

ASIAN DEVELOPMENT BANK

TAR: IND 37064

TECHNICAL ASSISTANCE
(Financed by the Government of the United Kingdom)

TO

INDIA

FOR PREPARING THE
ADMINISTRATION OF JUSTICE PROJECT

November 2004

CURRENCY EQUIVALENTS

(as of 31 October 2004)

Currency Unit	–	Indian rupee/s (Re/Rs)
Re1.00	=	\$0.0220
\$1.00	=	Rs45.44

ABBREVIATIONS

ADB	–	Asian Development Bank
ADTA	–	advisory technical assistance
DJA	–	Delhi Judicial Academy
DOJ	–	Department of Justice
IT	–	information technology
NJA	–	National Judicial Academy
PPTA	–	project preparatory technical assistance
TA	–	technical assistance
UNDP	–	United Nations Development Programme

TA CLASSIFICATION

Targeting Classification	–	General intervention
Sector	–	Law, economic management, and public policy
Subsector	–	Law and judiciary
Theme	–	Governance
Subtheme	–	Public governance

NOTES

- (i) The fiscal year (FY) of the Government ends on 31 March.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. The 2003 Asian Development Bank (ADB) Country Strategy and Program (CSP) for India and the 2004 CSP Update (CSPU) included support for decongestion and speeding up of the delivery of justice in the Delhi courts. The Government of India requested ADB for a project preparatory technical assistance (PPTA)/pilot study to prepare an administration of justice project for the Delhi courts (the TA). This TA builds on the diagnostic analysis provided through a previous advisory TA (ADTA) under ADB's TA 4153-IND.¹ An ADB Fact-Finding Mission visited Delhi from 1 to 9 April 2004, and from 11 to 14 June 2004, and had detailed discussions with representatives of the national Government and the Delhi state government, members of the judiciary, and other stakeholders on the purpose and output, methodology and key activities, cost estimates and financing, implementation arrangements, and terms of reference of the TA.² The TA framework is in Appendix 1.

II. ISSUES

2. **Extent of Delhi Court Congestion and Delay.** The Delhi court system has an actual strength of 23 High Court judges, 297 subordinate court judges,³ and 5,633 other personnel who work mainly in four courthouses within the National Capital Territory (NCT) area—the High Court building, Tis Hazari, Patiala House, and Kakardooma. Collectively, those courts administer over 240,000 new criminal cases and civil case registrations per year drawn from a population of 13.8 million within Delhi. A breakdown by age of pending cases derived from the pendency reports compiled by the Delhi High Court at the end of 2002 showed that 20% of all main case pendencies were over 10 years old and 7% of all main case pendencies were over 15 years old. The age of miscellaneous cases was of a similar order. The remedies sought by those who initiated these cases may have been defeated by the passage of time.

3. **Review of Delhi Court Adjudication Method for Delay Reduction.** The Delhi court system illustrates the problem of the individual judicial control method resulting in a high volume of adjournments per case.⁴ Merely increasing resources will not necessarily result in reduced delay unless such underlying causes of delay are addressed. A potential means of reasserting the effectiveness of judicial supervision of case management is for judges to organize their efforts more systematically and collaboratively by adopting case-flow management techniques by groups of judges.

4. **Absence of Backlog- and Delay-Reduction Mechanisms for the Delhi Courts.** Delhi lacks fast-track criminal courts and temporary backlog courts for civil matters. Delhi also lacks remedies required to attend to the efficient and effective processing of normal pendencies within relevant time standards so that they do not become backlogged. These would include the introduction of pilot courts that aim to develop best practice methods for disposal of normal pendencies. Thus, in framing court congestion and delay-reduction strategies, the Delhi courts would need to consider three kinds of interventions, i.e., backlog courts, fast-track criminal courts, and pilot (best practice) courts.

¹ The key issues identified in the issues section of the TA are based on the ADTA diagnostic that was approved in May 2004 by a TA steering committee with representatives from the national and Delhi governments, members of the judiciary, and other stakeholders.

² The TA first appeared in *ADB Business Opportunities* (Internet edition) on 8 June 2004.

³ The sanctioned strength of High Court judges is 33 (compared with an actual strength of 23) and the sanctioned strength of Delhi subordinate court judges is 387 (compared with an actual strength of 297). The actual strength of judges in Delhi is therefore 76% of the total sanctioned number of 420.

⁴ For example, an examination of the Delhi High Court registry's cause list for 22 March 2004 showed that the list contained 1,811 file numbers, of which 311 or 17% were recorded as having been disposed of on that day, so that over 80% of files listed were for case management.

