalize the principles stated in the Legal Practitioners and Bar Councils Act, 1976, while engaging with legal fraternity, to strengthen the dignity of the legal professions and further the rights of the litigants as consumers of the justice system

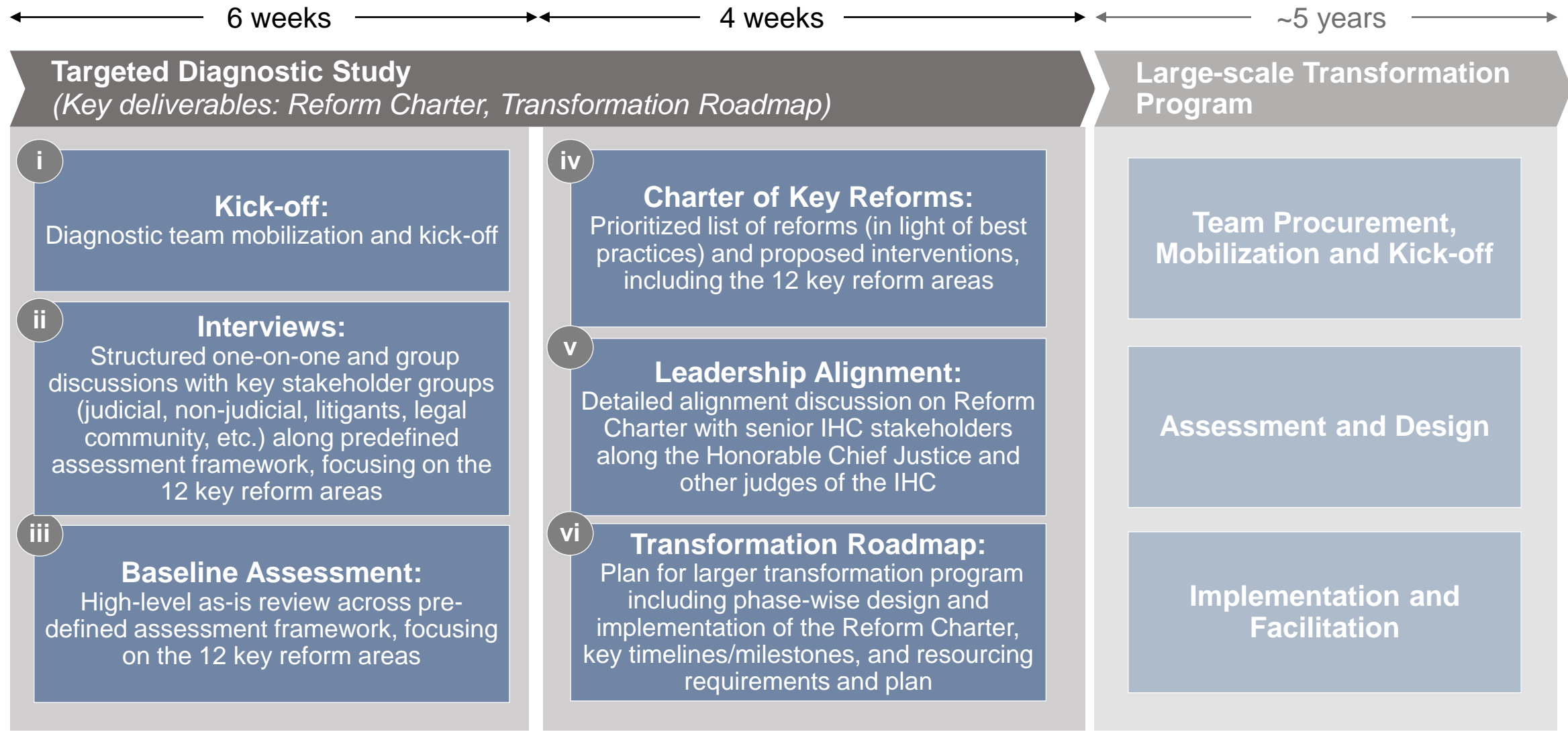
Putting the House in Order: Federal Judicial Reform Assessment Framework

↑ Strategy

↑ Operating Model and Enablers



Justice Reform Project: Proposed Approach for Diagnostic



On June 6 2022, the DDWP approved about **PKR 310 Mn** over 3 years to finance this Project

