

বাংলাদেশ সুপ্রীম কোর্ট  
হাইকোর্ট বিভাগ, ঢাকা  
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স্মারক নং-৭৫০৬

তারিখঃ ২৬/১০/২০১৬ খ্রি.

## বিষয়ঃ বাংলাদেশ সুপ্রীম কোর্টের Strategic Plan বিষয়ে কর্মশালায় অংশগ্রহণ।

বাংলাদেশ সুপ্রীম কোর্টের Strategic Plan বিষয়ে আগামী ২৯/১০/২০১৬ খ্রি. তারিখ শনিবার সকাল ৯.০০ ঘটিকায় সুপ্রীম কোর্টের অডিটোরিয়ামে দিনব্যাপি একটি কর্মশালার আয়োজন করা হয়েছে। উক্ত কর্মশালায় অংশগ্রহণের নিমিত্ত মাননীয় প্রধান বিচারপতি মহোদয়ের অনুমোদনক্রমে নিম্ন বর্ণিত বিচার বিভাগীয় কর্মকর্তাদের মনোনীত করা হয়েছে।

ক্রমিক নং	নাম (জ্যেষ্ঠতার ক্রমানুসারে নয়)	পদবি ও বর্তমান কর্মস্থল
১.	জনাব এস এম কুদ্দুস জামান	জেলা ও দায়রা জজ, ঢাকা
২.	জনাব মোঃ কামরুল হোসেন মোল্লা	মহানগর দায়রা জজ, ঢাকা
৩.	জনাব আ,ক,ম, জল্লুরুল আলম	সচিব (জেলা জজ), বাংলাদেশ বার কাউন্সিল, ঢাকা
৪.	জনাব আবুল খায়ের মোঃ এনামুল হক	জেলা ও দায়রা জজ, গাজীপুর
৫.	জনাব মোহাম্মদ আসসামছ জগলুল হোসেন	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, গাজীপুর
৬.	বেগম জেসমিন আরা বেগম	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা
৭.	জনাব শেখ হাফিজুর রহমান	চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা
৮.	জনাব মোঃ জাহিদুল কবির	অতিরিক্ত মহানগর দায়রা জজ, ঢাকা
৯.	জনাব এ.ই.এম ইসমাইল হোসেন	অতিরিক্ত জেলা ও দায়রা জজ, ঢাকা
১০.	জনাব মোহাম্মদ আবদুর রহিম	যুগ্ম জেলা ও দায়রা জজ, ঢাকা
১১.	জনাব মনজুর কাদের	যুগ্ম-মহানগর দায়রা জজ, ঢাকা
১২.	জনাব শাহরিয়ার আরাফাত	সিনিয়র সহকারী সচিব, বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন সচিবালয়
১৩.	জনাব মোস্তাফিজুর রহমান	অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা
১৪.	জনাব মোঃ সিকান্দার জুলকার নাইন	সংযুক্ত কর্মকর্তা (যুগ্ম জেলা জজ), আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
১৫.	জনাব মোঃ মোয়াজ্জেম হোছাইন	সংযুক্ত কর্মকর্তা (যুগ্ম জেলা জজ), এটুআই প্রোগ্রাম, প্রধানমন্ত্রীর কার্যালয়
১৬.	বেগম শাম্মী আখতার	আইন কর্মকর্তা (যুগ্ম জেলা জজ), জাতীয় সংসদ সচিবালয়, ঢাকা
১৭.	জনাব আল আসাদ মোঃ মাহমুদুল ইসলাম	সহকারী পরিচালক (প্রশির্ষণ), বিচার প্রশাসন প্রশির্ষণ ইন্সটিটিউট
১৮.	জনাব হাসান মোঃ আরিফুর রহমান	গবেষণা কর্মকর্তা, আইন কমিশন, ঢাকা
১৯.	জনাব মোহাঃ আহসান হাবীব	মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা
২০.	জনাব মুহাম্মদ মাজহারুল ইসলাম	মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা
২১.	জনাব আতিকুল ইসলাম	জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা

০২। মনোনীত কর্মকর্তাগণকে বর্ণিত তারিখ, সময় ও স্থানে উপস্থিত থেকে কর্মশালায় অংশগ্রহণের জন্য অনুরোধ করা গেল।

০৩। অংশগ্রহণকারী কর্মকর্তাদের জন্য কর্মশালা সংশ্লিষ্ট ডকুমেন্ট এতদসঙ্গে প্রেরণ করা হলো।

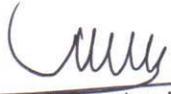
০৪। অংশগ্রহণকারী কর্মকর্তাগণ বিধি মোতাবেক ডি/এ প্রাপ্ত হবেন।

স্বাঃ/-

(মোহাম্মদ কামাল হোসেন শিকদার)  
ডেপুটি রেজিস্ট্রার (প্রশাসন) (ভারপ্রাপ্ত)  
ফোনঃ৯৫৭০৯৯১

বিতরণ: (জ্যেষ্ঠতার ক্রমানুসারে নহে)

১. সচিব, আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
২. জনাব এস এম কুদ্দুস জামান, জেলা ও দায়রা জজ, ঢাকা।
৩. জনাব মোঃ কামরুল হোসেন মোল্লা, মহানগর দায়রা জজ, ঢাকা।
৪. জনাব আ,ক,ম, জহুরুল আলম, সচিব (জেলা জজ), বাংলাদেশ বার কাউন্সিল, ঢাকা।
৫. জনাব আবুল খায়ের মোঃ এনামুল হক, জেলা ও দায়রা জজ, গাজীপুর।
৬. জনাব মোহাম্মদ আসসামছ জগলুল হোসেন, চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, গাজীপুর।
৭. বেগম জেসমিন আরা বেগম, চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা।
৮. জনাব শেখ হাফিজুর রহমান, চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
৯. জনাব মোঃ জাহিদুল কবির, অতিরিক্ত মহানগর দায়রা জজ, ঢাকা।
১০. জনাব এ.ই.এম ইসমাইল হোসেন, অতিরিক্ত জেলা ও দায়রা জজ, ঢাকা।
১১. মাননীয় প্রধান বিচারপতি মহোদয়ের একান্ত সচিব, বাংলাদেশ সুপ্রীম কোর্ট, আপীল বিভাগ, ঢাকা।
১২. জনাব মোহাম্মদ আবদুর রহিম, যুগ্ম জেলা ও দায়রা জজ, ঢাকা।
১৩. জনাব মনজুর কাদের, যুগ্ম মহানগর দায়রা জজ, ঢাকা।
১৪. জনাব শাহরিয়ার আরাফাত, সিনিয়র সহকারী সচিব, বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন সচিবালয়।
১৫. জনাব মোস্তাফিজুর রহমান, অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা।
১৬. জনাব মোঃ সিকান্দার জুলকার নাইন, সংযুক্ত কর্মকর্তা (যুগ্ম জেলা জজ), আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়।
১৭. জনাব মোঃ মোয়াজ্জেম হোছাইন, সংযুক্ত কর্মকর্তা (যুগ্ম জেলা জজ), এটুআই প্রোগ্রাম, প্রধানমন্ত্রীর কার্যালয়।
১৮. বেগম শাম্মী আখতার, আইন কর্মকর্তা (যুগ্ম জেলা জজ), জাতীয় সংসদ সচিবালয়, ঢাকা।
১৯. জনাব আল আসাদ মোঃ মাহমুদুল ইসলাম, সহকারী পরিচালক (প্রশির্ষণ), বিচার প্রশাসন প্রশির্ষণ ইন্সটিটিউট।
২০. জনাব হাসান মোঃ আরিফুর রহমান, গবেষণা কর্মকর্তা, আইন কমিশন, ঢাকা।
২১. জনাব মোহাঃ আহসান হাবীব, মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
২২. জনাব মুহাম্মদ মাজহারবল ইসলাম, মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
২৩. জনাব আতিকুল ইসলাম, জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা।
২৪. রেজিস্ট্রার জেনারেল মহোদয়ের একান্ত সচিব
২৫. সিস্টেম এনালিস্ট, হাইকোর্ট বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট [ওয়েবসাইটে প্রকাশের অনুরোধসহ]
২৬. অফিস কপি/ গার্ড ফাইল।

