

First Draft

Judicial Policy on Case Management for the Subordinate Courts of Bangladesh

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1. Introduction

The High Court Division of the Supreme Court of Bangladesh is entrusted with the overseeing of the Subordinate Courts. The Honourable Judges of the High Court Division periodically visit the Subordinate Courts and put forward suggestions for improvements against their observations. In addition, the Subordinate Courts are obliged to report to the Supreme Court on various performance records of the Judges, courts, and case statistics. The CrPC, CrRO and CPC, CRO constitute the legal framework to govern the operations of the Subordinate Courts related to criminal and civil matters respectively.

Given the huge case backlogs in the Subordinate Courts, caused among others by delays in the case management, the Supreme Court feels the need for a policy, which will provide operational guidance to the Judges to manage the cases in an efficient way within the existing legal framework.

2. Objective

The objective of the policy is to develop a system of tools and instruments to bring about a change in the management of the cases and courts to sustainably reduce the number of cases in the Subordinate Courts, while remaining committed to quality in the justice delivery process. This objective may be seen as an instrument to achieve the strategic goals of the Supreme Court.

3. Values and Principles

The policy is expected to infuse a set of basic values. The draft strategic plan of the Supreme Court includes Accessibility, Independence, Accountability, Transparency, Efficiency, Integrity and Fearlessness as some of the core values for the judiciary. In addition, the policy should build in a set of principles, which will help streamline the caseload management.

Basic Principles for Caseload Management

Judge's Control over the process: The policy will envisage that after filing of the case, it is the Judge who controls the process ending the disposition. A critical path method (CPM) may be applied here.

Differentiated Case Management: The policy will provide guidance on how to classify the cases in terms of merits, so that they receive proper attention.

Use of standards: The policy will define expected realistic performance standards for each sub-process along the case flow, thereby using international standards.

Resource consciousness: The policy will guide the Judges to become conscious about the costs implications of the court orders/decisions along the case flow.

Monitoring and Reporting: The policy will guide on how the outcome of each process is to be documented, monitored and reported case-wise and in a consolidated manner.

Use of IT whether relevant and useful: The policy will specify the use of IT along the case flow to minimize transaction costs.

4. Case Management Process

The policy will consider case management as a process. Broadly, the process includes a) Pre-Trial, b) Trial and c) Post-Trial phases. Each of these phases in turn composes of several sub-processes, which vary depending on the type of cases (Civil and Criminal). Should the total case flow be efficiently managed, each of these sub-processes needs to be efficiently managed as well.

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4.1. Civil Case

4.1.1 Pre-Trial

a) Filing/Registration

- 1) Each District Court will have a central filing system. In the medium-term, it will envisage an eFiling system for use by the plaintiff or the lawyer.
- 2) So long a central eFiling system is not in place or not functioning, the plaintiff or the lawyer shall follow the template proposed in eFiling.
- 3) The filing will require submission of necessary document(s). The eFiling or manual filing cannot be submitted without the supportive documents. Such documents may not be accepted in the subsequent phases of the case.
- 4) The template will be designed in anticipation of all necessary information about the plaintiff, defendant(s) and the plaint. The registration cannot be submitted without insertion of these information.
- 5) The successful submission of the filing will generate an alert (email or message or electronic letter) for the relevant persons/institutions. An electronic letter will be also printed from the filing authority for dispatch in addition to electronic communication.
- 6) eFiling or manual filing will lead to a computer-generated confirmation with a reference number. In exceptional cases, the mentioned template submitted in x copies will be required to be confirmed as received.
- 7) The eFiling system or manual system will build in ePayment or mobile payment system, the evidence of which will ensure a successful submission. Cash payment is only acceptable if other system does not exist.
- 8) Once submitted, the participating parties can have access to the uploaded information, but cannot make any change without the approval of the court. In case any change is made with approval, an alert system will inform all participants in this regard simulateneously.

Management: The Office of District Judge will ensure that

- an skilled operator is in charge during the announced office hours,
- IT system is operational for filing of the case,
- Help is available for user of the service,
- An alternative (manual system) is available if the IT system is not operational,
- The Designated Officer (RTI Act) and his/her office is clearly visible,
- A consolidated status of the filed cases is available on daily, weekly, monthly and yearly basis,
- A standard is set for the time required for filing a case (e.g. one hour), and
- Information is available about access to legal aid for the poor.

b) Classification and Differentiation

Classification of suits/cases by nature

A set of criteria, built in the eFiling system, will organize the cases after filing according to certain categories irrespective of their merit. Possible categories are as follows:

Family suits, b) Succession cases/ Probate and admiralty, c) Small causes cases, d) Election cases, e) Vested property cases, f) Money suits, g) Suit against the government, i) Other suits, j) Miscellaneous, etc..