Diagnostic Phase: Governance and Project Management Model

Project Steering Committee

- Honorable Chief Justice IHC, and other select Honorable Judges of the IHC bench
- District and Sessions Judges
- Registrar, IHC
- CEO, Public-Private Partnership Authority (P3A)
- Ministry of Planning [TBD]
- Senior external advisor(s) and selected senior representatives from legal councils

IHC Project Management and Implementation Unit (PMIU)

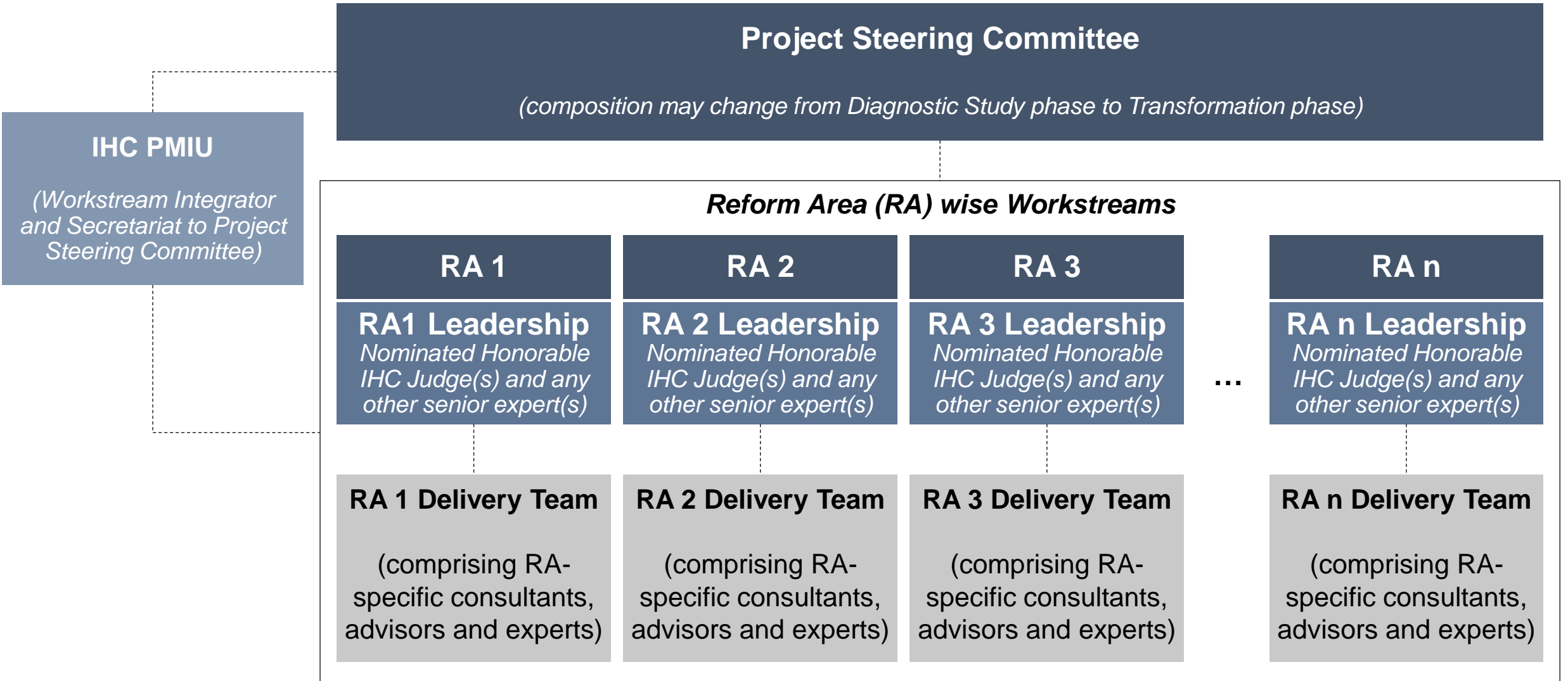
- 1 Project Director
- 2 to 3 Project Managers (Law/judicial reform, institutional reform, IT and digitization)
- 1 Financial Manager (to track use & deployment of project funding)
- 1 administrative assistant

Project Delivery Team

- For the Diagnostic phase: 5 to 7 consultants
- For the Large-scale transformation project: To be determined
- External advisors to be engaged from time to time as required

Transformation Phase: Expanded Governance and Project Management Model

*Illustrative/
Example*



End