  
03.11.16 E  
(মো'তাহিম বিল্যাহ)  
সহকারী রেজিস্ট্রার (প্রশাসন)

## Strategic Planning Workshop

Date: 29 October 2016

### Workshop Schedule and Process

Time	Event	Responsibilities and type of participants expected	Methodology
9.00 - 9.10 AM	Inauguration	Syed Aminul Islam, Registrar General	Plenary
Session 1: 9.10 - 10.30 AM	Presentation on the draft Strategic Plan	Dr. Sanaul Mostafa, Consultant, UNDP	Plenary session with Q&A for clarifications
10.30 - 11.00 AM	Tea		
Session 2: 11.00 AM - 1.00 PM	Group Work	All participants	Open Space Technology - Static participation: one hour - Dynamic participation: One hour
1.00 PM - 2.00 PM	Lunch		
Session 3: 2.00 PM - 3.30 PM	Presentations	Group leaders	
2.00 - 2.30 PM	Vision, Mission, and Values	The group has forward looking views about how the Supreme Court should look like in future.	Plenary with Q&A
2.30 - 3.00 PM	Judicial Administration at SC	This Group knows about how the Sections of the ORG functions and how they are related to each other.	Plenary with Q&A
3.00 - 3.30 PM	Justice Delivery at SC	This group is aware of the functioning of the Courts/Benches (Justice Delivery, case management from the perspective of the Judges of the SC	Plenary with Q&A
3.30 - 3.45 PM	Tea Break		
Session 4: 3.45 - 5.15 PM	Presentations contd.		
3.45 - 4.15 PM	Scope for IT-driven processes	This group is extensively IT-driven and knows where IT can play a role.	Plenary with Q&A
4.15 - 4.45 PM	Monitoring of the Subordinate Courts	This group has long experience with the subordinate courts (served or serving as District and Session Judge)	Plenary with Q&A
4.45 - 5.15 PM	Relationships with other justice sector institutions or other related institutions	This group has experience with working for other justice sector institutions (JATI, BJSC, Ministry, Law Commission, Bar Council)	Plenary with Q&A
5.15 PM	Summary	Dr. Sanaul Mostafa	Plenary
5.30 PM	Closing	Syed Aminul Islam, Registrar General	Plenary

# *Justice*WORKS

## Strategic Planning of the Supreme Court of Bangladesh

Background Paper for the National Level consultations  
with the Judicial Officers

Sponsored by

UNDP Bangladesh

Prepared by

Dr. Sanaul Mostafa

October 29, 2016

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## I. Mandates of the Supreme Court of Bangladesh

(A) The Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the (i) High Court Division, (ii) Administrative Appellate Tribunal and (iii) International Crimes Tribunals.

An appeal to the Appellate Division from a judgment, decree, order or sentence of the High Court Division shall lie;

(a) as of right where the High Court Division-

(i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or

(ii) has sentenced a person to death or to imprisonment for life; or

(iii) has imposed punishment on a person for contempt of that Division; and in such other cases as may be provided for by Act of Parliament.[Article 103(1) and (2) of the Constitution]; and

(b) by leave of the Appellate Division.

(B) The High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law. (Article 101 of the Constitution)

The jurisdiction and the powers arising from the Constitution to exercise judicial functions empower the Supreme Court to shape its management and operations. The Rules for the Appellate Division and High Court have always been the basis for its work so far. While there are improvements in various areas, issues are also there to address, which concern the very purpose of the courts. In order to address the issues in a deliberate, results-oriented and time-bound manner, Bangladesh Supreme Court has decided to conceive a strategic plan, which is a comprehensive management instrument to steer an institution effectively to its goals. The following outlines the situation analysis to derive the rational for the plan, strategic framework and the actions to follow.

## II. Situation Analysis

When the British statesman Gladstone said in the 19th century, "*Justice delayed is justice denied*"<sup>1</sup>, he touched on the central issue of the justice system needing attention. In the 20<sup>th</sup> century, the US justice system was undergoing similar pains, prompting its great leaders to advocate for a 'case flow management' as an instrument to attack the delay, which has been the source of displeasure for many. Ernest Friesen, a leading US academic in the area of law, advocated for considering elimination of delay as the central theme of case management arguing that "*The study of delay is not the study of inefficiency, but is the study of the very purposes for which courts exist....Justice is lost with the passage of time. ..No matter how you look at it, whether it's a civil or a criminal matter, time destroys the purposes of courts. We study case management because case management is the way we get rid of the waiting time, [by] which we control delay, [and by] which we enhance the purposes of courts. Case management is what we're about in controlling delay*"<sup>2</sup>.

OECD looks at justice from economic perspective. Is it relevant and useful for citizens? It sees judicial performance in the timeliness, predictability of judicial decisions and accessibility of judicial services. In a free market, the participating agents want to see their conflicts resolved, in a predictable way. The predictability generates trust in the rules and confidence in the judiciary. Shorter length creates lower costs and thus accessibility to judicial service is more affordable. An OECD analysis suggests that a 10% increase in trial length causes a 2% reduction in the probability to have confidence in the justice system<sup>3</sup>.

Looking at the delay as the heart of matter, the situation of Bangladesh deserves digging down before any attempts against it pondered on. In fact, the case delay, expressed frequently in terms of congestion or backlogs, has become a core issue in the legal discourse in the 21<sup>st</sup> century Bangladesh. The judiciary, the Government, citizens and development partners share the view the delay in justice has become one of the deterrent factors in development. The Supreme Court of Bangladesh has accepted it as a challenge and studies the anatomy of it applying tested analytical techniques.

In analogy to US practices, OECD proposes a set of quantitative indicators to measure the efficiency of the judicial service of a country in comparison to others. They include as follows:

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<sup>1</sup>(Bruce and Allan Zullo, eds., and Kathryn Zullo, comp., *Lawyer's Wit and Wisdom: Quotations on the Legal Profession*, In Brief (Philadelphia, Pa.: Running Press, 1995), p. 139

<sup>2</sup>(Ernest C. Friesen, 'The Delay Problem and the Purposes of Courts,' in National Center for State Courts, Institute for Court Management, *Caseflow Management Principles and Practices: How to Succeed in Justice* (Videotape, 1991)

<sup>3</sup>(OECD. *Judicial performance and its determinants: a cross-country perspective*, 2013, p. 9

**Efficiency indicators**

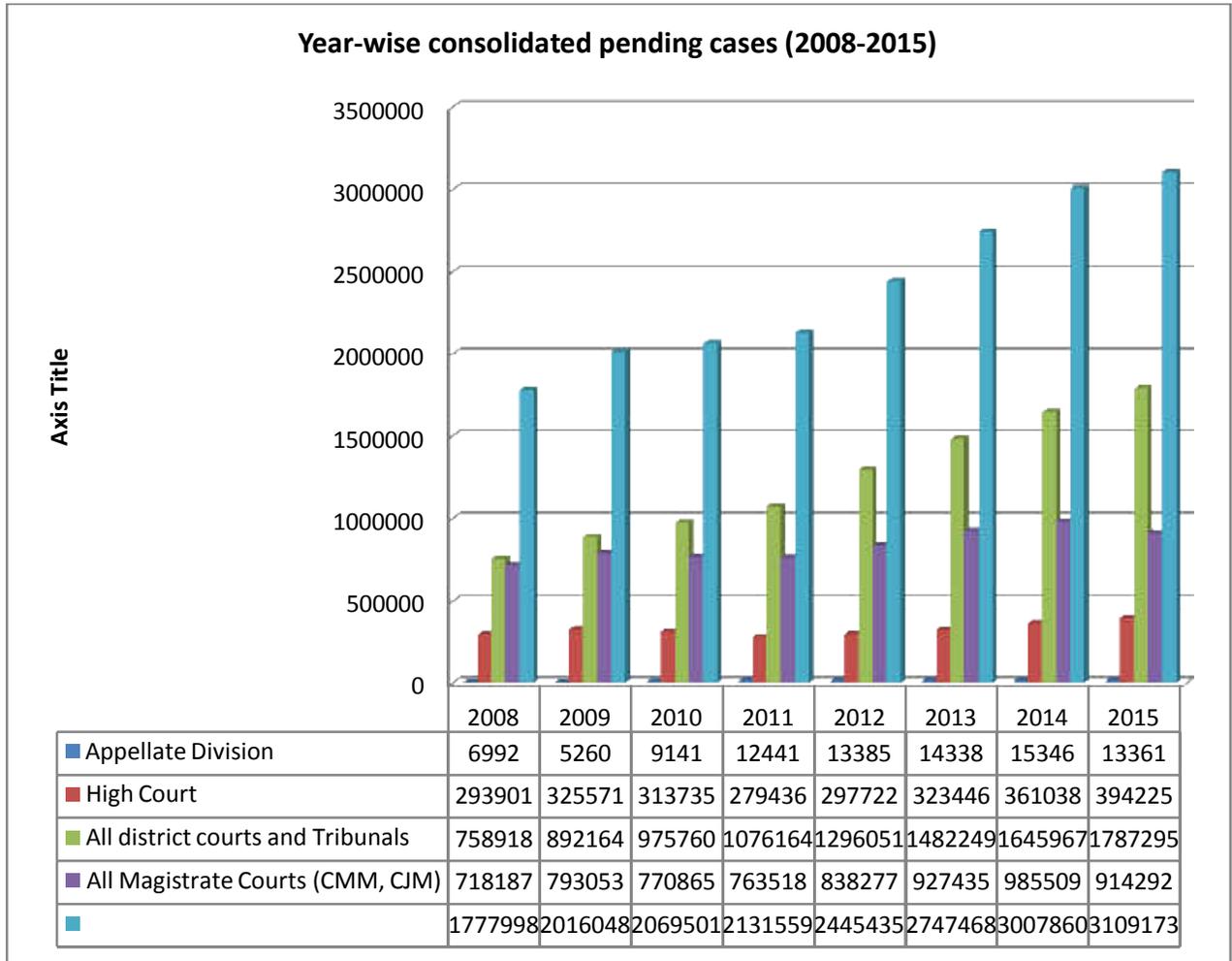
- a. No of cases filed per year and per judge
- b. Number of cases resolved per year and per judge
- c. Number of cases pending at the year end and per judge
- d. Clearance rate (ratio of cases disposed to cases filed)
- e. Congestion rate (pending and filed over resolved)
- f. Average duration of each case
- g. Number of judges per 100,000 inhabitants
- h. Annual case load per judge

