

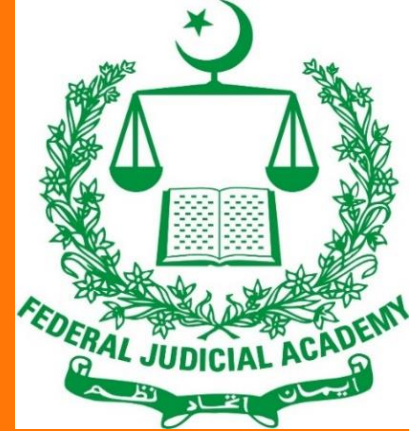
FEDERAL JUDICIAL ACADEMY

EXPEDITIOUS JUSTICE INITIATIVE-II

STRATEGY FOR ESTABLISHMENT OF
MODEL CIVIL APPELLATE COURTS
(MCACs)

ACTION DOCUMENT

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LIST OF ABBREVIATIONS

S#	ABBREVIATION	EXPLANATION
1.	ADM	Additional Director Monitoring
2.	CFMS	Case Flow Management System
3.	CPC	Civil Procedure Code,1908
4.	D&SJ	District and Sessions Judge
5.	DDM	Deputy Director Monitoring
6.	DGMC	Director General Monitoring & Coordination
7.	DPR	Daily Progress Report
8.	ICC	Implementation Coordination Committee
9.	ICT	Islamabad Capital Territory
10.	IHC	Islamabad High Court
11.	M&EC	Monitoring & Evaluation Cell
12.	MCAC	Model Civil Appellate Court
13.	MCTC	Model Criminal Trial Court
14.	NJPMC	National Judicial(Policy Making) Committee
15.	PLT	Provincial Lead Team

1 EXECUTIVE SUMMARY

In order to improve service delivery by the justice sector in line with Principles of Policy outlined in the Constitution, Expeditious Justice Initiative (EJI) was approved by the National Judicial (Policy Making) Committee (NJPMC) on 11.03.2019. It provided for establishment of “Model Criminal Trial Courts” and introduced time-bound criminal trial regime. It also suggested various interventions by key players and provided for standard operating procedures. As per data collected and processed at Monitoring and Evaluation Cell (M&EC) for the first two months, remarkable improvement in service delivery has been noticed so far as sessions trials are concerned.

Expanding the scope of the Initiative, it was felt that civil cases handled by the court of first appeal at the district level also needs to be focused. This category of cases is always ignored for the obvious reason that the presiding officers working in dual capacity could concentrate on sessions trials only. In order to address this area, launch of Expeditious Justice Initiative-II has been proposed. It provides strategy for establishment of Model Civil Appellate Courts (MCAC) in each district with a case management and scheduling mechanism. The Initiative is to utilize the available resources within the existing legal framework.

2 GOALS AND OBJECTIVES

The initiative focuses on the following goals and core objectives:

- To improve service delivery of civil justice system by introducing case management and scheduling conference;
- To reduce the shelf life of appeals against orders, civil revision petitions, appeals in rent and family cases through efficient case management;
- To establish an early and continuing control of the court over the case, so that it is not protracted because of lack of management;
- To make case management a coordinated effort by key players;

2.1 DURATION

The initiative is to perpetuate as per vision of the Hon'ble Chairman, NJPMC.

It is to run in cycles of three months each for the purpose of targets and review.

2.2 SCOPE AND EXPECTATIONS

The initiative will introduce case management and scheduling by operationalization of Model Civil Appellate Courts in all districts. Its scope is outlined and is expected to include;

- Conceptual backup of the action document followed by its approval by the NJPMC.

- Execution of the action document by Monitoring and Evaluation Cell (M&EC) under direct supervision of the Chairman, NJPMC.
- Establishment of MCAC in each district of all the four Provinces and ICT.
- Development of Standard Operating Procedures (SOPs) for case management regime, human resource allocation, workload allocation and auxiliary management.
- Postulating milestones and timeline there for.
- Sensitization of participants through stakeholders' dialogue.
- Capacity enhancement of human resource where necessary.

2.3 ASSUMPTIONS

The following assumptions were made in preparing the action document:

- Judicial leadership is committed to roll out the initiative for improved service delivery;
- All the High Courts are willing to own the initiative for achieving the ultimate goal of expeditious and inexpensive justice.
- The intervention by the High Courts is supplemental to the success of the initiative.
- The District Judiciary is sensitized and conscious of its pivotal role in the initiative.
- All participants will abide by the guidelines identified in this document;

- The M&EC will strictly go by its communication plan and periodic review mechanism,

3 APPROVAL AND OWNERSHIP

The action document translates the vision of the Hon'ble Chief Justice of Pakistan/ Chairman, NJPMC. Once approved by the NJPMC, its ownership shall rest with the High Courts.

