

Transforming District East Courts, Karachi

a Case Study of
Transition of Practices and Procedures
and
Evolution of State of Art AGEIII
Court Automation System

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Preamble

Generally Courts in Pakistan present a look and feel of status quo for the past few decades. Over the decades the working and administration has not changed much in a tangible form, its practices of conducting court business remained where it was 60 years ago. Rather it has deteriorated in terms of basic facilities and discipline from the point where colonial masters left it. The system evolved by the British in terms of procedures of conducting business was quite good at the time; they effectively used it to tightly govern the system.

Almost fifty eight years later finding ourselves below par to where the institutions were, definitely required a radical approach to seeing the problems and solutions. The steps taken envisaged at district Karachi East can be categorized in major areas of administration, monitoring and facilitations.

Any reform work takes a long era of time specially the kind of challenges being faced. This paper highlights the background of where the things were, how it was seen at the time, what strategies were made and how far these has been realized in a short span of two years along with their impacts on stakeholders.

Background:

The thought process on implementing changes and making evolution to newer standards started few years back. The ground laying and testing of methodologies were started at Karachi District Central in the year 2002. The colossal benefits of backlog clearance were achieved there however the work of putting the layer of automation was initiated at District East, Karachi.

The fortunate part is that the people who worked on information technology transformation have been closely associated in various automation studies, so for them the problems and strategies were not new. Rather they had started their pilot programs six years back. Having them on board starting from district central meant a complete continuity and gave them the much needed time span for transforming their ideas into a system which today stands unique in this part of the world.

We see things from what is needed and can be made successful in our country. However most in our country tend to see around as what our neighbor (India) is doing to set a benchmark. In appendix-B, a paper of Indian district court is pasted for reference. It will astonish most as to how we at district courts of Karachi East have done, single handedly, a far better program.

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Section-1

Challenges at The Time

Taking up a reform agenda single handedly is a recipe of extreme responsibility specially in the innovative areas. However as *said " if there is a will there is a way"* , energies were first directed toward identifying problems which are doable in near and medium term which mostly belonged to facilitations and administration.

Court Administration:

A district judge is responsible for the general administration of court, dispensation of administration and judicial matters besides his own judicial responsibility. This being a vast area of responsibility requires quite a lot of time, the challenge is how to make an institutional development in such a way that some of the responsibilities need to move as per guided directions and monitoring rules without having to interfere or allocate time on day to day basis. This leaves quality time for doing other more challenging things.

Problems

- ? Karachi East being the largest district of Karachi had enormous case load. Having enormous case load means that it puts pressure on everything from courts to judges to facilitations and general administration. The resulting backlog generates desperation among the masses about the justice system.
- ? Access to information may it for District judge or litigants or advocates had been a problem of grave nature in general. People ran pillar to post for basic information access. While the district judge has to wait lot of time to get the reports.
- ? Despite heavy pendency the urgency to dispose and a clear direction among the judges were non existent, it's been a case of coming day in day out just for status quo.
- ? Court Staff had fell into wrong practice of coming late, or people not doing their assigned tasks due to lack of monitoring mechanisms.
- ? Courts cleanliness and general facilitations were not only quite deficient but the one which were there, were also in shambles.

- ? There were no clean public toilets, and in special no toilets for ladies.
- ? The court staff was found to be quit relaxed resulting in attendance/late problems, unnecessary delays.
- ? The cases back log was quite high, regular mechanisms of inspections took too a long time to expedite while cases pile up at a much more faster rate.
- ? The inconsistency of carrying our procedures resulting in same actions taken in many different ways. An example: cause-list was produced by twenty different ways making the interpretation of information more difficult form court to court within the district.
- ? The performance of judges are known at the end of month, so if problems are known with a gap of one month , the corrective action is delayed by 35 courts. So one can imagine what colossal loss it all amounts to cases and resulting delays.