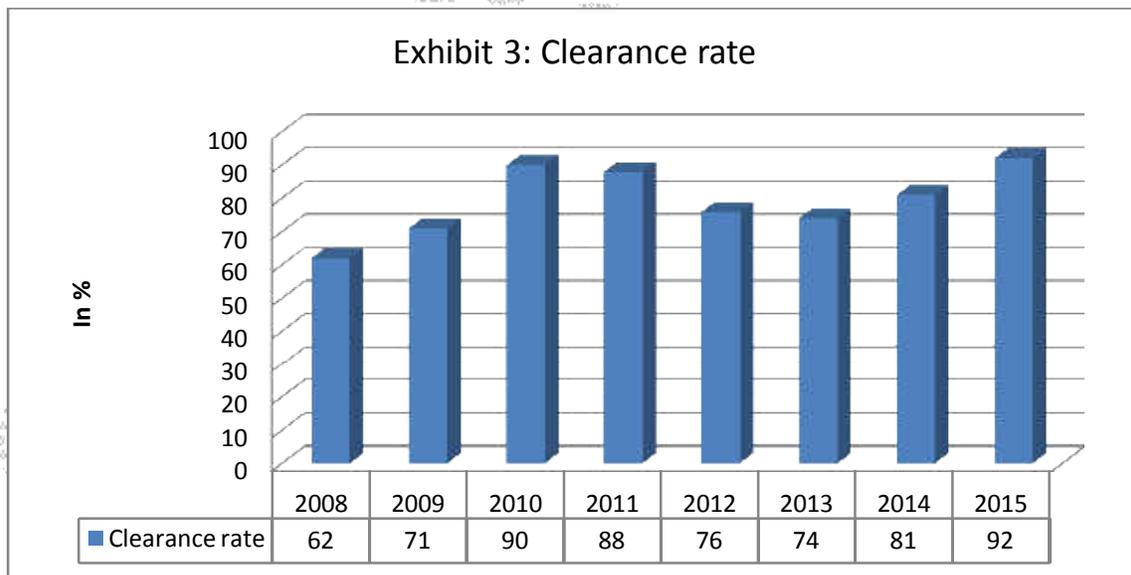
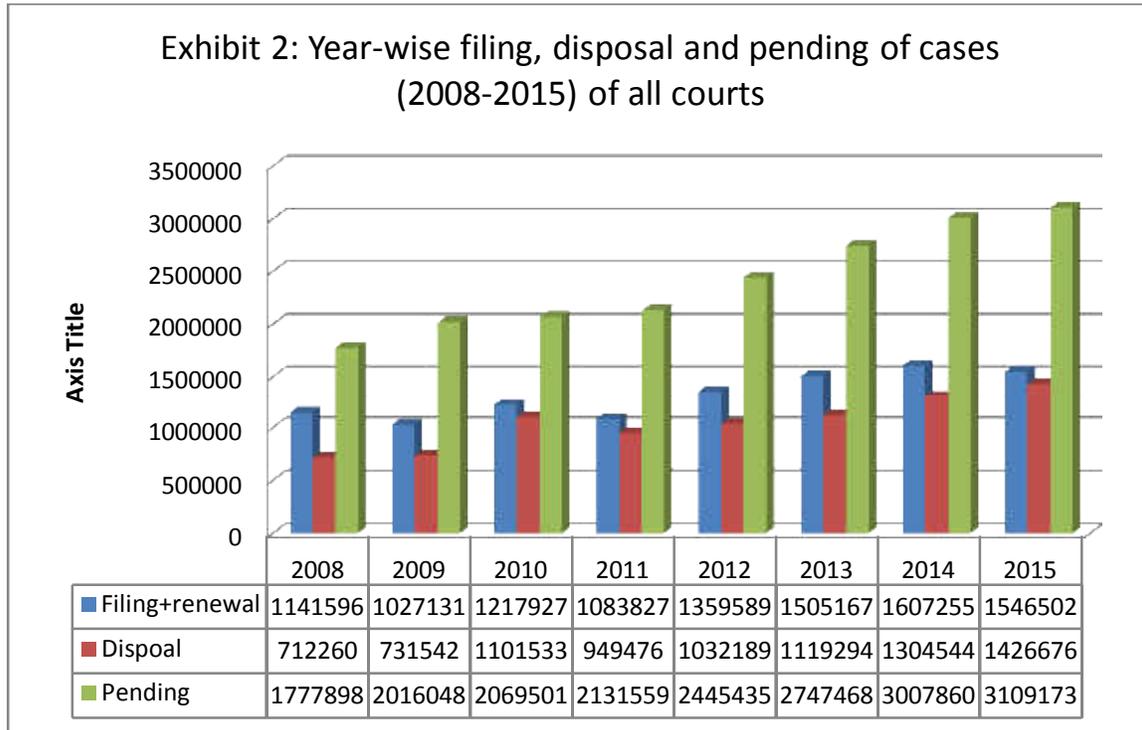
The judiciary of many countries including of Bangladesh now use the most of these indicators to report on their performance.<sup>4</sup> The Exhibits from 1-12 illustrate the position of Bangladesh.

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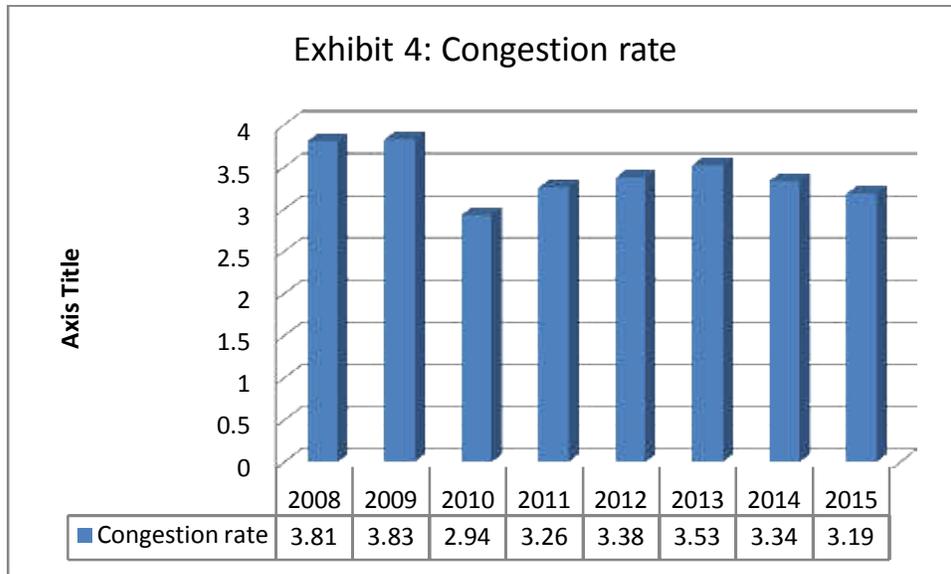
<sup>4</sup> See Annual Report 2015 of the Supreme Court

### Exhibit 1: Overall situation

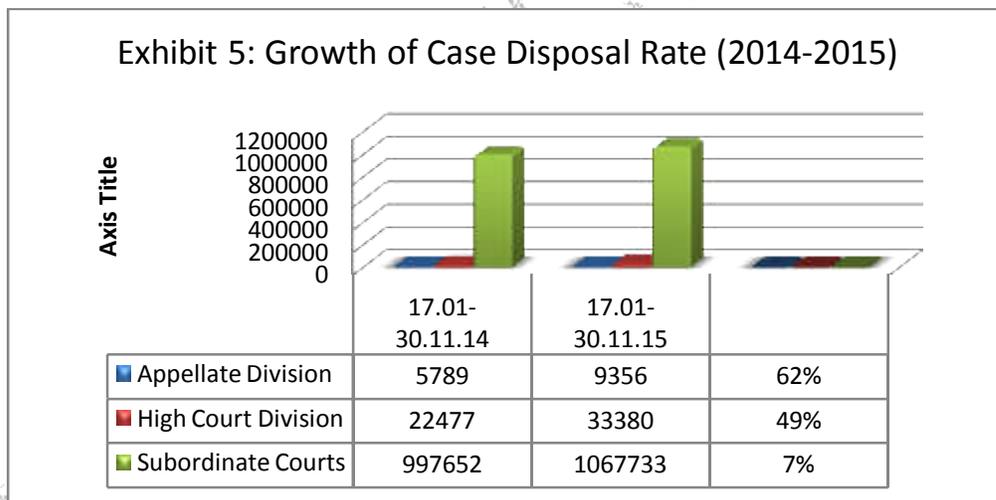




**Clearance rate:** It follows the formula 'Number of cases filed/number of cases resolved'. The clearance rate over years is different. Since the rates are below 100%, net addition to the pending cases makes the future more challenging than now if everything remains constant.



**Congestion rate:** The congestion rate is based on the formula '(Pending case at the beginning of the year + new cases filed)/cases resolved'. This expresses the number of years necessary to dispose of the cases if no new case is filed.