5. **Review of Procedures/Rules to Redress Delays in Delhi Courts.** Measures for reducing drivers of delay in the Delhi courts would need to include rules providing for effective discouragement of the incentives of litigants to lodge appeals aimed at delaying proceedings⁵ and rules providing for the deterrent effect of court cost orders.⁶ Opportunities for formal court-annexed mediation are generally not advanced in the Delhi court system either in terms of rules or facilities. In terms of arbitration mechanisms, the Delhi court system only has the power to refer to private arbitrators, which may match court trial processes and is only available to parties who can pay for such processes.

6. **Inadequate Collateral Processes Related to Delhi Courts.** In a number of cases, a reduction in delay in the Delhi courts may be achieved by simply making process serving more effective.⁷ There is a need to examine methods to enhance the effectiveness of the Nazarat, the civil process-serving agency in Delhi. An examination of criminal process-serving rules and special bailiff service processes as a means of alleviating service process for Delhi subordinate criminal courts also appears warranted.

7. **Inadequate Court Administrative Management in Delhi.** The High Court rules prevent appointment to the most senior positions unless a candidate is promoted from within the registry or is a judge. The only staff unit in subordinate courts that resembles a traditional court registry is the district judge's registry. However, its role is limited both by the range of matters it registers and the range of the service it provides. Thus, the principal providers of registry service in subordinate courts are judicial staff arranged in self-contained cells. Due to the fact that they are small and self-contained, cells cannot employ economies of scale; they are vulnerable to skill deficits because of the wide range of competencies they need and they tend to duplicate effort and supervisory overheads.

8. **Enhancement of Training and Skills for Delhi Courts.** The range of initiatives that need to be undertaken for court modernization demand new competencies, which require training and skills building. Capacities of the judges as well as that of the registry staff need to be enhanced to cope with the rapid shift in processes required for delay and backlog reduction. Judicial education bodies in India are of relatively recent origin.⁸ Moreover, neither the Delhi Judicial Academy (DJA) nor the National Judicial Academy (NJA) has developed a comprehensive program that is specifically concerned with delay reduction.

9. **Inadequate Delhi Court Budget Processes, Management, and Transparency.** Although the Delhi High Court is technically funded under the constitution with nonvotable appropriations, Delhi courts simply follow an incremental model, limiting appropriations and expenditures to approved line items. Expertise in the preparation of plan budget proposals specifically for the funding of backlog courts and other acceptable delay drivers will be essential for a court modernization program to succeed. Furthermore, due to the lack of budgetary management, it is not unusual for the Delhi subordinate courts, in particular, to end the fiscal year spending well below their original authorized amounts. Finally, the Delhi courts do not publish their financial accounts or budget statements.

⁵ These could include fast-track appeal processes or punishment of those frivolous appellants who do not succeed within the Delhi courts system.

⁶ While Order XVII of the Civil Procedure Code (CPC) amended in 2002 governs the imposition of costs in relation to adjournments, it is unclear whether Delhi court cost orders are acting as a significant deterrent.

⁷ For example, an examination of the succession cases of a Delhi administrative judge indicated that of the succession pendencies of 1,954 cases, 1,137 or 58% could not be listed for trial because they were still awaiting completion of administrative requirements, such as service of process.

⁸ The National Judicial Academy (NJA) was established in 1992 and the Delhi Judicial Academy (DJA) was established in 2002.

10. **Strategic Development Needs and Enhanced Use of Delhi Court Information Technology.** Information technology (IT) development in the courts, including the Delhi courts, has been provided by the National Informatics Centre (NIC) and much has been done in-house with NIC programmers and court staff. An extensive computer system is being developed for the Delhi courts.⁹ However, Delhi courts need to better define and communicate their long-term strategic needs for using IT. It should be noted that the current IT development master plan for the Delhi High Court is now 3 years old and takes certain software applications as given. There is no mechanism for communication with IT users. Use of statistics for targeting particular delay-ridden cases through distinction between normal pendencies¹⁰ and backlog cases is particularly critical but Delhi courts do not yet have normal time standards by which to objectively target delay and backlog cases; nor do they have reliable statistics.¹¹

11. **Requirements of Delhi Court Facilities.** The existing court facilities of the Tis Hazari and Patiala House subordinate courts fall short of mandatory requirements under the municipal bylaws with inadequate facilities for judges, staff, witnesses, litigants, and undertrials. Three modern courthouses are being developed over the next 3–5 years at Rohini, Dwarka, and Saket.¹² However, it is of particular concern that premises' planning processes do not attempt to explicitly incorporate forecasts of case loads, workloads, or new trends in procedures and strategies for dealing with cases.