An app-driven filing system will generate the list by category automatically. However, if such a system is not yet available or functioning, the filing authority will enter data in the template to be designed for filing and classification. The authority will provide this table to the relevant Magistrate for use in his/her decision-making. If eFiling system is operational, the data using the template for filing will generate another template illustrating the category-wise list of cases. The list will alert the DJ on daily basis through a pop-up system.

c) Differentiation of cases by merit

In the subsequent step, the cases will be categorized according to their merit (value, complexity). An approved scoring model may assign value to each case to categorize the cases by merit. For example, a case involving multiple stakeholders or relating to major economic decision-making (e.g. Foreign Direct Investment) may be termed as complex. An eFiling system may differentiate the cases automatically for viewing of the DJ.

d) Allocation of the cases

The DJ will maintain a database of the Judges with the caseload, workload and expertise/profile updated regularly. He/she will allocate the cases among the Judges depending on the merit in such a way that each Judge shares the caseload in an equitable way and is engaged in the area of expertise. The DJ may define and announce a set of criteria for the distribution of the cases. An app may support the DJ to allocate the cases among the Judges given the set of criteria.

e) *Scanning of the cases*

When a Judge is alerted through the court clerk about the case allocated to, he/she will download the case information. Dependent on the mentioned priority, the court clerk, on instruction of the presiding Judge, will establish contact with the parties for possible submission of additional documents if needed.

The presiding Judge will examine the maintainability of the case according to the set priority before any summon/notice is issued. Later, the court clerk will issue summon on instruction of the presiding Judge for the pre-trial hearing.

The following options are possible during the pre-trial hearing¹:

- First, summary dismissal due to lack of jurisdiction, failure to state a claim, no issue of relevant fact disputed.
- Second, dismissal due to faulty cases: CRO 4 (1) obliges each plaintiff to provide a copy of the petition, process fee, postage and necessary court fee. If necessary steps are not complied, do not adjourn.
- Third, a civil default process: The party does not respond or remain absent without excuse. Default judgement in favour of the other party, CRO 9, (Rule 8); One-sided hearing in the repeated absence of the defendant. No adjournment should be awarded.

If there is specified period of disposal then special register can be maintained and ensure speedy disposal.

f) *Fast track disposal incl. Small Causes Court*

Family case, lease, advance purchase case, small causes court cases should get priority

A streamlined civil consent process: Encourages the parties to resolve conflicts amicably and submit stipulated judgement or order to resolve all issues (Needs culture change with the bar and Rules, that encourages negotiated resolutions and discourages lengthy contested, adversarial processes)

g) *Interrogation, Discovery, and Inspection*

¹ These are based on the suggestions are made by USAID and mentioned in the draft policy available with the Supreme Court

- Judge should monitor the suits and take necessary steps.
- Judge should take the control. Example- deed of the suit, e.g. disputed deed, must be called at this stage.
- Law should be strictly followed and implemented by the Judge.
- Avoid adjournments.

h) *ADR*

- Judge should make the parties aware of the ADR option and motivate them.
- The ADR Judge should be different from the presiding judge
- The Judge should be vigilant at ADR stage and communicate in open Court.

4.1.2 Trial

The presiding Judge will fix and announce the period within which the final hearing will take place and how often: 120 days and xx times

a) *Witness management*

- List of names of witnesses to be written in the pleadings.
- Witness care service incl. witness shed, daycare and other facilities.
- Examination of witness on Commission
- The Court may direct to either party to prove any particular fact/facts by swearing affidavit

b) *Scheduling Policy*

- 1) On hearing both the parties the Court will fix estimated time period for the disposal of the case.
- 2) The court will fix and announce firm dates for examination of witnesses on behalf of the either parties.
- 3) Trial must be consecutive for priority based cases/suits.

c) *Adjournment Policy:*

- 1) Depending on the severity of the case, the Court may grant time and adjourn hearing up to maximum time. This needs to be announced.
- 2) Adjournment at Peremptory hearing: Not more than 3 times with costs.
- 3) The court with consultation of the parties will fix the total time period within which hearing for completion.
- 4) The court will grant adjournments subject to sufficient causes. The judge will share the criteria for sufficiency in prior.
- 5) Adjournment petition must be filed 03 days before.