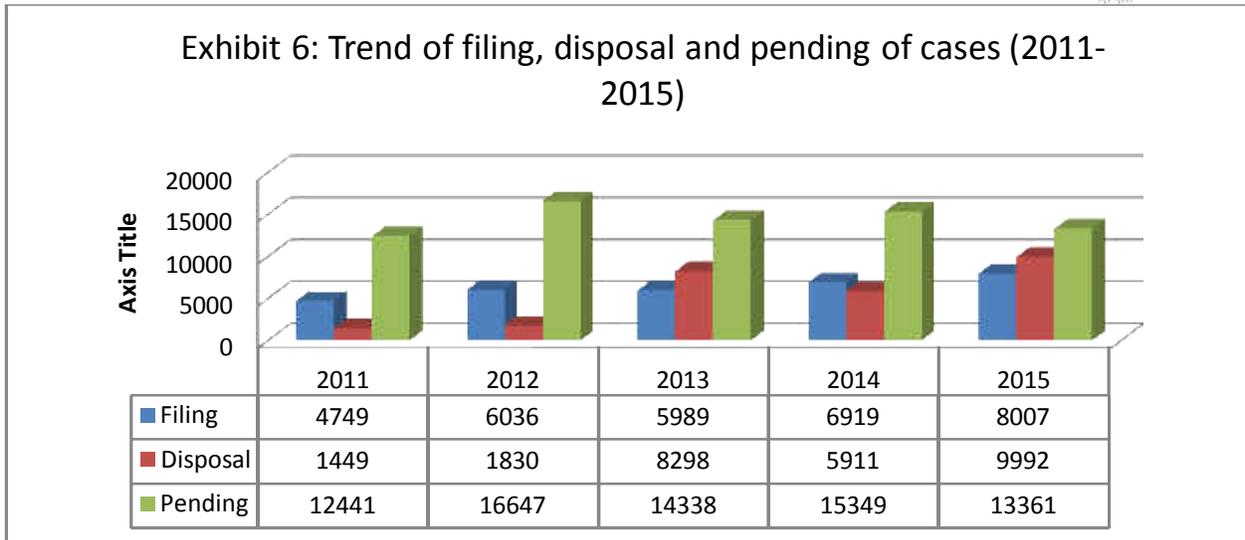


The graph illustrates a general increase of the disposal rate from 2014 to 2015, with the Appellate Division of the Supreme Court highest increase (62%) followed by the High Court Division (49%) and Subordinate Courts (7%).

A UNDP study at the subordinate court level finds that litigants visit on average 63 times and the average duration of a civil and criminal case is 5.3 years and 3.7 years respectively<sup>5</sup>. The duration and frequency of visits directly influence the litigation costs and the delay makes the judgement meaningless, as it could not be used for personal decision-making.

## Appellate Division of the Supreme Court

### a) All cases



Number of Judges	10	7	10	9	8
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<sup>5</sup>The study was conducted by PriceWaterHouseCoopers for the JSF Project.

Exhibit 7: Filed/disposed/pending per Judge at Appellate Division

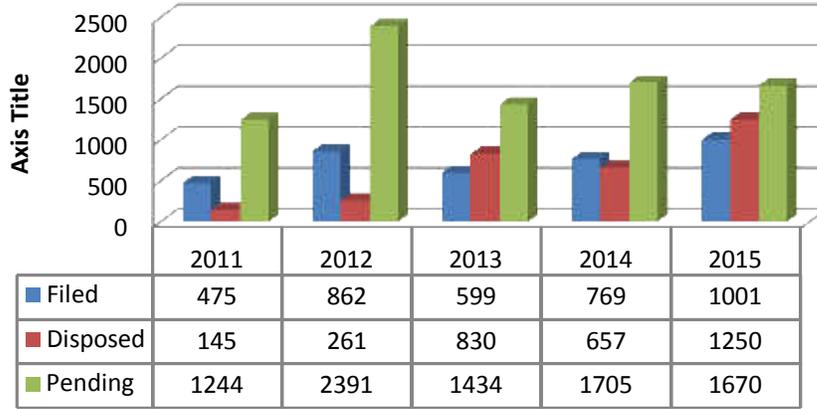
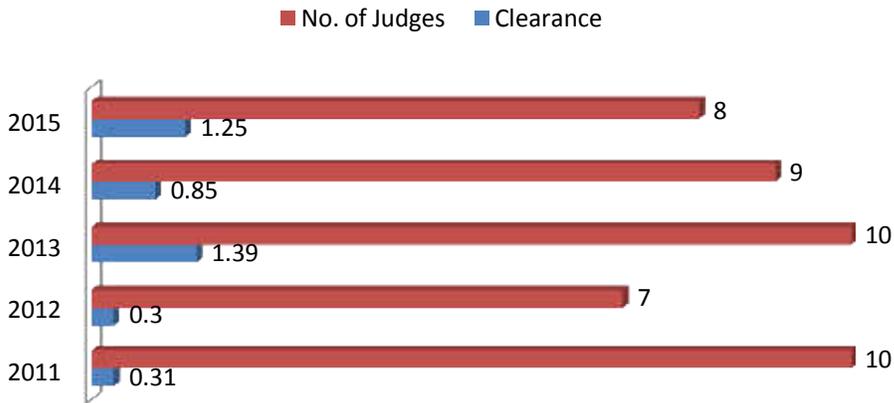
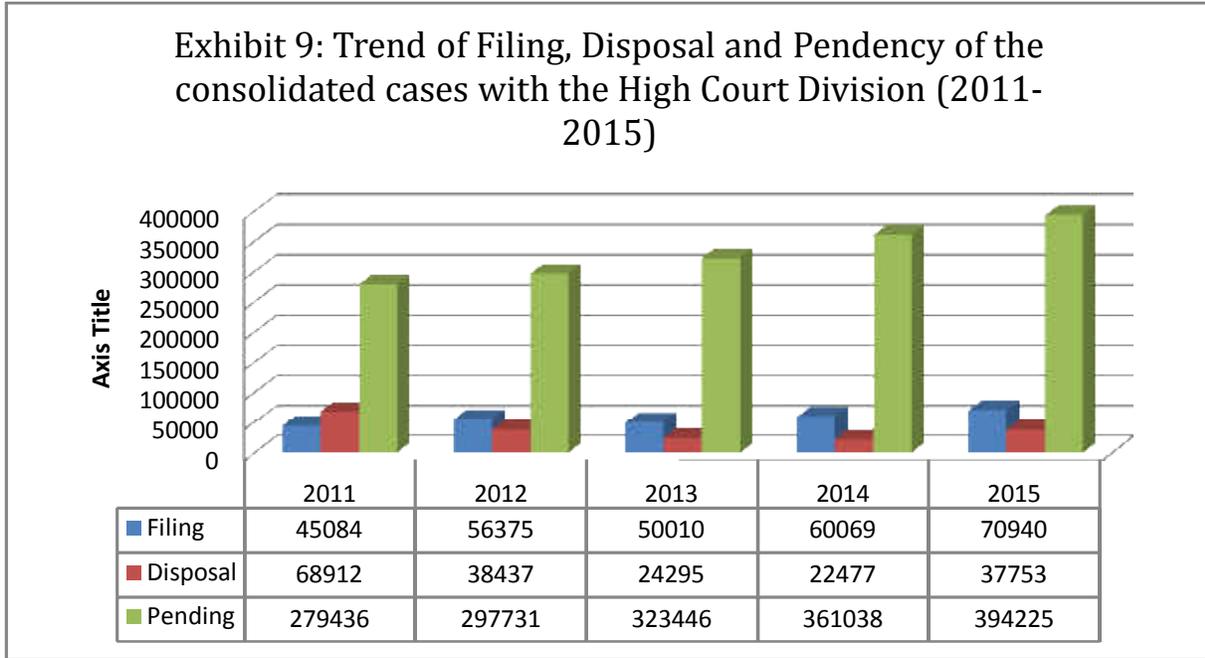


Exhibit 8: Clearance rate in relation to number of Judges at the Appellate Division

