

Performance Evaluation System for District Judiciary

Action Document

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Introduction

The present system of evaluation in judiciary is not satisfactory and has been creating a lot of controversies in the past. The judicial leadership in the Peshawar High Court is desirous of an evaluation system, which is judicious, equitable, based on reason, evidence and fairness. In order to move a step forward, the Academy has undertaken the responsibility of devising a system of evaluation, which shall not only evaluate the individuals performances but shall also evaluate the institutional development towards the achievements of its goals, i.e. to ensure inexpensive and expeditious justice¹.

A study is in process to devise the evaluation system. Up till now, various systems of judicial evaluation prevailing in the world and recognized internationally have been studied. The Academy is committed to evolving a system according to the needs and environment of the KP judiciary.

The study aims at defining and describing:

1. Performance indicators [performance standards]
 - a. For individual officers
 - b. For institutional development as a whole.
2. Evaluation methodology
3. Monitoring system.

Objectives

Following are the objectives of this study:

- ❖ To determine Performance Indicators both for evaluating individuals and institution.
- ❖ To introduce a system of individual evaluation, which would be based on:
 - Self-evaluation
 - Administrative evaluation
 - Third party evaluation [neutral observation]
- ❖ To introduce institutional performance evaluation system vis-a-vis objectives of the judiciary.

¹ A. 37(d) Constitution of Pakistan.

- ❖ To explore and adopt the internationally recognized standards of performance evaluation.
- ❖ To compare and contrast the current evaluation system of judiciary with those of the other countries.

Features

The evaluation system once devised would help assess:

1. Work efficiency of judicial officers both in terms of quality and quantity
2. Integrity
3. Discipline
4. Public confidence
5. Achievements in the form of formal research relating to legal and judicial issues.
6. Extra efforts, like use of ADR techniques, trainings participation, enhancement of educational qualification, presentation of new ideas and innovations, adoption of best practices etc.
7. Levels of:
 - a. Patience
 - b. Motivation
8. Management capabilities: Administration, communication

Outcomes

1. This assessment would help the High Court not only in evaluating individual performances for the purpose of promotions but also determining suitability of judicial officers for postings at different stations and assigning special duties.
2. The system would help assess the institutional development, to see that how much distance the institution has covered to achieve its goals. These include provision of inexpensive and expeditious justice, increase in public confidence, improvement in administering quality justice and promoting intellectual/ academic development.

Challenges

While devising the new evaluation system, the following challenges would be kept in view:

- Independence of judiciary
- Privacy of judicial officers.

Methodology

The proposed methodology to be adopted for evaluation would be:

1. Self-assessment
2. Institutional assessment: Assessment by superiors
3. Third party assessment: Neutral observation, which shall not be person specific. It would be assessment of the institution.
4. The assessment would be quantified. Marks would be awarded to each component.
5. The system would be transparent, reliable, fair, efficient, effective and commensurate with national and international standards.
6. The gaps between self and institutional assessments would be communicated to the officer concerned.

The evaluation system would be devised through the following methodology:

- a. Literature review, covering service laws/ rules, government reports, decisions of service tribunals, superior courts, articles and books
- b. Focus Group Discussions [FGD]
- c. Key informants interviews
- d. Questionnaire surveys.

Literature review has almost been completed². The FGD is scheduled for the first week of January 2015. This would be followed by preparation of questionnaire surveys. The objective behind the survey is to elicit the feedback of the institution as a whole, so that the new system of evaluation is owned by all.

² A list of the literature consulted for this study is annexed at the end of this document.

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