- 6) After a certain number of adjournments, the party submitting the adjournment petition must bear the costs.
- 7) Fixation of suits in the daily cause list. Not more than 5 suits including 2 part heard suits.

d) *Publication of judgement*

- 1) The judgement should be published online. It should reach all relevant agencies simulatenously (District Administration, Police, parties) without any delay, if possible also eletronoically. The Judgement should be included in the relevant register for future reviewing.
- 2) The judgement should be easily understood , concise and well-reasoned. It should be pronounced in the open court and made available in hardcopy on the day of pronouncement with copies for relevant stakeholders
- 3) Judgment should be pronounced within seven days.

Management

- Digital deposition recording (application of Sylhet method in whole country)
- Mini data centre building in every district level court with necessary manpower support.
- Management from the local management position about distribution of cases by seeing his dashboard about the load and capacity.
- System alerts about different interlocutory matters and appeal and revision thereof.

4.1.3 Post-Trial

a) *Issuance of decree and handling of related cases*

- 2) Handling of decree cases to discourage deprivation of the holder of decree by the other in accelerated way if no injunction is made at higher court.
- 3) Monitoring and superintendence of judge over the time frame of filing of execution cases and initial scanning of execution cases. Name and address of parties, scheduled properties, operative portions of judgments, etc. should be looked at.
- 4) Decree should be very much correct to avoid any harm to the litigants.
- 5) Execution cases should be disposed of with as much care as if it were the original trial case.
- 6) In case of false, vexatious petition with a view to frustrating the rapid execution process, costs may be imposed.

- 7) Service of notice must be complied with within specified time and with special care. Failure of such compliance should be dealt with rigid legal actions.
- 8) Decree must be drawn up within legal specified days and result of cases should be included in the relevant Register within time.
- 9) Amendment of plaints/written statements should be noted in the pleadings without any delay.
- 10) Hearing of petitions in execution cases should be done and disposed of without any delay.
- 11) Return of writ of possession should be monitored and superintendent strictly and it must be returned within date; in case of failure, actions must be taken against concerned staff.
- 12) Objections in regard to writ of possessions should be disposed of rapidly.
- 13) Prioritization of execution cases is needed to dispose of old and long pending cases.
- 14) Before drawing up final decree in partition case, the judge should check over it. Affidavit may be filed with regard to death of any party to the suit after preliminary decree.
- 15) After pronouncement of preliminary decree, report of advocate commissioners should be filed in court without any delay, i.e., on the first date; in case of failure, his appointment must be cancelled. This matter should be dealt with strictness.
- 16) Execution of levy warrant must be ensured and the judge should be vigilant over it. Installment of decretal amount must be taken care with strictness.
- 17) Preparation of a list of execution case must be done by the judge and the judge should deal with it on priority basis of age of cases.
- 18) Filing of commission fees should be dealt with strictness. At best three times may be given.

b) Appeal/ Revision

- Same system in preferring appeal like original filing (Electronic entry)
- System alerts to be generated to the respondents accordingly
- Soft version of appeal and subsequent petitions
- Efficient system generated management in terms of distributing appeal to the appellate courts.
- Revision, Misc. Appeal, Family Appeal, Appeal
- Data management of appeal , Revision and others matters which are pending in the trial or appellate stage due to stay and orders from the appellate court (dashboard alerts by way of pop-up)
- Quick disposal from the appellate court (efficient use of dashboard)
- Appeal and Revision Management

Management:

- Existing rate of T.A. and D.A. of process-servers might be enhanced.
- Build up of an Execution Monitoring System (EMS)
- Efficient use of dashboard
- Frequent pop-up system