Section-2

Everybody in the this world has 24 hours . Only better means of working, setting priorities and monitoring of work can give us time to take time out for challenging tasks.

Transformation Strategy:

The core problems as identified were in the areas of administration, facilitations, Procedures and Access to information. Developing an institutional approach means that one is able to define a successive layered path, realize it to a stage where one can go in his/her time, the followers can take over from there on.

A radical approach of court transformation was taken up as an integration solution to identified core problems areas by applying means of standards, monitoring and technology. A resulting comprehensive plan was proposed under following core areas.

General Court Maintenance and Facilitations

The below mentioned areas are not something of radical change, it is the case of restoration and institutionalizing practice of check and balance to improve things.

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- ? Reporting and monitoring Procedures were made to keep a tight check on discipline of staff .
 - ? A library space was equipped with proper space, environment, books, reading and conference tables.
 - ? Cleanness facilitations and procedure of monitoring were introduced
 - ? Complaints on court staff have been expeditiously disposed off
 - ? Accessibly to top authority
 - ? Provision of better seating arrangements and clean Public toilets for gents and ladies was made

Facilitations Introduced for Introducing and Sustaining Information Technology

- ? An information technology training center was established having multimedia facilities to enable judges and their staff to receive basic training on computer applications and accessing customized court-related software on going basis.
- ? Private consultants were hired to conduct workshops and symposia on the use of technology to facilitate case and case flow management. The training center will train trainers for other courts as well.
- ? A 50,000 volume law library has also been established to provide judges access to legal materials, including journals, as well as providing Internet facilities. Case law is available online and on CDs prepared by an electronic law journal.
- ? All the courts in the district, the information technology training enter, and the library are connected by a local area network following the Integrated Information Processing Monitoring Model. Information at all levels about bar and court management is now available to court users, litigants, members of the bar, and judicial officers and staff.

Judicial Transformation:

An independent, Effective, just Efficient Judicial System that fosters respect for the rule of law is in dispensable in a truly democratic system. Modernizing, streamlining and improved efficiency of the court systems are paramount in order to ensure high degree of protection of individual rights and therefore increase citizens faith and confidence in state

Judicial transformation is an ever going and never ending process as new methodologies and practices are evolving. Any automation is built upon sound practice and procedures. Having studied Singapore courts in the last few years and the a belief that things can be changed, a phased plan was made to take following steps which can later lead to introduction of automation.

Phase-1 : Outlining Strategies as :

- a. Promoting a paradigm shift among the members of the judiciary;
- b. Prioritizing cases
- c. Fixing time periods for the disposition of cases;
- d. Monitoring of the courts
- e. Consulting with the Bar
- f. Introducing Alternate Dispute Resolution (see details in appendix-A)

The paradigm shift requires a change in the attitudes and approaches of the individual members of the judiciary and court staff. While such a shift is intangible and difficult to measure, it is nonetheless a fundamental element of implementing and sustaining any reform program. In the case of the Karachi east's judicial reform program, the paradigm shift was achieved through dissemination of information on the programs accompanied by training. Judges were encouraged to welcome the reforms and provide assistance and cooperation to the new methods adopted to facilitate case flow. They were taught how to prioritize cases, beginning with the 30- to 35-year old cases that had been transferred from the High Court to the District Courts with the expansion of the latter's jurisdiction.

The program's goal was to clear the backlog within a period of two to three years. A workshop was held with members of the judiciary where it was jointly decided to clear the backlog at a rate of three percent per month. A time limit was fixed for the disposal of each category of case and steps were taken to ensure the implementation of the scheme. Judges have been monitored to ensure that they adhere to the statutory periods limiting the amount of time allowed to decide each type of case.

For example, civil cases must be disposed of within eight months, rent cases within five months, and family cases within four months.

