

TERMS OF REFERENCE (TORS)

“Engagement of a Firm/Individual for conducting a Research Study on the problems and prospects of the Criminal Justice Coordination Committee in the Khyber Pakhtunkhwa”

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1. Introduction:

The proposed activity is being executed by the Khyber Pakhtunkhwa (KP) Judicial Academy (Academy), involving both desk-based and field research (in selected districts) of the KP. Established in March 2012 through a provincial statute—the KP Judicial Academy Act, 2012—the Academy is a specialized institute, having a statutory mandate to impart trainings to judicial officers and court personnel and the personnel of all those departments, organizations, bodies and institutions, which are directly or indirectly connected with the system of administration of justice like Police, Prosecutors, Government Pleaders, Probation Officers, Medico Legal Experts and others. The Academy has also a fully functional research wing, with a view to conduct specialized researches/studies on issues related to the administration of justice in the province. Towards the strengthening of the administration of justice in the province, the Academy is also collaborating with various UN agencies, such as, the UNDP, UNICEF, UNODC and the World Bank and other NGOs.

The proposed activity aims at exploring the successes and failures of the Criminal Justice Coordination Committee (CJCC). The CJCC has been created under article 109 of the Police Order, 2002. It works in each District. The District & Sessions Judge works as its Chairperson; other members include: Head of District Police, District Public Prosecutor, District Superintendent Jail, District Probation Officer, District Parole Officer, and Head of Investigation (Secretary) [article 110 *ibid*]. Article 111 delineates the functions of the CJCC as follows:

- (a) Keep under review the operation of the criminal justice system and work towards the improvement of the system as a whole;
- (b) Promote understanding, co-operation and coordination in the administration of the criminal justice system;
- (c) Exchange information and give advance notice of local developments, which may affect other parts of the system;
- (d) Formulate coordinated priorities and plans to give effect to locally agreed policies;
- (e) Raise relevant issues with the appropriate authorities;
- (f) Promote the spread of good practices; and
- (g) Review the implementation of any decisions taken by the Criminal Justice Coordination Committee.

The proposed research activity stems from the statutory core mandate of the Academy. By means of the proposed activity, the Academy seeks to help the Subordinate (District) Judiciary and other public departments working in the district level criminal justice to explore if and how their respective roles help contribute to the successes and failures of the CJCC.



In the short run, the proposed activity will enable the Academy to enhance its research profile and make academic contribution to towards improvement in the delivery of justice services at the grassroots level. The proposed activity will help create a scientific approach to contemporary legal and judicial problems. In the long run, the activity will contribute to the State's constitutional obligation to administer quick and inexpensive justice through regular capacity building of the District Judiciary and other public departments providing criminal justice services to the masses.

The activity seeks to carry out an in-depth research study of the CJCC, its successes and failures in selected districts (at least one from Malakand Division) of the KP, through critical review of its functioning since more than a decade. It has to contextualize the CJCC in the prevailing diverse challenges the criminal justice system is facing today. It is expected that the activity will conclude with certain solid recommendations for making the CJCC more productive and result-oriented.

2. Objectives/Purpose:

While the CJCC has been established in each District of the KP since the enforcement of the 2002 Police Order, no worthwhile academic research study of the CJCC has, so far, been conducted. The purpose of the proposed activity is to critically study the CJCC's work in selected districts of the KP. As the Academy's Research Wing has conducted certain research studies, it ventures to move forward by targeting a critical study of the CJCC, seeking to explore its successes and failures and recommendations as to how the CJCC may be able to resolve the challenges it has been facing.

3. Beneficiaries of the Activity:

Several layers of beneficiaries could be identified. While the ultimate beneficiary is the litigant public, the principal beneficiaries are the District Judiciary, the Police Investigation, Prosecution, Probation and Prison department; and even others associated indirectly with the criminal justice system. The Academy is emerging as an academic icon, a lighthouse to set and lead the judiciary in the right direction. By means of regular and rigorous scientific studies, the Academy will benefit significantly to explore the current quality level of the institutions in the criminal justice system. The proposed activity may also play the role of a catalyst in sensitizing other individuals and organizations to develop research interest in the working of the CJCC and other district level liaison committees (e.g. the District Bench-Bar Liaison Committee).

4. Scope of Work:

The activity is supported by the UNDP under its current project—'Strengthening the Rule of Law in Malakand' (SRLM)—launched Nov. 2011.

The proposed activity will study the need and significance of the CJCC, its composition and functions as enunciated in articles 109-111 of the 2002 Police Order and practices. It involves both desk-based and field research in selected districts of the KP, reflecting on a range of issues surrounding its work in practice, for example: a brief background leading to the proposal for the creation of the CJCC, its composition, functions and successes and failures while discharging its functions.



The Firm/Individual Consultant will be required to perform the following tasks:

The Consultant is expected to deliver the following outputs, which will have to be approved by the Academy in consultation with the UNDP.

Main tasks to be performed are as under:

- Review literature on coordination efforts in the criminal justice system;
- Critically tracing the drafting history of the CJCC in the 2002 Police Order;
- Critical analysis of functions of the CJCC laid down in the 2002 Police Order, reflecting on;
 - The practice of the CJCC working in 02 selected districts of the KP
 - The role of individual institutions in the practice of the CJCC
 - The role of the District & Sessions Judge in leading the CJCC
 - Challenges faced by the CJCC, including challenges from and to individual institutions represented in the CJCC
 - Evidence of best practices
 - Compatibility with international standards, if any
- Visits to selected districts in the KP to conduct interviews and/or consultations with judges, police officers, prosecutors, probationers, prisoner officials and medical doctors;
- Explore the achievements of the CJCC;
- Explore the challenges faced by the CJCC;
- Report the major findings of the literature review, the critical study of interviews and other database; and
- Submission of final research report.

5. Duration of project:

30- Days

6. Qualification:

(i) Firm: Having demonstrable expertise in criminal justice sector;

(ii) Individual consultant: At least second class graduate degree in law with demonstrable legal/judicial research aptitude.

7. Experience:

The following attributes are required for the selection of the applicant:

- a) At least five years work experience in justice sector, particularly, in criminal justice issues;
- b) Strong research and analytical background;
- c) Knowledge, competence and experience in criminal justice research of both qualitative and quantitative nature.

8. Skills required:

- Command on English and Urdu;
- Strong reporting writing skills;
- Strong presentation and interpersonal skills;



- Excellent IT and Ms. Office and research software skill

9. Right/ Permission to work:

The Academy has an open door policy for all interested candidates including employees of public or private organizations. Any such interested candidate may check with his/her employer for the issuance of an NOC for the purpose of applying to the position.

10. Deliverables:

Quality assurance and Payment

The Consultant will be paid on the percentages of the work done and contract price set forth in the table below and upon submission of deliverables mentioned therein.

SN	Deliverable	Period	Percentage of work and payment
1	Undertake review of literature on coordination in criminal justice system internationally as well as in Pakistan.		
2	Designing and arranging visits to selected districts of the KP for interviews /consultations with judges and members from other criminal justice departments represented in the CJCC court staff per the endorsed action plan by the Academy (or its focal person or the Technical Working Group (TWG)).		
3	Compilation of consolidated report of literature review, critical study of the data (record of meetings of the CJCC in selected districts) and interviews, containing recommendations. Validation of report by Technical Working Group (TWG) in consultation with the UNDP		
4	Validation of the recommendations made in the consolidated by the Academy (or its focal person or the TWG) in consultation with UNDP.		