4.2 Criminal Cases

4.2.1 Pre-Trial

a) Register complaints

GR Case at PS

- 1) The Subordinate Court will ask Bangladesh Police to introduce e-registration of cases using a template. So long e-registration is not possible, the template should be used.
- 2) The Police Station (PS) should issue a computer-generated FIR (time, date, PS, recording staff) based on a complaint.
- 3) The template should include fields contact information like name, address, mobile number, email address if any, and emergency contact (cell, address) if the complainant and witnesses are not reachable.
- 4) The Subordinate Court will ask the Police to maintain an interface of data with the Court and SP office.
- 5) The Court will encourage the Police to introduce recording of statements using electronic devices gradually.
- 6) Registration GR cases (e-registration or manual & template-based) should incorporate the provision of attaching documents
- 7) The Court will ask the Police to introduce a template similar to that of CR.

b) CR Case at Magistrate

- 1) Each District Court will have a central filing system. It will envisage an eFiling system for use by the complainant or the lawyer.
- 2) So long such a system is not in place or not functioning, the complainant or the lawyer shall follow the template used in eFiling.
- 3) A template will be designed in anticipation of all necessary information about the complainant(s), accused (s), witness(es) and the complaint. Contact information like name, address, cell, email, and NID must be inserted. Emergency contact information will be asked considering that the complainant and witnesses might not be reachable.
- 4) The registration cannot be submitted without insertion of these information.
- 5) The template to be used should incorporate the provision of attachment of documents.
- 6) The successful submission of the filing will generate an alert (email or message or electronic letter) for the relevant persons/institutions. An electronic letter will be

also printed from the filing authority for dispatch to the parties addition to electronic communication.

- 7) eFiling or manual filing will occur instantly with a computer-generated confirmation with a reference number. In exceptional cases, the mentioned template submitted manually in x copies will be required to be confirmed as received. The computer-generated will also include time, date, and recording staff.
- 8) The eFiling system or manual system will build in ePayment or mobile payment system, the evidence of which will ensure the successful submission. Cash payment will only be acceptable if other system does not exist.
- 9) Once submitted, the participating parties can have access to the uploaded information, but cannot make any change without the approval of the Court. In case any changes are made with approval, an alert system will inform all parties in this regard simultaneously.

c) Classification of cases

Assuming that the cases are registered in a way that all information are inserted, the cases will be auto-classified after having undertaken the GR or CR (BP Form 27). A table will show the types of cases. The classification relates to the type of offence. The Subordinate Court will seek advice from the Supreme Court regarding the classification system to be followed.

Template: Classification Criteria

The Subordinate Court should know on daily basis how many cases are filed under which categories of offence. It will be able to retrieve the case-wise information as well.

d) Cognizance of the Cases and Offence

On availability of the complaint in a prescribed form (GR/CR) in hardcopy or eCopy (if connectivity is possible between the PS and the Court), the relevant Magistrate (Court/Tribunal) will examine the complaint in view of its cognizability (CrPc 155).

The examination includes checking of the statement under 161 and whether all accused are properly inflicted. The Magistrate also examines the witness/complainant under oath, and scrutinize all necessary documents, the medical certificate and other prosecution documents etc. The examination will lead to one of the following options:

- Not-cognizable and thus dismissed,

- Sent for police investigation and
- Sent for an inquiry by a competent Magistrate

The CJM/CMM should undertake surprise visit and inspection of the records of the cognizance court as the case may be, for the purpose of future improvement (if necessary) .

e) *Bail/Issuance of warrant*

XXXXXXX

f) *Investigation by Police*

In case of Investigation, the Magistrate will give the following schedule based on the merit of the cases:

- Number of days: xx
- Nature: Firm
- Extension: Reasoning with evidence
- Maximum Duration: xx
- Further extension: Criteria for exceptional cases
- Reporting obligation: Periodic within the total period to be set by the Magistrate (eReporting against the case number).
- Communication with the Magistrate during Investigation: e-Warrant, Dashboard for progresses
- There must be a time limit for submitting inquiry/investigation report within a specific time-otherwise strict application of r.637 of CrRO.
- Proposed Specific time-2 months for inquiry and 3 months for investigation. Period of investigation if beyond specific period, then permission of the concern Court is must.
- Non-compliance of proposed specific period for inquiry/investigation should be made punishable. [S.174 of the PC]
- No fresh complaint on the same occurrence if the same is dismissed u/s.203.
- Further investigation- not more than two times (discourage).

f) *Judicial Inquiry and others*

- In case of judicial inquiry- the Magistrate should exercise his/her inquisitorial power.
- [Panel of investigators for holding investigation in a CR case by the CJM/CMM/Sessions Judge in consultation with the local bar or with other stakeholders.](#)
- Court may call for a report from local elected representatives.

g) *Handling of Na-Raji petition*

The Judge should not allow 'Na-Raji' petition more than two times and each petition should be disposed of on the date of filing.