In addition to setting limits on the amount of time allowed for the disposal of each case, the program has introduced new scheduling practices. Previously, the general practice was for the court staff to fix the hearing dates. As a result, judges did not know how many cases were scheduled for a particular date nor did the staff know whether the judge was available on that date or not. Now, judges have become more involved in setting the schedule of cases and are required to maintain their own court appointment records. These new scheduling practices are intended to assure litigants and attorneys that cases will proceed as scheduled.

Judges and their staff are monitored to see that proper court procedures are observed. There are also regular consultations with members of the Bar who provided inputs on the reform programs.

After this program was followed in Karachi Central, the twenty-five judges assigned there were able to clear 70% of their backlog within thirty-two months. Two factors counteracted the positive effects of the reforms and prevented the backlog of cases from being disposed of as quickly as it could have been. First, several courts were vacant because the presiding judges had been transferred to new assignments. Second, extra-judicial duties performed by the judges, including the supervision of local elections, referendums, and general elections, prevented them from focusing all of their time on processing the backlog of cases. While it is an important function of the judiciary to ensure independent elections, it nonetheless affects the primary functions of the courts.

The same approaches and methodologies to address the case backlog were implemented in Karachi East. In thirteen months, 40% of the backlog was cleared. The number of pending cases was reduced from 12,961 to 10,389 as of 1 January 2005.

Firstly the court presented a cleaner and healthy look by the introduction of general court maintenance and facilitations, secondly the judicial performance started to improve all giving an integrated result setting the stage for next leap towards automation.

Phase-2 : Outlining Strategies for : Information Processing Transformation

Access to Information..... a self propelling tool of accountability at all levels.

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- ? Efficient Information access is a method of self accountability in many ways.
 - ? If the information is fast available to superior (DJ/CJ) and apex court management then the whole process is made transparent and self governing.
 - ? If the stakeholders have transparent access to information via modern means without even coming to court then we are in league with developed world to make most of ours and stakeholder time.
 - ? In producing the management information if the court staff is also involved by automating their regular work then everything is chained together as a unit, which after a passage of time will become locked for all to be part.
 - ? All the time and effort investment looks worthwhile if every stakeholder is kept to benefit from the system. **That is what AGEHI was set to achieve.**

Well the above picture seems very rosy but to actually venture into an alien field means lot of risks and high costs of development of infrastructure, human resource training and a complex software. Even if this is all done then the sustainability of such a technology must have strong footing. The courts do not have any high end technical means to deliver such a solution, further the changes in technology happens at such a fast pace that it is difficult to keep the pace.

Knowing your barriers upfront make one plan ahead. District east joined hands with team of IT-people who having rich legal and automation experience with their indigenous efforts wanted to implement such a system seeing as a completion of their work of last seven years.

Having identified the tough goals seen as a opportunity by both the technical team and DE to give the country a unique solution the work started.

Case Flow Management System

CFMS an integrated software solution aimed to automate, monitor and control the progress of case through its stages to enable the justice to be reached at a faster pace, Monitoring to be on the fly for all stakeholders and information access is without any time and physical boundaries. Having set the above aim the work of implementation went underway at District east.

Legal reforms in Pakistan's inconsistent policy climate presents a radical challenge altogether as compared to any other country. The concept of integrated CFMS is not limited to having software application rather it has a broader base considering the local climate where conviction for change is scarce, sense of automation beyond buying computer hardware does not prevail, lack of resources for institutions to decide how and where to go, and sustainability are big issues.

The program has been an outcome of six–seven years of efforts of a private firm's investment in establishing resources, having sound domain knowledge, working strategy, relationships with courts willing to take radical steps and sustainable technical resources.

Transformation and its effects:

The resolution of either side i.e the court management and the technical team behind the concept has shown a consistent behavior towards achieving the goal which otherwise was very gigantic.

- ? The technical team teamed up with District east to form a sort of partnership towards common goal having unique motives of bringing out reform in legal automation in the country.
- ? Internal staff in a carefully planned maneuver was strengthened to operational use of system, no high tech team were hired from outside. This made the system internally strong.