III. THE TECHNICAL ASSISTANCE

A. Purpose and Output

12. The objective of the TA is to assist the national Government design priority administration of justice reforms for sustainable backlog and congestion reduction of the Delhi courts for improved access to justice. The TA will focus on (i) court control reforms to improve institutional and procedural means of case disposal by the Delhi courts; (ii) court collateral process reforms to improve process-serving efficiency; (iii) court administrative management reforms to improve the court registry processing of Delhi court cases; (iv) court skills enhancement reforms to enable enhanced judicial and administrative skills and competencies for backlog and congestion reduction through continuing judicial education and training; and (v) court resources optimization reforms to maximize budgets and court human resources, infrastructure, and IT for enhanced performance of the courts.¹³ The TA includes a pilot study,

⁹ The size of the proposed developments in the Delhi subordinate courts is evidenced by reference in the NIC "Brochure on Computerization in the Delhi District Courts" to 591 desktop client systems, a 600-node local area network, and training of over 1,500 employees. It is further evidenced by the Delhi court budget expenditure figures on computer equipment.

¹⁰ Normal pendencies are those pendency cases that have an elapsed time within acceptable norms and therefore not yet considered to be affected by delay or court congestion.

¹¹ For example, if the Delhi subordinate court criminal cases for the period 2001 to 2003 are examined without excluding traffic challans that are issued by the State Transport Authority and processed quickly in high volumes by magistrates, one would obtain a misleading picture of lack of backlog. Similarly, statutory amendments in 2003 had the effect of shifting a sizable number of original side jurisdiction matters from the Delhi High Court to the district courts, some of these cases being quite old.

¹² It is planned to shift: about 21 criminal courts from Tis Hazari to the new Rohini court complex during 2004; criminal cases of South West District from Patiala House to the Dwarka complex by 2006; and South District cases from Patiala House to Saket.

¹³ The TA components represent the priority outputs identified in the ADTA diagnostic assessment agreed with stakeholders focused on the supply-side delivery of justice. Demand-side issues on access to justice, especially in terms of legal empowerment of the poor identified under the ADTA, are addressed by (i) civil society consultation on development of monitoring through citizen and third-party surveys; and (ii) participation and design input from the United Nations Development Programme (UNDP) Access of Justice to the Poor and Disadvantaged Project,

which is designed to pilot test specific reform measures in various PPTA components in order to enable appropriate incorporation of the measurable practical learning experience on reform measures into the PPTA design process for the Project. The TA will also incorporate into project design a risk assessment and mitigation strategy that has been undertaken by a facilitation group.¹⁴

B. Methodology and Key Activities

13. **Court Control Reforms.** The TA will support design of court disposal reforms for the Delhi courts, such as (i) case-flow management principles; (ii) delay-reduction mechanisms such as backlog courts and delay-reduction committees;¹⁵ (iii) pilot (best practice) courts; (iv) alternate dispute resolution referral mechanisms; and (v) procedures and rules to redress delay drivers, such as court costs.

14. **Court Collateral Process Reforms.** The TA will undertake design of Delhi process-serving efficiencies based on a strategic and structural evaluation of process serving, including (i) the organization structure and resource base of the Nazarat, the civil process-serving agency; (ii) the option of developing different methods of service depending on the type of process to be served; (iii) use of other institutions to serve process, such as courier service or a special bailiff service for process that needs to be served personally; (iv) opportunities for reforming the service of criminal process; and (v) options for expanding or reinforcing court control over process serving.

15. **Court Administrative Management Reforms.** The TA will support the design of a variety of court registry reforms to enhance Delhi court registry processing performance including (i) new structures aimed at improving budgetary, statistical, IT, and management competencies for the registry; and (ii) development of modern registries in the Delhi subordinate courts.

16. **Court Skills Enhancement.** The TA will support the DJA on design of (i) continuing judicial education programs for Delhi subordinate court judges, which deal specifically with court backlog and delay reduction, (ii) special training curricula for newly appointed Delhi subordinate court judges, (iii) training for Delhi court judges in emerging areas of law, and (iv) Delhi court registry staff training related to court backlog and delay reduction.