In order to avoid a mechanistic decision, the Magistrate may opt for either a global decision or for a rationalized decision following a qualitative decision-matrix as follows:

- Step 1: All information may be listed vertically, which need to be assessed to arrive at a decision.
- Step 2: Three criteria (e.g. acceptability in form, content, clarity as evidence) may be used to assess the quality of the information listed under Step 1.
- Step 3: Provide assessment in the scale of low, medium and high.

in view of Opt for: Rational process or a global process

	Examination of the information	Criteria					
		Acceptability in form		Content		Clarity as evidence	
		Low	High	Low	High	Low	High
1	FIR						
2	Investigation Report/Inquiry Report						
3	Statement under 161 CrPc						
4	Petition						
5	Medical certificate						
6	Forensic evidence						
7	Other documents						

If most of the assessment falls under 'Low', the na-raji peition may be granted. otherwise 'Go ahead' with the case may be the the right option.

h) Transfer and allocation of cases to a Judge

Transfer of the Case

The Magistrate taking cognizance of the offence due to the Charge Sheet will transfer to case to an appropriate court (Court of sessions or CJM or CMM or Magistrate following the criteria as follows, so long a computer application automatically does not transfer the case following default criteria.

- Nature of the case
- Severity of the case

Specialised court for specific offence(By the Sessions Judge/CJM/CMM un-officially)-NI Act, Dowry Prohibition Act, Narcotics/ Drugs,Forest etc.
The Magistrate should try NI Act cases.

Standards: No. of days; criteria used; electronic message (eTransfer) to respective court clerks.

Allocation of Cases

The District Judge/CJM/CMM will allocate the cases sequentially following the criteria below:

- Geographical jurisdiction
- Thematic jurisdiction if any
- Severity of the crime (normal, medium, semi-complex and complex)
- Expertise/competency of the Judge
- Workload
- Caseload

The Judge responsible for allocation must have access to regularly updated information (weekly basis) on the mentioned list of the criteria.

The presiding Judge/Magistrate responsible for allocation may initiate auto-allocation if a computer application with data on the profile, workload, case load and competency, geographical jurisdiction, type of crime and expertise guides to a specific suggestion.

Set a standard: Number of days needed to allocate; Use of criteria; Use of IT facilities.

Court official of the identified court:

- Gets an eAlert
- Can retrieve the file, address and contact number for PP, defense, witness, prison, IO/MO

i) Differentiation of cases – DCM approach

Differentiated Case Management principle demands that each case allocated to a Judge will be assessed and selected for disposal in view of its merit. Two categories of cases may be defined: Normal and Complex. For example, the cases related to women with small children and youth (juvenile cases) may fall under complex category requiring urgent attention.

4.2.2 Trial

a) *Charge Framing through pre-trial conferencing*

- The court clerk should coordinate with all stakeholders (also eCommunication) to ensure participation of all stakeholders.
 - Whole process of framing charge must be controlled by the Judge himself.
 - The given law and whole case records should be scrutinized by the Judge himself.
 - The court should set standards for adjournments: Number of days after one adjournment: xx. Max. adjournments: xx
- Adjournment policy. Time prayer must be limited and specified by law. No adjournment at the time of framing charge. If necessary, not more than two adjournments. No adjournment for framing charge in case of the accused absconded.
 - Number of cases for charge hearing should be specified in the Court Diary.
 - Charge and discharge must be held at the same date of hearing.
 - Charge may be framed in one case of the offences of same nature and transaction committed within one year.

b) *Admission of evidence*

- Scheduling the case on merit.
- Scrutinizing the witnesses and evidences to be recorded by the Court.
- RO is not required to be examined.

c) *Hearing*

- Maintaining priority of cases for hearing.
- Provisions of Section 247, 249 and 265H of CrPC must be strictly followed.
- Modern technology can be applied while recording evidence.
- Judge must control the hearing to avoid unnecessary examination or cross-examination.
- A requisition for material exhibits can be sent to the concerned PS at the date of charge hearing.
- In sessions cases Rule 97 should be strictly followed for day-to-day hearing of cases.