- ? The implementation process has been broken down strategically into several linkable components thereby penetrating the effects of implementation curve very quietly and smoothly.
- ? Every implementation component tied user on one end, and on other side facilitated to keep the process moving in an interdependent way.

What has been Transformed

A. Case Filing and Electronic Indexing

All cases pending at the time of startup and the cases filed after are updated in the system in a defined guidelines to create a complete data base of cases in the most comprehensive form having:

Case Categories (multilevel)
Parties
Advocates,
Witnesses, there their current Statuses

The outcome:

- ? Case information is known to everybody and statistics are updated on daily basis
- ? Cases in scrutiny can be carefully examined for objections and delays.
- ? Case filed/ instituted in a day are known to all as web site is updated.

- ? Case Indexing and institution:

- ? Case are indexed in unique order by the system for it to be accessible anywhere.

- ? Preparation of cause list is has just become a routine 10-15 min job, as it is only a click. That too is mostly marked at proceeding time for future fixation

- ? On finalized cause list can be printed out of system alongside the internet is updated for lawyers to just access the required information

A radical change has occurred in the court filing staff, they quickly switched to it.

b. Case Proceedings:

Every day the court is automatically fed by the system to run the proceedings on the days cause list. It tracks the time spent by the court on the case, the concerned parties present in the court, and further recording of witnesses, judges orders and judgments etc.

This is all run by the trained readers without any technical help. Once they update the system with day diary, these are simply printed out and filed while the electronic copy is sent to internet for online viewing.

c. Process Server Management

Likewise the requests are routed to notices, summon etc for onward monitoring and production to process serving agency.

The next fixation are done then and there, the system updates the judges calendars and even updates the internet in a matter of few hours for everybody to see the current information.

A comprehensive system of proceeding has brought about a very positive change in the court readers: They enjoy the software as it has cut down on their time drastically.

d. Information Kiosk:

A centralized information kiosk deliver information value to all stockholders in a free manner :

- ? Case information
- ? Cause List Information
- ? Case proceedings histories, orders and Diaries

e. Web Site (www.karachieast.org)

The web site of Karachi east is not a case of few text pages and pictures, it is an interactive site which gets updated by an automatic system. It is meant for people to come to it day to day, or even minute to minute to get comprehensive updates.

An online complaint system with illegal detention to take action under section 491 C.r.P.C., non registration of FIR and downloading options for statues and commonly used court forms for litigants to have ready access.

It is a comprehensive resource for all stakeholders serving day to day needs. An updated cause list is available at the end of day, further the past calendar of case fixations by each court can also be seen with all the details of case.

f: AGEHI Court Information Network (ACIN): An information Marvel:

www.agehi.org

District east has defined the monitoring rules altogether by making available the courts data online. This enables the Snd High Court and member inspection teams to just log on and make use of system without having to ask for reports. Trends, disposal, judges, district performances, all can be seen on the web. Even the backlog and their clearance, aging of cases are shown on line.

The beauty of it is the ACIN's technological impacts on courts are none as the entire system is robust and automated, the court only uses it the rest is all done by intelligent software sitting in court and on internet .

Closing Note:

The enormous effort of last few years has set the benchmarks in technology, methodology, human resource development and a sound strategy for transforming the courts to automation and data dissemination under standards.

DE has used inexpensive hardware/ computer systems along with doing the solution on Java platform to keep the things on open platform. The success of solution is a testimony that we do not need expensive hardware all the time, nor expensive hardware can solve the problems.

MONITORING, a tool to see that things go as expected. On-Line Monitoring provides information on cases, delays and performance with in seconds for DJ to be on top to take vital decisions.

End.