17. **Court Resources Optimization Reforms.** The TA will support design of reforms to enhance the monitored performance of Delhi courts by optimizing the use of court financial resources, human resources, and facilities, including development of (i) enhanced court budgeting processes, effective supervision of such processes, and published reports for Delhi courts; (ii) statistical indicators and related systems for court operational outcomes, court human resource performance and case-load-focused facilities; and (iii) court user monitoring.

C. Cost and Financing

18. The TA is estimated at \$937,500, of which \$586,400 is the foreign exchange cost and \$351,100 equivalent is the local currency cost. The entire foreign exchange cost and \$163,600

including UNDP's participation in the TA steering committee and ADB's participation in UNDP's steering committee.

¹⁴ The facilitation group consisting of two retired Indian judges and a former member of the Ministry of Law and Justice of the Government of India, who have provided their risk assessment and mitigation strategy related to the TA.

¹⁵ Delay-reduction committees will administer related instruments such as delay-reduction guidelines and inventories.

equivalent of local currency cost will be financed on a grant basis by the Government of the United Kingdom and administered by ADB. The national Government will provide a total of \$187,500 equivalent to finance the local currency costs to cover counterpart staff, office facilities, administrative support, and other expenses. The Government has been informed that approval of the TA does not commit ADB to finance any ensuing project. The detailed cost estimates and financing plan are in Appendix 2.

D. Implementation Arrangements

19. The Executing Agency (EA) of the TA will be the Department of Justice (DOJ), Ministry of Home Affairs. The DOJ shall have an Administration of Justice Unit (AJU) headed by the additional secretary, DOJ as project director. The AJU will be a flexible instrument for the purposes of ensuring broad-based, ongoing counterpart input into the PPTA and pilot study process from particular counterpart experts. The national Government shall establish a TA steering committee chaired by a judge of the Supreme Court and include representatives from the national and Delhi governments, the Delhi High Court, the bar, and ADB. Adequate project management monitoring is a precondition for the success of the pilot study encompassing around 30 subordinate courts in Delhi. Consequently, a project monitoring committee (PMC), headed by a Delhi High Court judge, will also need to be established. The PMC will administer the day-to-day activities related to the pilot project implementation, including procurement of necessary inputs, preparation and maintenance of financial reports, disbursement of funds, consultation with stakeholders, and preparation of progress reports.

20. All procurement of equipment will be undertaken in accordance with ADB's *Guidelines for Procurement*. ADB will recruit a team of international and domestic consultants to provide consulting services for a total of 53 person-months. Consultant inputs will comprise 21 person-months of international consultants and 32 person-months of domestic consultants. Expertise required will be in the field of (i) court IT, (ii) court financial management, (iii) court and registry training, and (iv) court backlog and delay reduction. An international consulting firm will be recruited in accordance with ADB's *Guidelines on the Use of Consultants* and other arrangements satisfactory to ADB for engagement of domestic consultants, using biodata proposals¹⁶ and quality- and cost-based selection (QCBS) procedures. Outline terms of reference are in Appendix 3. An initial poverty reduction and social analysis is in Appendix 4.

21. The consultants will prepare an inception report within 3 weeks of the start of consulting services. An interim report will be submitted within 3 months from the start of consulting services. A draft final report will be submitted 1 month before the end of consulting services to the DOJ, TA steering committee, and ADB. The recommendations of the draft final report for the TA will be discussed in a tripartite meeting. The final report, incorporating the comments on the draft final report, will be prepared within 2 weeks of the tripartite meeting. The implementation period of the TA is 9 months. It is expected to start in January 2005 and to be completed by September 2005.

IV. THE PRESIDENT'S DECISION

22. The President, acting under the authority delegated by the Board, has approved ADB administering technical assistance not exceeding the equivalent of \$750,000 to the Government of India to be financed on a grant basis by the Government of the United Kingdom for preparing the Administration of Justice Project, and hereby reports this action to the Board.

¹⁶ Since the focus is on individual consultant expertise, biodata proposals are being used.