d) Witness Management

- Full address with mobile and ID number must be inserted in the Charge Sheet.
- Official witnesses can be selected by the concerned authority to be called to give evidence on a same day.
- Judge should be pro-active to make police bound to produce the witnesses.
- A feed-back Report is urgent by the SP and Commissioner if any complain is lodged by the CJM or CMM after Thana inspection. Application of section 171(2) and 485 should be strictly followed to compel police to produce witnesses.
- Serving process to the witness by following the same procedure as discussed earlier .
- Bringing witness to the criminal cases
 - Database management of formal witnesses in the criminal court including phone and e-mail ID)
 - Efficient management of witnesses in the criminal court by seeing the dashboard in terms of identifying the load and efficiency of the court .
 - Integration of police helpline BD with the court system.
 - Massive use of judicial portal in case of corresponding with other district courts (exclusively for summons)
 - Hajira of witness directly to the court and incorporation in the system

e) Examination of accused

- At the date of closure of prosecution witnesses, accused must be examined.

e) Argument

- Categorize the cases basing on merits
- Not more than two adjournments for each party for arguments.

f) Judgement

- Categorize the cases basing on merits
- No elaborated judgment in a case of no evidence.
- Rule 179(2) of CrRO must be strictly followed.

g) Publication of judgement

- The court should communicate the judgement or orders electronically with all relevant agencies simultaneously (Police, Jail/Probation, Court officials, District Administration and Accused) using a template.
- The Judge should have access to a customized dictation software to deliver judgment and orders of the court.
- The Judge should have access to reference (law reports, journals) and electronic library
- Judgment should be rendered in hard copy on the very first day of pronouncement of judgment.

- Massive use of computer in typing of judgment and orders
- The court should introduce SPS (Service process Simplification) in copying sections
- Use of dashboard
- Judgment might be published online.
- Result of cases should be included in the relevant registers on regular basis.
- The Sessions Judge should exercise control over it on the regular basis.
- Publication of judgment in the web portal and archiving of judgments.

Management: Look of a Judicial Portal Lalmonirhat

4.2.3 Post-Trial

- The Court should have an option to issue e-Warrant for the execution of judgement.
- Following the order of the court the alamot may be sold/destroyed through district administration
- Electronic tagging of the property/attachment of property and database maintenance including tagging (alamot, nature of case and case numbers, stages)

Court fee

- ePayment for the fine
- Use of amended Court fees Act in terms of receiving Court fees.

Execution of judgement

- Integration with Jail and Police about the execution of judgment
- Frequent visits to the police station to see the pending conviction warrant and maintenance of database about the visit and conviction warrant.
- Judicial police team should be appointed headed by Sub-Inspector of police at each Thana in order to execute summons and warrants, etc. The concerned thana will inform the judge regarding the police team on regular basis. The police team is made to be liable to the judges of the Court.
- In case of getting bail by the convict on the condition of filing appeal, if appeal is not filed, the bail should be cancelled and warrant of commitment must be issued.
- Mention of provisions of section 35A of the Code of Criminal Procedure in the operative portion of the judgment to avoid misunderstanding between court and jail authority.

Record Room

- Database maintenance of whole records
- Concept of E- record room (for retrieval of records)
- Use and utilization of dashboard in receiving and sending records to the record room and disposal thereof.

- Copy of the judgment should be given to the appropriate authority under section 373 of the Code of Criminal Procedure, 1898.

- Operative portions of all criminal judgments should be given to appropriate authorities, i.e., in charge of malkhana, in order to dispose of cases in a rapid way.
- If jail authority wants the copy of judgment for jail appeal, in that case copy of judgments should be given as early as possible.

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5. Court Administration and Management

5.1 Court and working hours

- 1) The court hours should be from 10.30 AM to 03.30 PM, but the closing should be flexible.
- 2) The presiding judge may rearrange the court hours depending on the volume of judicial work.

(see Rule 2 (Note) and Rule 142 of the CRO, Vol-1)

- 3) An MIS-system will be introduced with the provision that the respective court clerks will insert information as the cases undergo the total process.

5.2 Oversight of Judges

- 1) The DJ will hold weekly and monthly meetings with the Judges to discuss the standard, progress, and challenges.
- 2) In criminal cases (GR Cases), the Court Inspectors and each court will send reports case-wise on daily basis on the number of witnesses present and examined.
- 3) DJ and CJM will ensure that all Judges or Magistrates examine all witnesses present, except in unavoidable circumstances.