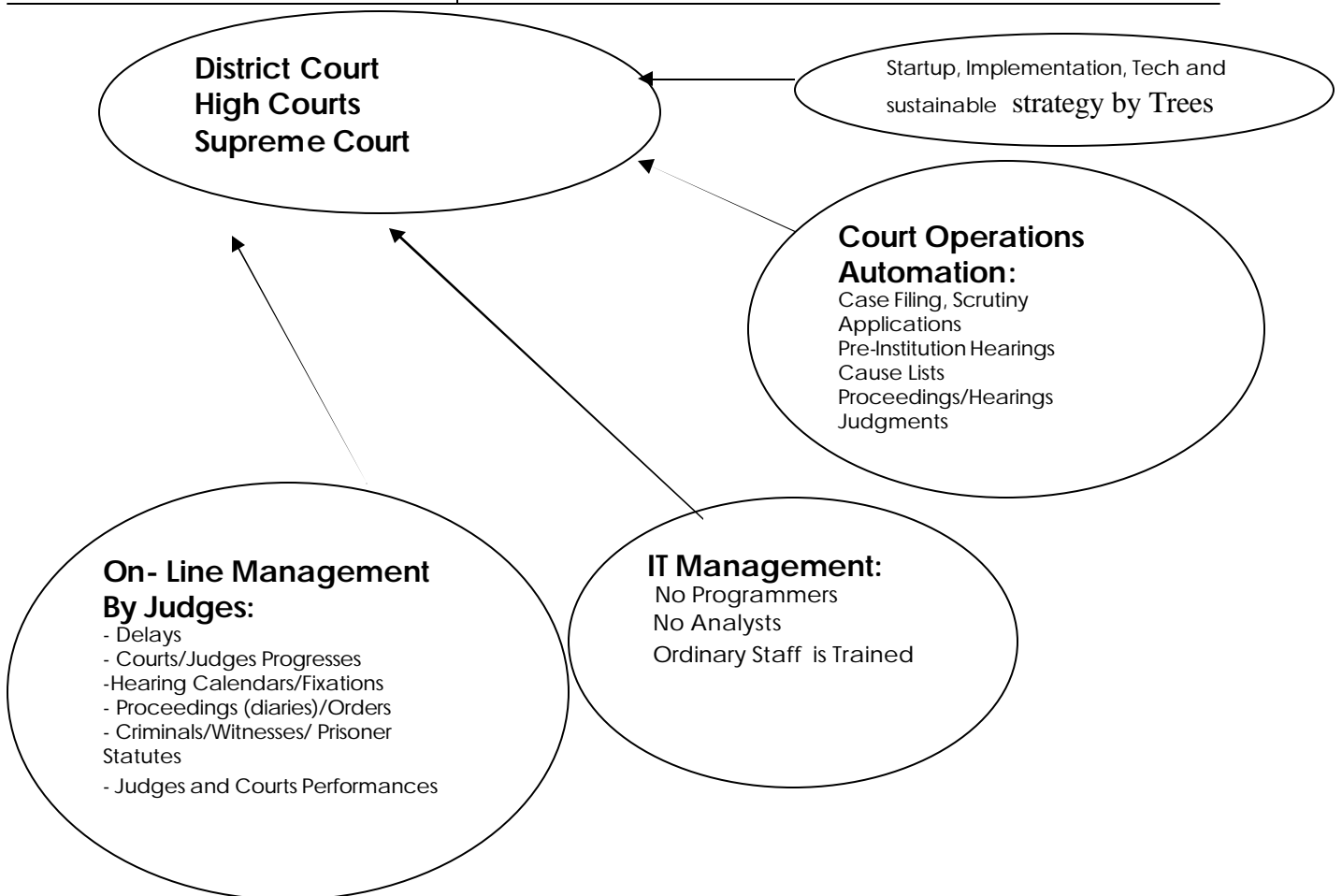
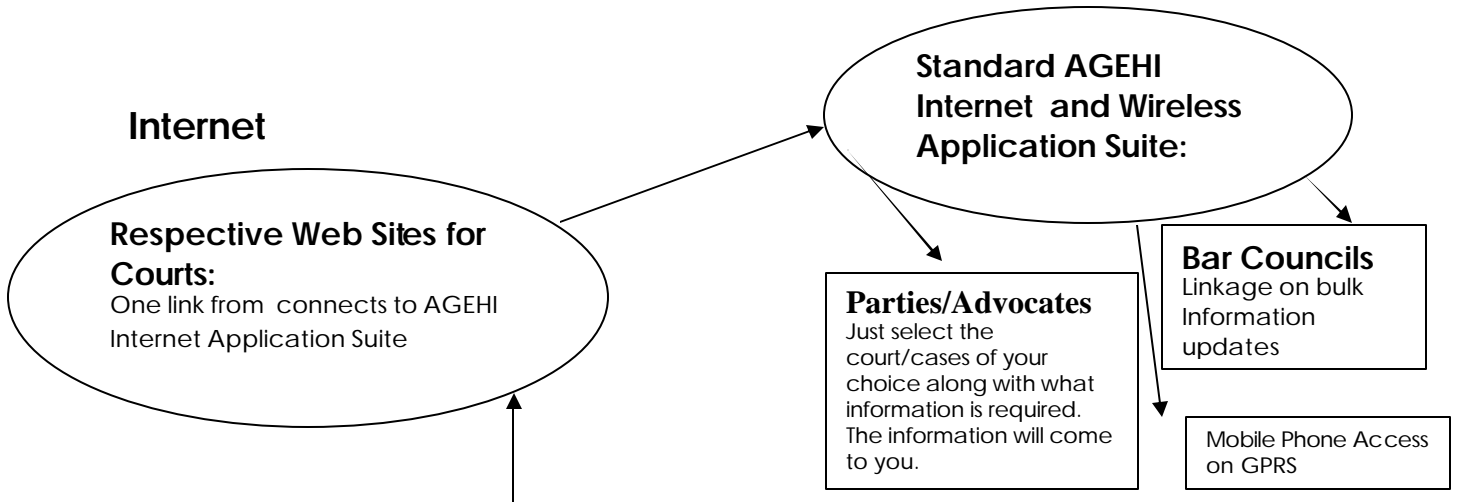
Enclosed:

Appendix A: Alternate Dispute Resolution
Appendix B: Automation in Delhi District Courts-Case Study



at a Glance

Internet



Alternate Dispute Resolution

an effective way to reduce cases

The concept of Alternate Dispute Resolution (ADR) is being seriously implemented in Pakistan, different forums/organizations are involved to implement this system in order to provide expeditious settlement of disputes between the parties outside the court to reduce the heavy burden on the court dockets. Most of the courts of all over world are already taking benefit of this system specially the Singapore courts are the trend setter.

The court mediation is one of its branch through which the parties after filing their case in courts are referred to such special designated courts for that purpose.

Taking cue from Singapore Courts, the court mediation proceedings between the parties results in immediate and concrete resolution of the disputes, specially in commercial disputes. More than 96% of litigation comes to an end through this process. The Judge presiding over such court acts as a mediator who discusses the matter with the parties with an undertaking that the facts disclosed before him will not be made a part of record and tries to convince them for settlement before going to full-fledge trial. If the settlement is arrived then the matter is finally disposed of by it otherwise, the same is referred to regular courts for the trial.

This technique was applied in district Karachi-Central and then in district Karachi-East, specially in rent cases taking the benefit of the provisions of Sindh Rented Premises Ordinance which provides that before disposal of an appeal by the appellate authority, an attempt is to be made to bring about compromise between the parties. Now necessary amendment in Civil Procedure Code in this regard has also been made. However, the rules are yet to be framed.

Using the technique and experience a number of cases were disposed through the process of court mediation. The parties settled not only those cases pending before my court but also the other cases connected therewith and pending in different courts including High Court and Supreme Court. Not only the litigant public but the bar also cooperated fully and appreciated the efforts made in this regard.

Appendix-B

An experience of Delhi District Courts.