



TERMS OF REFERENCE (TORS)

“Engagement of Individual Consultant for the Judicial Case Management System in Khyber Pakhtunkhwa”

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1. Introduction:

The proposed activity is being executed by the Khyber Pakhtunkhwa Judicial Academy (Academy). Established in March 2012 through a provincial statute—the Khyber Pakhtunkhwa Judicial Academy Act, 2012—the Academy is a specialized institute, having a statutory mandate to impart training 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, UNODC and the World Bank and other NGOs.

The proposed activity aims at undertaking an analysis and mapping of the current judicial case management system in the District Courts in the Khyber Pakhtunkhwa. It stems from the statutory mandate of the Academy to assist the District Judiciary and other justice sector institutions to strengthen the prevailing judicial case management system. In the short run, the assistance will help enhance the capacity of the District Judiciary for efficient and effective administration of justice. In the long run, the activity will contribute to the State’s constitutional obligation to administer quick and inexpensive justice.

The activity seeks to carry out an in-depth study of the prevailing judicial case management system, its promises and pitfalls, through mapping of the entire gamut of the local justice system, a rigorous critical analysis of the judicial case management system and recommend possible measures to improve the efficiency and effectiveness of the judicial case management system.

2. Objectives/Purpose:

The prevailing judicial case management system is mainly governed by; first, statutory procedural laws (the Civil Procedure Code (CPC), 1908 and the Code of Criminal Procedure, 1898 (CrPC), both amended from time to time), and second, the National Judicial Policy (NJP), 2009, revised in 2011 (the NJP was formulated by the National Judicial Policy Making Committee (NJPMC), comprised of the Chief Justice of Pakistan and Chief Justices of the provincial high courts). Persistent delay in the disposal of cases by courts prompted the NJMPC to devise the NJP. While the NJP appears to have curtailed delay to a considerable extent, concern is being shown by both the bar and the bench about the quality of justice. No worthwhile academic study of the judicial case management system has, so far, been conducted. The purpose of the proposed activity is to



critically study the judicial case management system, its achievements, the nature of its achievements, the challenges it is facing and how to address those challenges.

3. Beneficiaries of the Activity:

The principal beneficiary of the proposed activity is the local justice system. The District Judiciary is the nucleus of the local justice system. Other main supporting local institutions are the police investigation wing, the prosecution, the lawyers, the Land Record Department (the Land Revenue Department), probation and parole and prison. Needless to say, in addition to the entire local justice system, the litigant public will be the ultimate beneficiary.

4. Scope of Work:

UNDP under Strengthening Rule of Law Programme requires the services of an individual consultant who has considerable field level experience in research particularly in justice sector.

The proposed activity will study the judicial case management system in selected districts of the Khyber Pakhtunkhwa, reflecting on a range of issues, for example: the background of statutory and NJP-based case management system; efficiency and effectiveness of the application of the judicial case management system; results of the application of case management system; challenges to the case management system.

The Individual 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 KPJA in consultation with the UNDP.

Main tasks to be performed are as under:

- Review literature on judicial case management system;
- Mapping of the judicial case management system;
- Assessing capacity needs (including trainings), if any, of the justice sector institutions regarding judicial case management system in selected districts of the KP;
- Visiting the courts and other justice sector institutions working in the selected districts of the KP;
- Reviewing and reporting on the major findings of the literature and field visits;
- Conducting interviews/consultations with relevant officials at various districts.
- Submission of final research report.

5. Duration of project:

90 Days

6. Qualification:

At least postgraduate qualifications in Law and a discipline relevant to the assignment.

7. Experience:

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

- a) At least five years work experience in justice sector reform;

- b) Strong research and analytical background;
- c) Competence and experience in mapping for justice sector institutions;
- d) Knowledge and experience of justice sector reform, particularly case management system;
and

8. Skills required:

- Command on English, Urdu and Pashto;
- Strong Reporting writing skills;
- Strong presentational and interpersonal skills;
- Excellent IT and Ms. Office and research software skills.

9. Deliverables:

Quality assurance and Payment

The individual 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 a literature review.	10 Days	
2	Develop tools and action plan for mapping and assessment of the judicial case management system in selected districts of the KP.	10 Days	
3	Validation of tools and action plan for mapping and assessment by the Academy (or its focal person or a Technical Working Group (TWG) in consultation with the UNDP	05 Days	20%
4	Mapping and assessment in selected districts as per the endorsed action plan by the Academy (or its focal person or the TWG.	30 Days	20%
5	Interviews with stakeholders (judges, court staff, lawyers, prosecutors, police investigators, prison, probation and parole officers in selected districts in order to assess their stratification and dissatisfaction with the judicial case management system.	20 Days	10%
6	Compilation of the mapping and interviews in the form of a report.	10 Days	
7	Validation of the recommendations made in the mapping and interviews by the Academy (or its focal person or the TWG) in consultation with UNDP.	05 Days	50%