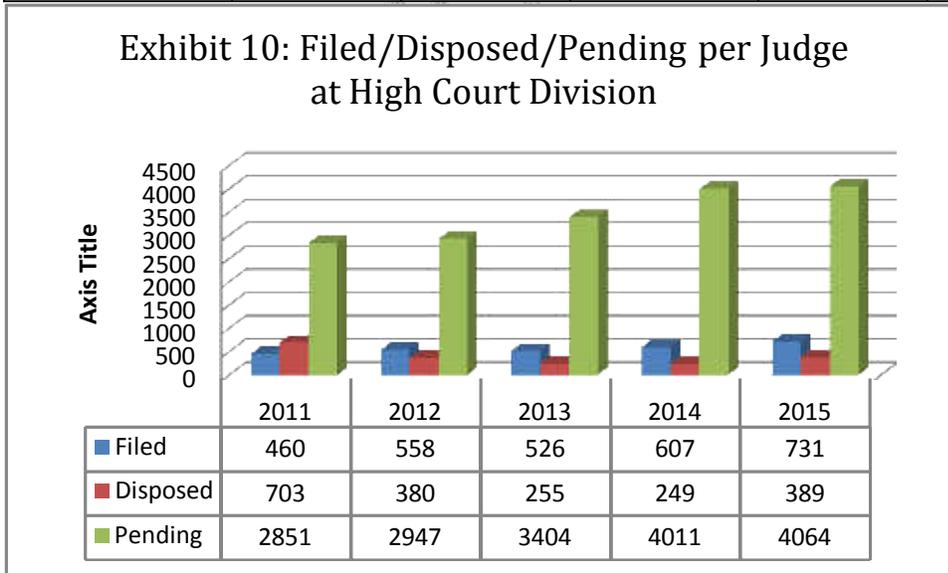


### High Court Division of the Supreme Court

a) All cases



Number of Judges	98	101	95	90	97
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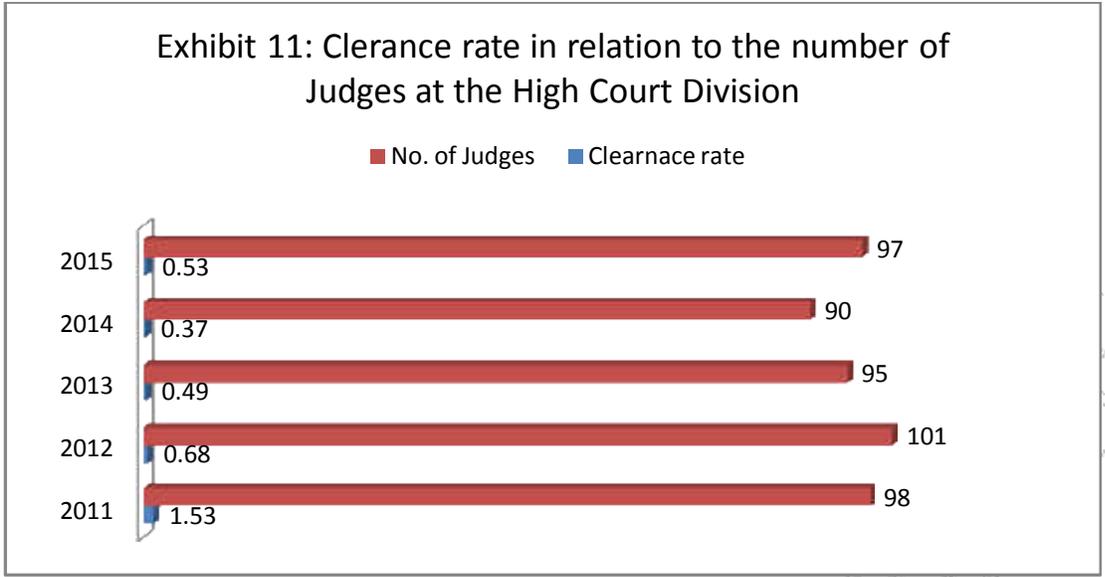
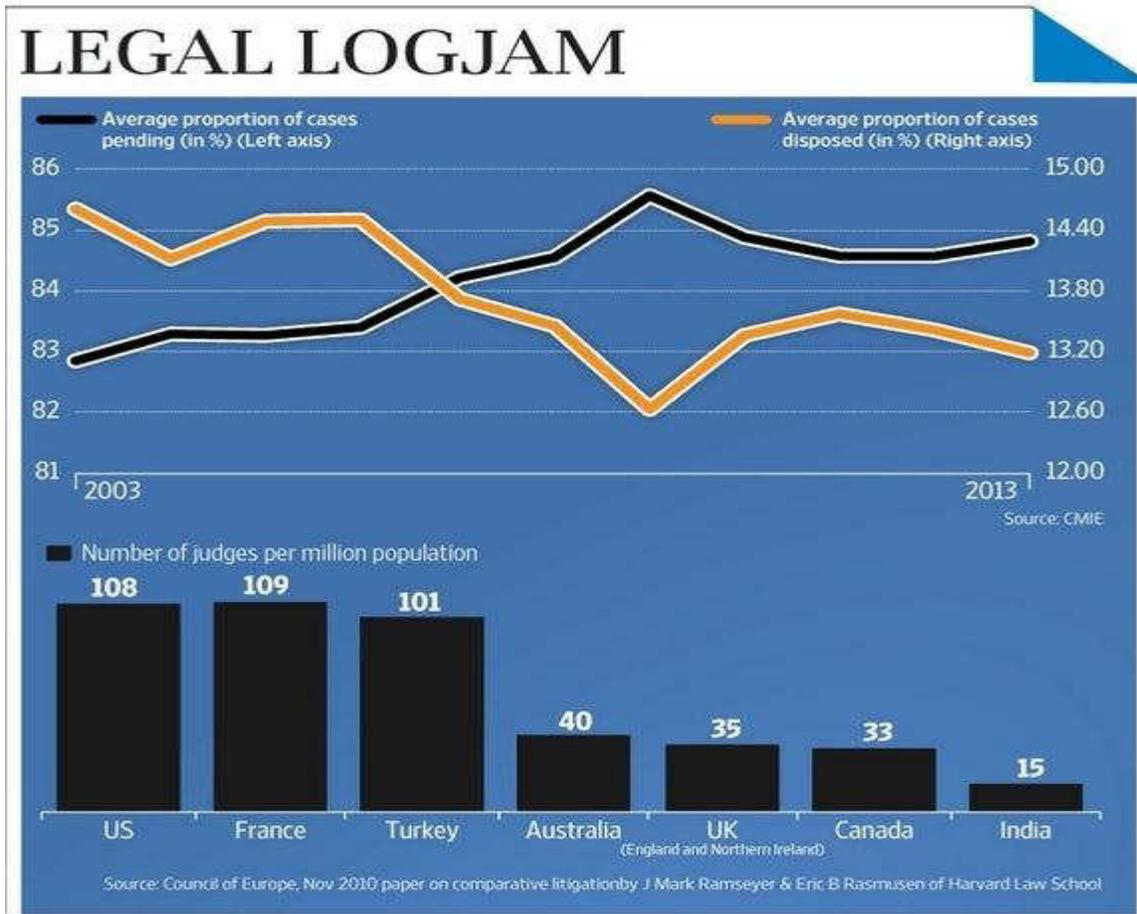


Exhibit 12: Judges to Population Ratio in other countries

Bangladesh: 8.75 Judges based on 1400 Judges available for justice delivery (rough estimate)



## Interpretation of overall case statistics

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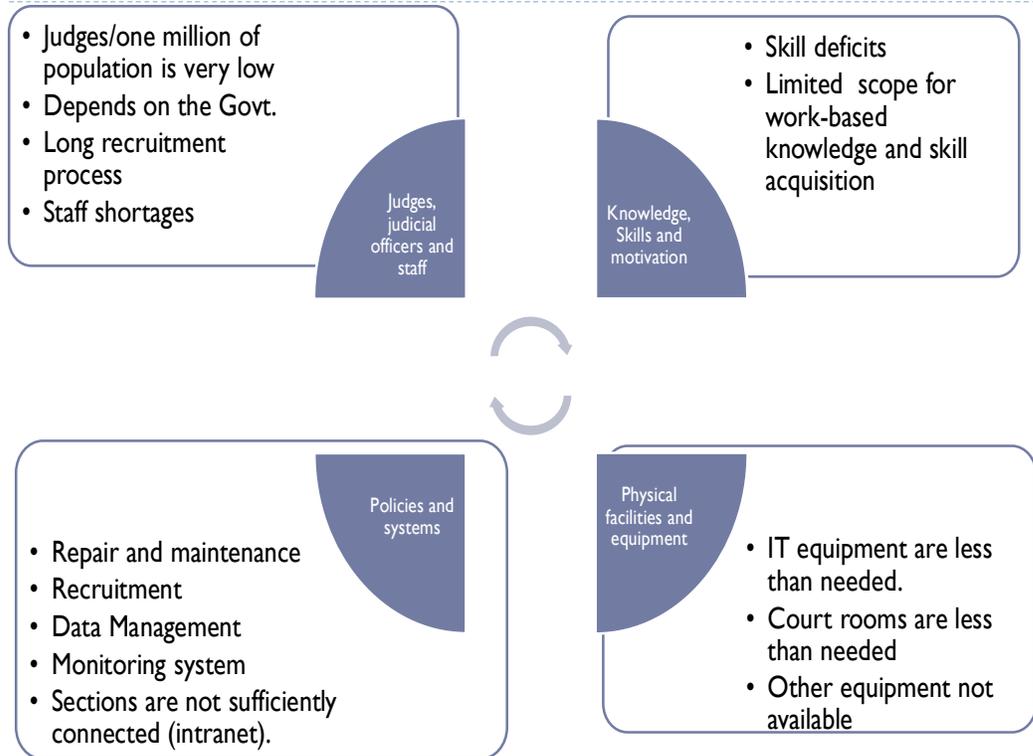
- ▶ Number of pending cases increasing from year to year
- ▶ If no effective action is taken, the number of cases may cross 5 million by 2020.
- ▶ Existing pains of the subordinate courts are future pains of the Supreme Court
- ▶ A comprehensive approach is needed.
- ▶ Strategic Planning is a suitable management instrument to address the problems.