3.1 APPROVAL PROCESS

The action document requires intervention by the Islamabad High Court, the Lahore High Court, the High Court of Sindh, the Peshawar High Court and the High Court of Balochistan. All the High Courts are to implement it as policy guideline approved by the NJPMC. The draft action document would, therefore, be submitted to the Chairman, NJPMC/ the Hon'ble Chief Justice of Pakistan for placement before the Committee for consideration and approval. After approval, it shall be the mandate of the operational setup to execute it as per timeline and SOPs.

3.2 OPERATIONAL SET-UP

The operational setup for execution of the initiative shall remain the same as is already in place for Model Criminal Trial Courts (MCTCs) established in the first phase. It shall be four tier, comprising Implementation Coordination

Committee (ICC), Monitoring and Evaluation Cell (M&EC), Provincial Lead Teams (PLT) and Model Civil Appellate Courts (MCAC).

4 MANAGEMENT APPROACH

The action document has a coordinated management approach. It requires intervention by all the High Courts through District and Sessions Judges, Provincial Bar Councils, District Bar Association through District Bench-Bar Liaison Committees and the Provincial Law departments through the offices of District Attorneys. The M&EC shall be responsible for ensuring this coordinated management approach.

4.1 MILESTONES AND TIMELINE

The following represent key milestones with timeline;

S#	MILESTONE	TIMELINE	ACTION BY
1.	Submission of draft action document to HCJP	Within one week	DG FJA
2.	Approval of draft action document by NJPMC	Within a fortnight	LJCP
3.	Nomination of Judges of MCAC	Within a week of approval by NJPMC	DGMC/All Registrars
4.	Allocation of Work to MCAC	Within a week of Nomination of Judges	D&SJ/ Lead Teams
5.	Issuance of first DPR by MCAC	Within a week of allocation of work to MCAC	M&EC/ MCAC

4.2 ROLES AND RESPONSIBILITIES

The action document assigns responsibilities to various roles as per table below. Some of the responsibilities are only one time while some shall be perpetuating throughout.

S#	ROLE	RESPONSIBILITIES	ACTION BY
1.	NJPMC	Consideration and approval of action document	LJCP
2.	High Courts	Nomination of Judges of MCAC	Registrars of HCs
3.	D&SJ	Allocation of Work to MCAC	M&EC/D&SJ
4.	MCAC	First Daily Progress Report (DPR) from MCAC	M&EC/MCAC

4.3 ISSUES MANAGEMENT

The issues management regime already in place for Model Criminal Trial Courts (MCTCs) established in the first phase shall be applied for this initiative so far as practicable.

5 MONITORING AND EVALUATION

The M&EC shall be responsible for reporting as per its communication plan with customized data collection regime. The M&EC shall report directly to the Chairman, NJPMC as per the communication plan.

6 STANDARD OPERATING PROCEDURES

The SOPs shall be observed by all while undertaking activities associated with this Initiative. These provide for broad activity parameters and are not exhaustive in any manner. The D&SJs may supplement with local customization for optimum output.

6.1 MODEL CIVIL APPELLATE COURTS (MCAC)

- The High Court shall nominate one or more MCAC in each district/sub division in consultation with D&SJ concerned, keeping in view the workload.
- Each MCAC shall be presided over by an Additional District Judge. In districts where there is no Additional District Judge posted, the court of District Judge may be notified as MCAC. Nomination of a presiding officer both as MCTC as well as MCAC should be avoided so far as practicable.
- MCAC shall be fully equipped and furnished so as to remain online with M&EC round the clock.

6.2 CASE MANAGEMENT REGIME

- The case management regime shall include case management and scheduling in a conference to be conducted at appropriate stage of the case.
- The cases before MCAC shall proceed according to the schedule settled in scheduling conference. It shall specify dates for each stage of case.
- The MCAC shall hold case management and scheduling conference with the parties or their council or authorized agents when required for progression of the case.
- Hearing of each stage of case shall be scheduled in the conference keeping in view diary of the court and availability of counsel or the parties, as the case may be.
- Any miscellaneous application submitted by either party during pendency of Appeals in Rent Cases and Appeals in Family Cases shall be scheduled and disposed of before the scheduled final hearing of the appeal, except where merits of the case require its disposal in the final judgment.
- On submission of case before MCAC, the office shall conduct its scrutiny and shall submit a note pointing out any deficiency.