5.3 Oversight (court staff)

- 1) A tracking system on the movement of the records needs to be introduced. In case of retirement or transfer of the staff engaged in the records section, a status report need to be handed over to the incumbent staff with a copy to the Judge in Charge.
- 2) When a record is called for by a superior court, the subordinate court shall enter the requisition in a register, and then place it before the judge. The judge shall ensure that the all records are included in the file before sending to the court superior court within the timeframe. The Judge will ensure that certain documents, which might have been returned to the lawyers, are called back and included in the list of the records to be sent to superior court.
- 3) The Judge in Charge of each section/department will supervise the respective staffs of the concerned section or department in view of the announced performance standards. The Judge in Charge will categorically report on the state of performance of the staff members to the District Judge or Chief Judicial Magistrate in the weekly meeting along with suggestion for further improvement.
- 4) District Judge or Chief Judicial Magistrate should define performance standards or checklist on how a court/section/de[artment should look like. All concerned should be made aware of these standards/checklist. The DJ or CJM should undertake

occasional and surprise visits to the courts or sections/departments to assess compliance with these standards and make recommendations for improvements if needed.

5.4 Updating of fees, costs and allowances

- 1) Fees, costs and allowances must be revised periodically to adjust to the inflation trend of the country.
- 2) The cost of cases/suits should be reflective of the salary, allowances, and other emoluments of the persons involved.
- 3) Purpose of fees, costs and allowances need to be redefined
- 4) The party who has been instrumental for costs should bear the costs (e.g. costs of adjournments)
- 5) The party who benefits from the witnesses should bear the allowances
- 6) Compensatory costs should be equivalent to the costs incurred.

5.5 Monitoring and Reporting

- 1) An MIS-system will be introduced with the provision that the respective court clerks will insert information as the cases undergo the total process.
- 2) The subordinate courts will introduce caseflow-based, judge-based and consolidated monitoring and reporting. Both the DJ and SC will have access to monitoring information real-time.
- 3) Caseflow-based monitoring will allow tracking of the status of the case from filing. The DJ and the SC will have access to the database, which will show the actual number of days taken so far against set number of days announced. Reasoning will also be available in case of major deviations. The access will be possible by merely entering the case number.
- 4) Judge-based monitoring will illustrate the performance of the Judges against each case and consolidated weekly, monthly and yearly basis. The performance will be illustrated according to category of the cases (type and complexity).
- 5) The monitoring system will allow the performance of the court on monthly and yearly basis in view of the disposal of the cases and filing of the cases according to categories of the cases.

5.6 ICT Maintenance

- 1) There should be an IT expert under every District and Sessions Judge to look after the ICT maintenance and security system as well as to impart training to all the judges and staff. An ICT policy on use, maintenance, replacement and procurement policy will guide the ICT expert and make the DJ/CJM aware of the ICT needs.

- 2) The IT expert will assess the training needs for each newly assigned persons, who are expected to use the ICT system and offer on-the-job training
- 3) IT expert will periodically report on the state of the ICT system and inform the DJ/CJM on the recent developments, which could be of relevance for the court and need urgent attention (new software, hardwares, hacking, virus) to avoid the ICT becomes obsolete in near future.

5.7 Balancing judicial versus admin activities

- 1) An MIS-system will be introduced with the provision that the respective court clerks will insert information as the cases undergo the total process.
- 2) We need to allocate more time to oversee the administrative work
- 3) Each court will use ICT facilities for repetitive administrative work.
- 4) Overseeing administrative work would improve the quality of dispensation of justice
- 5) It would ease access to justice for all and ensure transparency

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6. Communicating the Policy to all Stakeholders

The policy outlined above can be successfully applied if other relevant stakeholders cooperate. Therefore, it needs to be shared with the Bar, Government (Ministry of Law Justice and Parliamentary Affairs, the Police). In addition, the policy needs to be effectively communicated to all Judges as directions. Finally, the policy should be put in the website, so that the parties involved in the cases are aware of the policy, which will govern the case processes of the Subordinate Courts.

7. Conclusion

The policy as outlined and to be disseminated above is understood as an operational guidance to all judges of the Subordinate Court to manage the caseflow more efficiently. The policy is considered as directions to comply. It will be a living document and will be reviewed from time to time to multiply good practices.

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