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▶

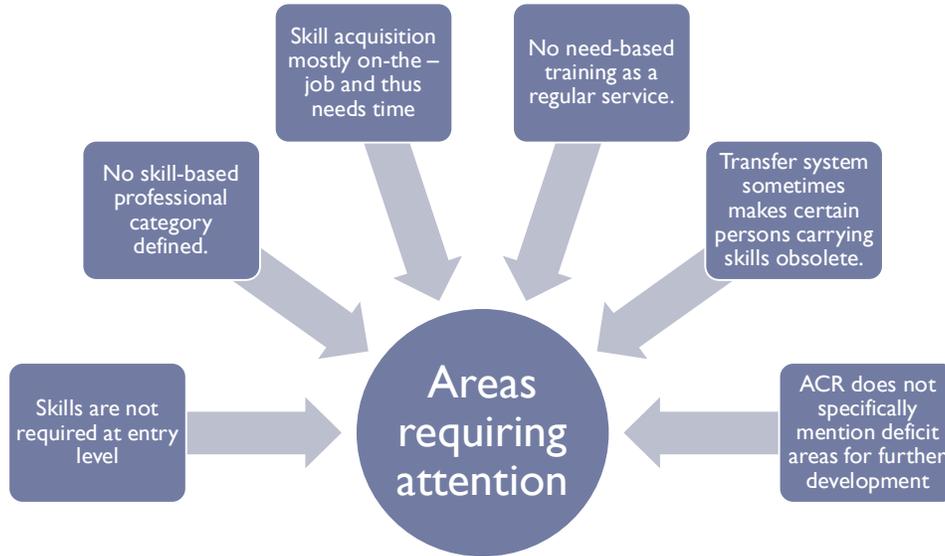
ONLY FOR A

## Selected determinants of performance in the SC

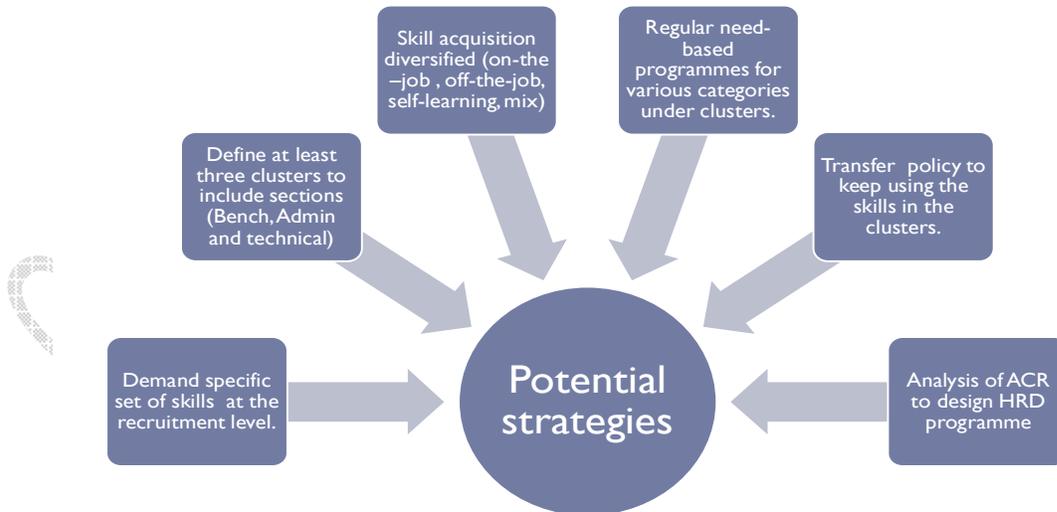


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## Causes of knowledge and skill deficits



## Options for skill acquisition



## Policies, system and procedures (1)

### Review the requisition system for repair and maintenance

- Internalize a basic part of car maintenance
- Maintain a database of the cars with maintenance records
- Introduce follow-up system of repair and maintenance work (requisition, tracking, quality control) done by PWD and others
- Internalize a part of the work not within the mandate of PWD.

### Review the local IT solutions for sub-systems

- LAN/Cloud-based system (e.g. ORG, Bench, Paper book,Accounts )
- OCR for paper book and others
- Library automation
- E-Library (to access external resources)
- Inventory management software
- Human Resource Management software

### Introduce IT-solutions for external communications

- Notice/summons to subordinate courts, the police and parties
- Communications with other justice sector institutions

ONLY FOR RESISTANCE



## Policies, system and procedures (1)

### Review of the monitoring system of the subordinate courts

- Online monitoring based on specific indicators
- Periodic reporting and comparative analysis based on agreed standards
- Online judicial officer-specific self-reporting

### Review of the coordination system among the Sections

- Coordination through 'intranet' for all internal communication and coordination

### Review of the planning, budgeting and accounting system

- Software-based accounting and budgeting system

### Review of purchasing system

- Online requisition management (receipt, processing and confirmation and tracking)
- Connectivity with Accounting and Budgeting

### Case flow management

- Differentiated Case Management (DCM): Handling of cases based on merit and not on age.
- First in First out



## Material flow

### Internal transport

- Trolley for file transport
- Inter-building safe connectivity (shade against rain)
- Facilities for movement of the physically challenged people.
- Ladder with wheel system

### Internal communication

- For normal written communication among sections
- Increasingly template-based internal communication system

### External communication

- Dispatch and Bangladesh Post Office to be positioned closely
- Email-



## Optimum Space Utilization principles

### Seating arrangements

- Follow the traffic principle
- Group-based meeting place instead of individual meeting place
- Facing the wall/divider/group instead of facing all
- Vertical/circular shelves for file to accommodate laptop
- Compartmentalisation of shelves (in/out/process)

### Record Rooms

- Wheel-driven shelves
- Two-storied where possible and relevant
- Circular filing

## Equipment and access to info

### Access ICT equipment

- Staff size per computer needs improvement
- Staff size for maintenance system needs improvement
- Replacement policy
- Cloud-based printing or data transfer
- Standards for justice sector institutions

### Access to 'intranet' facilities

- Access to related Sections
- Judicial officer versus staff

### Access to 'internet' facilities

- WIFI (restricted for office use)
- Modem-based (restricted for office use)

### Access to 'extranet' facilities

- Official sites: Selected use of external websites/database with approval or standing order (BCC for data use/storage/protection)
- Vendor/service provider: Access to market information

### III. Vision, Mission and Values

#### 1. Vision

As a constitutional organ of the State, the Supreme Court is primarily accountable to the people of Bangladesh. Therefore, it considers its Vision as

***The people continue to place trust, confidence and respect for the Supreme Court.***

#### 2. Mission

Guided by its constitutional mandates and the stated Vision, the Supreme Court of Bangladesh considers its Mission as

*'To establish and maintain protection of people's fundamental rights, rule of law and access to timely and affordable justice'. (Option 1)*

**or**

*'To establish itself as the last resort for all people to demand effective protection of their rights, establishment of the rule of law, and access to timely, fair and affordable justice'. (Option 2)*

#### 3. Values

While pursuing the stated Vision and Mission, the Supreme Court of Bangladesh has adopted the following Values<sup>6</sup>, which will shape its external and internal behaviour.

- a) In relation to other organs of the State
  - **Independence:** With the honourable Judges, the Supreme Court will remain free from any interference from anywhere while exercising its constitutional duties.
- b) In relation to conflicting parties and citizens
  - **Impartiality:** The honourable Judges and the staff will not favour any party in conflict and respect them equally in the justice delivery process.
  - **Accessibility:** The parties will have equal access within the decorum of the law and the court system.

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<sup>6</sup> Article 116A of the Constitution of the People's Republic of Bangladesh refers to "...all persons employed in the judicial service and all magistrates shall be independent in the exercise of their judicial functions". In addition, the Bangalore Principles of Judicial Conduct, 2002 lists six Values including Independence, Impartiality, Integrity, Equality, Propriety, Competence and Diligence.

- **Fairness:** The Judges and the staff members will explore a balanced view in the exercise of justice.
- **Responsiveness:** The honourable Judges will be articulate and dutiful enough to address revealed societal pains as far as application of laws and justice are concerned.

c) In relation to the SC itself

- **Technology-friendly:** The SC will embrace modern technologies in its operations to achieve the highest level of efficiency of the honourable Judges, judicial officers and staff members. The preference for newer technology will substitute technology *angst*.
- **Propriety:** Irrespective of position and strata, everyone will strictly follow the Rules and Procedures.

In relation to himself/herself of honourable Judges

- **Integrity**
- **Fearlessness**
- **Competence and diligence**

The SC will introduce a system to seek compliance of the values and ensure their reflection in the behaviour of honourable Judges, judicial officers and staff members.

In order to achieve the Mission and the judgements reflective of the stated Values, the Supreme Court of Bangladesh has set Goals, and respective Strategies to achieve them during the next five years. The next chapter lists the Goals and elaborates the corresponding Strategies.

## IV. Goals and Strategies

The Goals of the Supreme Court of Bangladesh are embedded in five areas as listed below:

- Judicial Administration of the Supreme Court
- Justice Delivery at the Supreme Court
- Monitoring of Subordinate Courts
- Justice sector as a whole
- e-Judiciary

The Goals and Strategies defined against Judicial Administration of the Supreme Court relate to the all Sections of the Office of Register General, which extend services to the honourable Judges, so that they can exercise their judicial duties with satisfaction. The Goals and Strategies regarding Justice Delivery address the capacity of the honourable Judges to perform their duties with the required quality and fastness. The Goals and Strategies related to the Subordinate Courts are designed to fulfill the obligations of the Supreme Court to monitor the functioning of the Subordinate Courts according to set standards. Finally, the Supreme Court has also defined Goals and Strategies to influence the behaviours of other justice sector institutions in line with the Mission, Values and priorities of the Supreme Court.