PRELIMINARY PROJECT FRAMEWORK

Design Summary	Measurable Indicators	Monitoring Mechanisms	Assumptions (A) and Risks (R)
<p>Goal</p> <ul style="list-style-type: none"> • Improve the efficiency of Delhi justice administration for minimizing congestion and reducing backlog for improved access to justice 	<ul style="list-style-type: none"> • Improved public confidence in access to justice in Delhi courts • Improvement in assessment of stakeholders on delivery of justice by the Delhi courts 	<ul style="list-style-type: none"> • Court user surveys • Stakeholder assessment reports 	
<p>Purposes</p> <ul style="list-style-type: none"> • Enhancement of judicial management of court case disposal 	<ul style="list-style-type: none"> • Existence of operational management information system (MIS) supporting case management • Existence of guidelines on delay reduction 	<ul style="list-style-type: none"> • MIS manual and data • Technical assistance (TA) steering committee, project monitoring committee (PMC), Administration of Justice Unit (AJU), delay-reduction committee reports • Court user survey reports 	<ul style="list-style-type: none"> • R: Inadequate communication of benefits of reforms to stakeholders • R: Interest groups (such as bar) resistance to reforms • R: Affected judiciary officials resistance to reforms • A: Mobilization of user groups for reforms
<ul style="list-style-type: none"> • Strengthening of litigation process-serving efficiency 	<ul style="list-style-type: none"> • Existence of operational MIS supporting court directions on process serving • Existence of court directions on process serving 	<ul style="list-style-type: none"> • MIS manual and data • Approved office manual on process-serving policies, standards, systems, resourcing, and procedures 	<ul style="list-style-type: none"> • A: Direct and sustained commitment of process-serving agency management in advocating and enforcing compliance with new operational and reporting policies, standards, systems and procedures • R: Affected process-serving officials resistance to reforms • A: An effective program in use of MIS of process-serving agency
<ul style="list-style-type: none"> • Enhancement of court registry case processing 	<ul style="list-style-type: none"> • Existence of operational MIS supporting professionalization plan and reporting procedures for court registry • Existence of professionalization plan 	<ul style="list-style-type: none"> • MIS manual and data • Approved office manual on court registry policies, standards, systems, resourcing, and procedures 	<ul style="list-style-type: none"> • A: Direct and sustained commitment of court registry management in advocating and ensuring compliance with professionalization and new operational policies, standards, systems, and procedures

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Design Summary	Measurable Indicators	Monitoring Mechanisms	Assumptions and Risks
			<ul style="list-style-type: none"> • R: Affected registry officials resistance to reforms • A: An effective program in use of MIS of court registry
<ul style="list-style-type: none"> • Enhancement of judicial and administrative staff skills and competencies 	<ul style="list-style-type: none"> • Target met in terms of reduction of the number of decisions reversed by High Court due to deficiencies in subordinate court decision writing • Target met in terms of improvement in judicial and administrative staff competencies in areas trained 	<ul style="list-style-type: none"> • Training program results evaluation reports • Training completion reports 	<ul style="list-style-type: none"> • A: An effective judicial and administrative training program implementation by Delhi Judicial Academy (DJA) with personnel trained • R: Resistance of judiciary and administrative staff to continuing education
<ul style="list-style-type: none"> • Optimization of court resource management for enhanced court performance 	<ul style="list-style-type: none"> • Target met in terms of reallocation for and use of resources for subordinate courts, administrative services, and recurrent nonsalary expenditure • Existence of operational policies and rules on court budgeting • Existence of operational MIS supporting statistical performance indicators for court operational outcomes, court human resource performance and case-load focused facilities • Existence of user surveys • Completed stakeholder orientation and training 	<ul style="list-style-type: none"> • Authorized budget and actual expenditure documents and reports • High Court-authorized budget operation manual and orders • Approved statistical performance indicators for court operational outcomes, court human resource performance and case-load focused facilities 	<ul style="list-style-type: none"> • A: High Court will provide effective direction for and advocacy of mechanisms to support compliance with performance indicators • R: Resistance of affected stakeholders to performance-based indicators
<p>Outputs</p> <ul style="list-style-type: none"> • Court control reforms 	<ul style="list-style-type: none"> • Time-bound operationalization of delay-reduction mechanisms • Time-bound compliance with statistical performance indicators on speed of case disposal 	<ul style="list-style-type: none"> • Joint national gov't., court, and ADB review and user feedback on case records and reports of delay-reduction mechanisms and MIS data 	<ul style="list-style-type: none"> • A: Adequate resources for capacity building and institutional development of delay-reduction mechanisms