- Preliminary hearing shall be made by MCAC the same day or the next working day.
- All technical and legal issues affecting maintainability, form and jurisdiction etc shall be heard and settled at preliminary hearing.
- Processes shall only be issued after the case is admitted after preliminary hearing. Regular processes shall be supplemented by Short Message Service (SMS), Whatsapp Messages or any other digitized mode of communication wherever practicable.
- On the day respondent(s) put their appearance, scheduling conference shall be conducted and case shall be scheduled for arguments through mutual agreement.
- Once arguments commence, no adjournment shall be allowed. The arguments shall continue the next day if not concluded the same day. On conclusion of arguments, judgment shall be announced immediately or not later than three days.
- Counsels for the parties shall be taken on board while scheduling a case.
- Every counsel shall provide detail of his associates at the time of scheduling a case, who must be present and must proceed with the case in absence of his senior.

- For convenience, days may be earmarked for busy lawyers while scheduling a case.
- The MCAC shall issue a case scheduling certificate on a specified format to be supplied by M&EC.
- While placing original on the case file, copies of case scheduling certificate shall be supplied to the counsels and the M&EC at once.
- The scheduling certificate shall entitle the counsel to seek adjournment in any other court including the High Court and Supreme Court.
- There shall be no amendment or adjournment in the case schedule in any case. In exceptional circumstances, however, may be adjourned by MCAC on written application, reasons thereof to be reported to M&EC.
- While managing its diary, the MCAC shall prioritize a case for trial according to its age.
- The shelf life of any case entrusted to MCAC shall not go beyond thirty days in any case.
- No other work shall be entrusted to MCAC except the cases entrusted for hearing and miscellaneous matters arising there from.
- The MCAC shall not requisition record of the pending trial in appeals against orders and civil revision petitions, except in cases where it is necessary for just disposal of the case.

- Appeals against orders and civil revision petitions submitted to MCAC shall be accompanied by certified copies of the relevant judicial record of the trial court.

6.3 HUMAN RESOURCE ALLOCATION

- Dedicated, proactive, and hardworking Judges with considerable experience in managing civil appeals shall be allocated to preside over MCAC.
- Support staff provided to MCAC shall be sufficiently qualified, dedicated and zealous. Additional staff may be provided where needed.
- In the event of leave of any staff member, the District Judge shall provide replacement.

6.4 WORKLOAD ALLOCATION

- The D&SJ shall allocate the workload to the MCAC. The docket of MCAC shall not go beyond 100 cases at one time.
- In the first instance, only four category of cases shall be entrusted to MCAC. (Appeals against Orders, Civil Revision Petitions, Appeals in Rent cases and Appeals in Family cases).
- Only old cases shall be entrusted to MCAC in the first instance.

- The MCAC shall be exempt from all other assignments except matters which are ancillary and incidental to the cases already assigned.

6.5 AUXILIARY MANAGEMENT

The following interventions are required to be undertaken for auxiliary management of the Model Civil Appellate Courts in the first instance;

INTERVENTION BY HIGH COURT	
S#	SPECIFIC ACTIONS
1.	Expeditious retrieval of record of cases requisitioned in Civil Miscellaneous applications
2.	The High Court may ask for copy of the judicial file for disposal of miscellaneous petitions instead of asking for the record in cases pending before MCAC
3.	Bar members may be asked to appear before MCAC and get cases adjourned before the High Court on production of case scheduling certificate
4.	The High Court may fix days for busy lawyers for convenience
5.	The High Courts shall formally take respective Provincial Bar Councils on board on the initiative
INTERVENTION BY DISTRICT JUDGE	
S#	SPECIFIC ACTIONS
1.	Directions to 'Process Serving Agency' for prompt execution of processes issued by MCAC
2.	Directions to 'Record Room' for prompt submission of record of decided Rent and Family cases to MCAC when requisitioned
3.	Meeting with District Attorney for a proactive role in cases by or against government pending before MCAC
4.	Meeting with Bar for taking them on board for case scheduling
5.	Posting of qualified support staff in MCAC
INTERVENTION BY DISTRICT ATTORNEY	

S#	SPECIFIC ACTIONS
1.	Posting of dedicated and well reputed Attorneys/Pleaders in MCAC
2.	No other assignment shall be given to Attorneys/Pleaders of MCAC
3.	Issuance of duty roster indicating replacement in case of leave of Attorney/Pleader

7 STAKEHOLDERS' ENGAGEMENT

The initiative requires active involvement of various stakeholders at different occasions. Their engagement in the process of execution is, therefore, extremely important. It would not only sensitize key players about the objectives but is also expected to create a sense of ownership. The stakeholders' engagement could be ensured in the following manner;

7.1 SENSITIZATION DIALOGUE AND DISSEMINATION

Sensitization dialogues shall be conducted at the district level by the District Judges. Details of the initiative may be shared with key players of justice system for letting them know their roles. It would be a sort of coordination endeavor that would pay back in terms of improved service delivery. Besides, the FJA shall disseminate details of the initiative for public awareness.

7.2 CAPACITY ENHANCEMENT

Federal Judicial Academy would remain on standby for rolling out capacity enhancement activity for officers and staff of MCAC on recommendation of M&EC.