### 1. Judicial Administration

**Goal 1: The Office of the Registrar General (ORG) is restructured to meet the emerging needs.**

This Goal is based on the argument that the existing composition and profile of the Sections do not fully address the needs and therefore, the Sections should be classified, some new Sections added and some others restructured. Three Strategies are envisaged for this purpose.

**Strategy 1:** Classify the existing Sections into four clusters of services in the ORG as follows:

- a) Court/Case related: Bench Office, Records, Paper book, Certified Copy, Nejarat, Filing, Stamp Reporter
- b) General Administration and Logistics: HRM for Judicial Officers, HRM for Staff, Dispatch, Keeping, Security
- c) Technical: Budgeting, Accounting, Procurement, Store, Transport, Medical Centre
- d) Crosscutting: Planning, Monitoring, Research and Reporting, IT and Training

**Rationale:** The proposed classification into four clusters will allow some degree of specialization of the staff members. The placement, transfer and promotions of the staff can be more rationalized, as different sections demand different skill sets. For example, a) and d)

demand proficiency in language (Bangla and English) and IT. Over the years, the Supreme Court will have specialized set of staff for mentioned clusters.

**Strategy 2:** Rejuvenates selected existing sections

**Rationale:** In view of the proposed classification of the Sections, the Recruitment Section for the judicial officers may be renamed Human Resource Management (HRM) Section to capture all the functions these Sections have to perform in the future. They need to manage all areas of human resource management, composing recruitment, placement, transfer, promotion, annual performance review, dismissal/termination, deputation, and pension. The same should be true for the Section General Administration.

**Strategy 3:** Establishment of new Sections as follows:

- a) Planning, Monitoring, Research and Reporting Section
- b) Human Resource Development (Training) Section
- c) Monitoring Support Section (to follow up the activities of the Subordinate Courts)

**Rationale:** This Strategy is based on the assumption that the Supreme Court will implement a strategic plan and execute various development projects, the progress of which needs to be periodically monitored using facts and reported on to support the honourable Chief Justice with information for decision-making. The Strategy also supports the decision of the Government to establish a planning and budgeting section within the Supreme Court. In addition, the proposed Human Resource Development Section is expected to overcome the identified skill gaps on a regular basis through need-based training, workshops and exposures to external experiences. Finally, a separate Monitoring Support Section for the Subordinate Courts, is expected to introduce a communication and a decision support system, which will provide an objective basis for the honourable Judges of the Supreme Court, who are entrusted with the monitoring of the Subordinate Courts. This should enrich the existing practice, which merely takes into account the performance of individual judges and the total performance of the Subordinate Courts in view of justice administration and delivery.

**Goal 2: All Sections/Units/Cells of the Office of the Registrar General effectively practice relevant and more advanced modern office management system and procedures.**

This Goal envisages that the Sections/Units/Cells practice modern management systems to achieve more efficiency within each organizational unit. The Strategies proposed in the following will demand that each organizational unit to a certain extent modifies the work process remaining within the context of HC Rules.

**Strategy 1:** Introduce modern systems and procedures for the coordination and management among and within the Sections.

### Activities

- Forms and Stationaries: Inventory Management System as practiced in business houses
- Purchasing Section: Template based requisition issuing, processing and approval system
- Transport Section: Basic Repair and Maintenance Policy versus outsourcing policy in major cases
- Court Keeping Section: Requisition and follow up/tracking system for all services, and inter-building accessibility, effective space management policy (interior design analysis)
- Human Resource Management 1: Human Resource Management Policy (Filing system, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy) for all Judicial Officers)
- Human Resource Management 2: Human Resource Management Policy (Filing system, Recruitment based on required skill sets, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy) for the staff members
- Paper Book: Introduction of OCR (optical character recognition) software
- Records Section: Space-effective filing and safe storage system, and effective pest management, formatting policy (use of font, both sided)
- Budgeting System: Real-time Budget Control System
- Accounting Section: Modern Accounting System (use of basic accounting software for book keeping and reporting)
- Library: Auto-generated borrowing status and issuance of clearance and access to e-library
- The Secretariat of the ORG: Modern Coordination System (Tracking system for internal and external coordination, auto-generated reporting system)
- Subordinate Courts Section: Online reporting system
- Bench Office: Effective communication with the Subordinate Courts and Records Section
- HRD 1: Needs assessment, workshop design, delivery of training/outsourcing of training/self-learning for the Honourable Judges and judicial officers.
- HRD 2: Needs assessment, training design, delivery/outsourcing/self-learning for staff members
- Cause List: Daily publication of cause lists and results
- Nejarat: Modern store keeping (space management, storage and filing)
- Stamp Reporter: Modern payment system
- ICT: Repair, Maintenance and Replacement Policy; Audience-sensitive staff development policy; LAN management policy
- Research: Connectivity with relevant Sections for auto-generated reporting on selected indicators, interpretation practices and recommendations for changes

**Rationale:** This Strategy aims at introducing modern coordination and management systems in almost all Sections to improve their operational efficiency, transparency and accountability. In many cases, the Strategy enriches or/and enlarges the role of the Section when coupled with IT

solutions (see Goal 3). The proposed coordination and management system will not only bring efficiency, it will efficiently use the human resources thereby qualifying them for the respective roles.

**Strategy 2:** Equip the Sections with necessary skills, materials and equipment.

**Rationale:** This Strategy is expected to provide necessary inputs (skills, materials, equipment) for all the Sections, which plan to introduce the new coordination and management system. The Strategy will ensure that the new system attached to each Section functions according to expectation.

## 2. Justice Delivery through effective Case Flow Management

The strategic plan envisages that the Supreme Court and the Subordinate Courts are equipped with sufficient number of Judges and maintain high efficiency levels. The efficiency reserves need to be capitalized on through broad-based support (staff, rules and procedures, materials and equipment), and whose professional and patriotic zeal are fully utilized for the declared Mission of the Supreme Court.

**Goal 3:** The Supreme Court and the Subordinate Courts gradually possess the number of Judges at internationally recognized 'Citizens to Judges' ratio.

This Goal aims at achieving an improved 'Citizens to Judges Ratio' of Bangladesh to reach at least the South-Asian average to progressively reduce the backlogs of cases.

**Strategy 1:** Approach the Government to recruit more Judges for the Supreme Court aiming at the South-Asian average

**Rationale:** This Strategy will significantly improve the cases per judge situation leading to the reduction of backlogs. The engagement of judicial officers in the public administration, Office of the Registrar General, other justice sector institutions (Ministry of Law Justice and Parliamentary Affairs, Law Commission, JATI, BJSC, Bar Council, Office of the Attorney General) and District Legal Aid Office (one judicial officer per District) makes about 10% of judicial officers not available for justice delivery services.

**Strategy 2:** Approach the Government to recruit new judicial officers based on the demands (cases per Judge)

**Rationale:** This Strategy demands that the recruitment of the new Judges not only relates to the vacancy, but also to the number and trend of the cases. 'Cases per Judge' may provide an objective criterion to decide over the number of Judges to be recruited.

**Strategy 3:** Engage retired Judges to handle older/civil/writ cases as ‘Backup’

**Rationale:** This Strategy is based on the fact that many retired Judges may be willing to contribute after retirement, especially to handle certain old cases, where experience helps. This Strategy also indirectly addresses recruitment gaps due to long recruitment process.

**Strategy 4:** Introduce internships with the HC Benches for the newly recruited Assistant Judges with outstanding records

**Rationale:** This Strategy aims at supporting the honourable Judges of the Supreme Court with professional help to improve the efficiency of the courts through provision of research support, drafting of the orders and judgement. Indirectly, it is also an investment in the young judicial officers, who may receive early exposure to the judicial practices at the highest level of the judiciary. This also complements the support of the Bench Officers, who, sometimes, do not meet the expectations.

**Strategy 5:** Introduce portfolios of areas for the Benches to specialize in certain areas of law and capitalize on the background and experience of the honourable Judges.

**Rationale:** This Strategy provides analytical support to the Chief Justice in his decision to (re-) constitute Benches following certain portfolios. The classification of the cases into portfolios and distribution of honourable Judges among the Benches according to their background and experience, will bring more efficiency in the case management, as specializations of the honourable Judges will demand less time for the case management.

#### **Goal 4: The courts progressively shifts to an effective Case Flow Management practice**

This Goal is based on the assumption that the Courts/Benches have efficiency reserves, because the honourable Judges of the Supreme Court could deliver more than they are doing, provided they receive effective supports in the form of human resources, logistics, equipment and new case management system. The following Strategies describe how the capacities of the honourable Judges can be improved to deal with the backlog of cases.

**Strategy 1:** Allocate staff members (BO, ABO, PO) with required skill sets

**Rationale:** This Strategy is based on the recommendations of the honourable Judges of the Supreme Court to assign capable staff as Bench Officers. The Bench Officers with appropriate skill sets (proficiency in language and court management) will improve the efficiency of the courts significantly, as the publication of the judgements will take less time because the written judgements need less correction than needed at the moment.