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Design Summary	Measurable Indicators	Monitoring Mechanisms	Assumptions and Risks
<ul style="list-style-type: none"> • Court collateral process reforms 	<ul style="list-style-type: none"> • Streamlined court process-serving agency procedures • Time-bound compliance with statistical performance indicators on process serving 	<ul style="list-style-type: none"> • Joint national gov't., court, and ADB review of process-serving reports, MIS data and performance indicators 	<ul style="list-style-type: none"> • A: Adequate resources for capacity building and institutional development of process-serving agency
<ul style="list-style-type: none"> • Court administrative management reforms 	<ul style="list-style-type: none"> • Time-bound professionalization of court registry • Time-bound compliance with statistical performance indicators on court registry case processing 	<ul style="list-style-type: none"> • Joint national gov't., court, and ADB review of court registry reports, MIS data and performance indicators 	<ul style="list-style-type: none"> • A: Adequate resources for capacity building and institutional development of court registry
<ul style="list-style-type: none"> • Court skills enhancement 	<ul style="list-style-type: none"> • Time-bound backlog- and delay-reduction training courses • Time-bound number of judges and administrative staff trained 	<ul style="list-style-type: none"> • Joint national gov't., court, and ADB review of DJA training completion and accomplishment reports 	<ul style="list-style-type: none"> • A: Adequate resources for capacity building and institutional development of DJA
<ul style="list-style-type: none"> • Court resources optimization reforms 	<ul style="list-style-type: none"> • Time-bound prioritization and allocation of annual court budget • Time-bound compliance with statistical indicators on court operational outcomes, court human resource performance and case-load focused facilities 	<ul style="list-style-type: none"> • Joint national gov't., court, and ADB review of budget action and financial reports, court human resources MIS data, court human resources performance criteria, and case load and court information kiosk reports 	<ul style="list-style-type: none"> • A: Adequate resources for capacity building and institutional development for court budget and human resources
<p>Activities</p> <ul style="list-style-type: none"> • Court control reforms on (i) case-flow management principles; (ii) delay-reduction mechanisms; (iii) pilot (best practice) courts; (iv) alternate dispute resolution referral mechanisms; and (v) procedures and rules to address delay drivers 	<ul style="list-style-type: none"> • Diagnostic review and pilot study-based road map of reforms 	<ul style="list-style-type: none"> • Progress reports of consultants on recommendations for comprehensive court control reforms in Delhi courts and related risk mitigation 	<ul style="list-style-type: none"> • A: Cooperation and active participation of stakeholders managing, operating, and participating in the Delhi court litigation process

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Design Summary	Measurable Indicators	Monitoring Mechanisms	Assumptions and Risks
<ul style="list-style-type: none"> • Court collateral process reforms on (i) the organizational structure of the Nazarat for civil process serving and recommending specific reforms, such as process-serving methods and court control over process serving; and (ii) the service of criminal process 	<ul style="list-style-type: none"> • Diagnostic review and pilot study-based road map of reforms 	<ul style="list-style-type: none"> • Progress reports of consultants on recommendations for court collateral process reforms related to Delhi courts, and corresponding risk mitigation 	<ul style="list-style-type: none"> • A: Cooperation of stakeholders in process serving
<ul style="list-style-type: none"> • Court administrative management reforms on (i) new structures and rules aimed at improving budgetary, statistical, information technology and management competitiveness for registering; and (ii) development of modern registries for Delhi subordinate courts 	<ul style="list-style-type: none"> • Diagnostic review and pilot study-based road map of reforms 	<ul style="list-style-type: none"> • Progress reports of consultants on recommendations for comprehensive court administrative management reforms and related risk mitigation 	<ul style="list-style-type: none"> • A: Cooperation of stakeholders in the Delhi court registry
<ul style="list-style-type: none"> • Court skills enhancement through DJA on (i) continuing judicial education especially on court backlog and delay reduction, (ii) special training curricula for newly appointed judges, (iii) training on emerging areas of law, and (iv) training for registry staff 	<ul style="list-style-type: none"> • A road map for reforms on pilot study feedback and training needs analysis related to competency requirements for career development, specific training delivery system for adult education and behavioral change, and development of judicial education standards 	<ul style="list-style-type: none"> • Progress reports of consultants on recommendations for court skills enhancement and related risk mitigation 	<ul style="list-style-type: none"> • A: Cooperation of court and registry personnel
<ul style="list-style-type: none"> • Court resources optimization on (i) enhanced court budgeting processes, supervisory reporting and management; (ii) courthouse design, maintenance, and planning; and (iii) court information technology (IT) planning 	<ul style="list-style-type: none"> • Diagnostic review and pilot study-based road map for reforms 	<ul style="list-style-type: none"> • Program reports of consultants on recommendations for court resources optimization and related risk mitigation 	<ul style="list-style-type: none"> • A: Cooperation of court staff and government

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Design Summary	Measurable Indicators	Monitoring Mechanisms	Assumptions and Risks
<p>Inputs</p> <ul style="list-style-type: none"> • 21 person-months international consulting services • 32 person-months domestic consulting services • Total cost \$937,500 	<ul style="list-style-type: none"> • Selection of consultants by end of December 2004 • Commencement of services by January 2005 	<ul style="list-style-type: none"> • TA steering committee reports • Project monitoring committee reports • AJU reports • TA and tripartite review meeting • Reports submitted by TA consultants • Feedback from stakeholders and users • Periodic ADB review and comprehensive midterm review mission 	<ul style="list-style-type: none"> • A: Qualified TA consultants fielded in time • A: Project ownership by stakeholders and adequate ADB resources

COST ESTIMATES AND FINANCING PLAN
(\$'000)

Item	Foreign Exchange	Local Currency	Total Cost
A. Government of the United Kingdom Financing^a			
1. Consultants			
a. Remuneration			
i. International	420.0	0.0	420.0
ii. Domestic	0.0	96.0	96.0
b. Per Diem			
i. International	100.8	0.0	100.8
ii. Domestic	0.0	57.6	57.6
c. Travel	28.0	0.0	28.0
2. Communication, Reports, and Documents	2.6	0.0	2.6
3. Contract Negotiation	5.0	0.0	5.0
4. Equipment	10.0	0.0	10.0
5. Study Tour	5.0	0.0	5.0
6. Contingency	15.0	10.0	25.0
Subtotal (A)	586.4	163.6	750.0
B. Government of India Financing			
1. Local Counterpart Staff	0.0	50.0	50.0
2. Office Accommodation and Supplies	0.0	100.0	100.0
3. Administrative and Other Expenses	0.0	37.5	37.5
Subtotal (B)	0.0	187.5	187.5
Total	586.4	351.1	937.5

^a Administered by the Asian Development Bank.

Source: Asian Development Bank estimates.

OUTLINE TERMS OF REFERENCE

A. International Consultants

1. Team Leader/Backlog- and Delay-Reduction Specialist (8.0 person-months)

1. With input from other members of the team of consultants, the team leader will undertake the following:

- (i) overall responsibility for technical assistance implementation, including supervision and coordination of the work of all consultants for the inception, interim, and final reports;
- (ii) responsibility for the design of consultations and consensus building for the technical assistance (TA) steering committee and all the stakeholders on the TA and their recommendations in the inception, interim, and final reports;
- (iii) responsibility for taking account of all pilot study and facilitation group inputs for purposes of project preparatory technical assistance (PPTA) design;
- (iv) responsibility for review of the work of other consultants, including identification of potential institutional constraints, adverse incentives, and procedural bottlenecks that could impede implementation of recommended measures and means of addressing them; and
- (v) prepare the draft report and recommendation of the president for the proposed project in standard Asian Development Bank (ADB) format.

2. The team leader will have overall responsibility for the court control reforms component, including the following:

- (i) review of the diagnostic advisory TA (ADTA) report and comparative international reports from other common-law jurisdictions;
- (ii) assist delay-reduction committees to identify delay drivers and propose remedial actions, changes to court procedure, court rules, registry service, or substantive amendments, and explore various delay-reduction options including application of case-flow management principles;
- (iii) review domestic case management principles, and international case-flow management principles from other jurisdictions;
- (iv) formulate, design, and pilot test the techniques of case-flow management system suitable to the Indian court ethos incorporating alternate dispute resolution referral and monitoring mechanisms;
- (v) develop specific time standards and a backlog courts and pilot (best practice) courts program by which such courts may be established and supported in select subordinate court jurisdictions;
- (vi) build in pilot study results on court control reforms into the PPTA design;
- (vii) review the effectiveness of costs provisions in deterring breaches of court orders or behavior of litigants and their representatives and develop special rules or processes to reinforce the deterrent effect of the cost orders as well as design alternative appellate procedures without limiting the right of appeal;
- (viii) support the Government in the design of consensus among stakeholders and risk mitigation, taking account of the facilitation group report, to support recommendations under (ii), (iv), (v), (vi), and (vii); and
- (ix) prepare conditions, assurances, strategy and action plans, and performance monitoring indicators and supporting materials in standard ADB format.