**Strategy 2:** Introduce First-In-First-Out (FIFO) for new cases

**Rationale:** This Strategy hints at deviating from the preferred principle of LIFO (First-In-First-Out) and opting for somewhat like FIFO (First-In-First-Out) or DCM (Differentiated Case Management). This addresses the situation that long duration of cases ultimately dilutes the importance of the judgements, because citizens cannot rely on the pattern of judgements and therefore cannot internalize possible judgements in their decisions. On the contrary, a LIFO or DCM based approach may allow separate handling of new and old cases, with the scope that from a certain point of time, the citizens will start having trust in the effectiveness of the justice system, because they would see that the new cases, depending on the merit, are handled within an acceptable time period.

Activities

- 1) Undertake classification of the old cases for Differentiated Case Management (DCM) and *suo motto* initiatives by the honourable Judges in lieu of Last-In-First-Out principles as an instrument for case flow management for old cases (classification of cases).
- 2) Introduce a key logistics package for the offices of Judges (materials, equipment, IT&internet package) for internal and external communication (Subordinate Courts, the Police, respective lawyers) aiming at faster serving of notices/summons and tracking of the progress.

**Goal 5: The Judges of Supreme Court gain access to reference materials, knowledge banks and capacity enhancing initiatives.**

This Goal takes into account that the honourable Judges do not have immediate access to case-sensitive reference materials from the library or other sources, which may delay the justice delivery process. In addition, as some honourable Judges of the Supreme Court maintained that more acquisition of knowledge and skills on technical matters from credible sources will enhance their capacities with the consequence of improved efficiency in the case flow management.

**Strategy 1:** Finalize the automation of the existing borrowing services.

**Rationale:** This Strategy is just an inclusion of an existing strategy to bring the borrowing service under automation. This system improves the transparency and accountability of the borrowing and return system from both borrower's and library perspective. This will also enhance efficiency, as the catalogue of the existing literature and delivery services can be driven by online request for materials.

**Strategy 2:** Establish e-library for common access (both demand and supply-driven) to legal literature from internal and external sources.

**Rationale:** This Strategy aims at establishing access to external literature available online. The honourable Judges of the Supreme Court and the judicial officers can directly access online or

be guided by the library for new literature, provided they have expressed their interest in a specific area of law. Given a wide choice of literature, the honourable Judges and judicial officers can use it not only in case related matters, but also for continuous self-learning.

**Strategy 3:** Periodically arrange interactive workshops with experts on selected and emerging areas of laws and justice sector management (at home or abroad)

**Rationale:** This Strategy is based on the assumption the honourable Judges of the Supreme Court may benefit from interactive workshops (online or off-line) with noted experts from home and abroad in certain contemporary areas of law and justice sector management. This will help manage the case flow in a more efficient manner. The participants of such workshops can contribute to the reform discussion as well.

### 3. Supervision of the Subordinate Courts

**Goal 6: All Subordinate Courts function according to set standards of the Supreme Court.**

**Strategy 1:** Establish a dedicated office under the District and Session Judge to function as a bridge to the Supreme Court for effective communication (notices/summons, records) between Courts of the Supreme Court and those of the Subordinate Courts.

**Rationale:** This Strategy, if supported with online system, will enable direct communication between the Benches and the Subordinate Courts, which receive notices for sending documents and summons for delivery. A dedicated office or person can properly interpret the notices and ensure sending appropriate documents to the Supreme Court. Such a mechanism will reduce the time normally needed now for communication between the Benches of the Supreme Court and Subordinate Courts. Such a system will also feed the Monitoring Support Section (if established with the ORG).

**Strategy 2:** Introduce a uniform, IT-driven and on/off-site monitoring system for the Subordinate Courts.

**Rationale:** This Strategy will change the monitoring practice towards a more standardized one in terms of content and frequency, irrespective of who monitors which Subordinate Court. The system proposed here will auto-generate reports based on inputs from the dedicated offices of the Subordinate Courts. A carefully developed checklist to be used by these courts may provide early signals for decisions or visits by the assigned honourable Judges.

**Strategy 3:** Review the experience of JSF/JUST project and seek introduction of the core recommendations for ICT.

**Rationale:** The mentioned projects have made 17 recommendations to introduce the increasing use of IT in the case flow management. The review may end up with a priority list for

immediate introduction in line with the spirit of the e-Judiciary project. If the criteria to be chosen are such that they significantly influence case duration and affect the costs of the parties, the introduction of the recommendations will produce significant impact on the backlog situation.

#### 4. Justice Sector

##### **Goal 7: All other justice sector institutions are aware of the strategies and priorities of the Supreme Court and supportive to its materialization (recruitment, training, legislative drafting, amendments)**

This Goal is based on the premise that the Supreme Court of Bangladesh does not intend to function and develop in isolation. Rather, it seeks dialogues with all concerned to communicate its Mission, Values and Strategies and seek allround support from all stakeholders.

**Strategy 1:** Organize workshops/seminars (e.g. Annual Justice Sector Conference) inviting the heads of other justice sector institutions and other relevant institutions to share the values, strategies and priorities of the Supreme Court.

**Rationale:** This Strategy aims at communicating the Mission, Values, Goals and Strategies of the Supreme Court to achieve its Vision. It will also serve as a forum to learn about expectations of other organs of the State, other justice sector institutions, civil society and media and gather support for the initiatives of the Supreme Court. It will also present itself to the development partners, which have been supporting the Supreme Court in the past and intend to support also in the future.

**Strategy 2:** Seek effective representation of the Supreme court in any initiative (projects, programmes) relating to the overall coordination and management within the Justice Sector.

**Rationale:** As the guardian of the Constitution and as the last resort of appeal, the Supreme Court desires that its Mission, Values and Priorities are amply reflected in all projects and programmes related to the justice administration and delivery. It believes that by acting in this manner, the projects and programmes can also contribute to the Mission and Goals of the Supreme Court.

**Strategy 3:** Establish online communication with other justice sector institutions for sharing of information of common interest, resource sharing (library facilities) and with selected institutions (Ministry of Law Justice and Parliamentary Affairs, Ministry of Finance, Office of Accountant's General).

**Rationale:** Even though the Supreme Court is represented through either honourable Judges or judicial officers in various justice sector institutions, the need for communication on matters of common interest exists. This Strategy will provide the scope for the Supreme Courts to

articulate its expectations from other justice sector institutions. For example, such a communication may help to share what kind of academic profile the future judges should have (BJSC), what kind of skills and values the recruited Assistant Judges should bring in (JATI), what kind of syllabuses could be taught (Bar Council, Law Schools), where do problems of the clarity of laws lie (Law Commission), how the Judges are to be recruited (Ministry of Law Justice and Parliamentary Affairs), and how could the prosecution should improve in future (Office of the Attorney General).

## 5. Institutionalization of e-Judiciary

**Goal 8: The Office of the Registrar General progressively uses IT-systems in all of the operations of the Supreme Court and seeks the same from the Subordinate Courts.**

This Goal is based on the fact only adoption of IT-driven technologies will bring more efficiency in the operations of the organizational units. The findings of several research activities, although undertaken for the Subordinate Courts, and consultations with the representatives various Sections suggest that ample opportunities exist for IT-driven solutions for efficient case flow management. The Government also endorses the idea for comprehensive IT-solutions within the scope of e-Judiciary with the technical assistance from the Bangladesh Computer Council (BCC).

**Strategy 1 (Short-term):** Develop, test and introduce sub-system-based IT-solutions for operational efficiency, transparency and Accountability of the Sections (e.g. Human Resources, Accounting, Store Keeping, Procurement; cloud-based systems).

**Rationale:** This Strategy is based on the assumption that the proposed e-Judiciary project, envisaged to bring about major IT-driven connectivity within the justice sector, may need some time to take shape. In addition, the knowledge, skill and attitude of the personnel as a whole need to be at a different level to comprehend the degree of changes and accept them without resistance. This Strategy looks at section-specific local IT solutions, which would prepare the Sections for a possible e-Judiciary project while materializing some benefits of digitalization.

**Strategy 2 (Long-term):** Develop, test and introduce IT-driven systems for connectivity among related Sections, with the Subordinate Courts capitalizing the benefits of a) and in line with e-Judiciary initiative.

**Rationale:** The proposed e-Judiciary project is being discussed at the highest level of the Supreme Court and the Government. The scope of the work is expected to be huge and the Supreme Court needs a series of deliberations with the Bangladesh Computer Council to develop a TOR for the consultants, who will develop software that establishes useful connectivity within the judiciary and among justice sector institutions to optimize information flow and support decision-making within the judiciary. The Strategy aims at seeking an active role of the Supreme Court in the project development, implementation and monitoring process, so that all activities under e-Judiciary are relevant, implementable and effective.

## Guidelines for Group Work

**Team:** Group Leader and Members (4)

### Core Tasks

1. Critically review the text in terms of a) Relevance, b) Correctness, c) Language, and d) Legal culture
2. Suggest changes using the following template

Example

Proposed in the background paper	Suggestions for changes
Vision statement	
Mission Statement	
Values	

**Time:** 1.5 hours

### Additional Tasks

- a) Group Leader will
  - Share the group's results with the participants coming from other groups
  - May revise the suggestions based on inputs from other groups
  - Present the group's work during the plenary session
- b) Members will visit other groups to contribute to the work of other groups.

**Duration:** 30 minutes