2. Strategic Policy Advisor/ Court and Registry Training Specialist (7.0 person-months)

3. With input from the relevant domestic consultant, the consultant will have overall responsibility for court collateral process reforms, court administrative management, and skills enhancement components including the following:

- (i) review of the ADTA report and comparative international reports from other common-law jurisdictions;
- (ii) review of the organizational structure of the Nazarat and criminal process serving and recommend specific structural, financial and procedural changes to improve the efficiency and effectiveness of process serving and related training;
- (iii) review of the Delhi High Court Establishment (Appointments and Conditions of Service) Rules 1972 with a view to (a) recommending amendments to modernize the court's administrative staff, structures; job definition; staff development; lines of accountability; and rewards system; (b) developing structural changes that maximize opportunities for registry staff in Delhi courts to improve their skills, seek promotional advancement, and administer delay-reduction initiatives; (c) develop rules governing the selection and appointment of administrative officers and staff of the Delhi subordinate courts; (d) develop an organizational plan for the Delhi subordinate courts for the purpose of assisting subordinate courts establish registry structures and systems that are consistent with those of the High Court; and (e) related registry staff training;
- (iv) develop, in collaboration with the Delhi Judicial Academy (DJA), for purposes of delay and backlog reduction, continuing education through (a) training needs analyses for judicial and nonjudicial personnel based on competency requirements for the job and in relation to the requirements of a career development program; (b) a training program, (c) specific training delivery systems taking into account the need for adult education and behavioral change, (d) a training impact evaluation system, and (e) DJA judicial education standards, curriculum structure, faculty development and the estimation of the resources to be programmed in accordance with a multiyear training delivery plan for a sustainable court backlog and delay-reduction training strategy, special curricula for entry-level subordinate court judges, including newly emerging areas of law, and registry staff training;
- (v) building in pilot study results on court collateral processes, and court administration and training;
- (vi) support the Government of India in the design of consensus among the stakeholders and risk mitigation, taking account of the facilitation group report, for recommendations under (ii), (iii), (iv), and (v) above;
- (vii) give inputs on court collateral process reforms, court administrative management reforms, and skills enhancement for the inception, interim, and final reports; and
- (viii) prepare conditions, assurances, strategy and action plans, and performance monitoring indicators and supporting materials in standard ADB format.

3. Court Financial Management Specialist (3.0 persons-month)

4. With input from the relevant domestic consultant, the consultant will be responsible for part of the court administrative management and court resources optimization components including the following:

- (i) review of the ADTA report, and comparative international reports from other common-law jurisdictions;

- (ii) develop enhanced court budgeting processes, effective supervision of such processes and annual reports for Delhi courts;
- (iii) develop (a) budget committees for each level of court comprising of judges which can recommend annual budget proposals and oversee general financial control; (b) the expert administrative support to these committees; (c) plan budget proposals specifically for the funding of backlog courts and other delay-reduction initiatives; and (d) Delhi court annual reports budget information;
- (iv) support the Government of India on consensus building, stakeholder consultation and risk mitigation, taking account of the facilitation group report, on court budget reforms;
- (v) give inputs on court budget reforms for the inception, interim, and final reports; and
- (vi) prepare conditions, assurances, strategy and action plans, and performance monitoring indicators and supporting materials in standard ADB format.

4. Court Information Technology and Facilities Specialist (3.0 person-months)

5. With input from the domestic consultant, the consultant will be responsible for part of court control reforms, court collateral process, court administrative management, and court resources optimization components including the following:

- (i) review of the diagnostic ADTA report, and comparative international reports from other common-law jurisdictions;
- (ii) assist the Delhi High Court and subordinate courts in developing an up-to-date information technology (IT) strategic master plan, including a timetable and processes for the development of time standards, operational outcome indicators and improved statistical collection for courts and statistics on case and occupant load forecasts for each Delhi court complex;
- (iii) assist the Delhi courts enhance the roles and resources of existing computer committees (comprising judges and administrators) to fully investigate, propose, and communicate IT user needs and monitor implementation of new IT initiatives;
- (iv) review the Delhi High Court and subordinate courts records and develop a detailed statistical profile of backlogged cases to provide information necessary to properly target delay-reduction strategies that the court may implement;
- (v) develop a broader range of planning and case-flow management statistics, and statistics specially designed to assist court administrators and judges in case-flow management planning and court management;
- (vi) building in pilot study results on the use of IT;
- (vii) support the Government of India on the design of consensus among stakeholders and risk mitigation, taking account of the facilitation group report, for recommendations (ii) to (vi) above;
- (viii) give inputs on IT reforms for the inception, interim, and final reports; and
- (ix) prepare conditions, assurances, strategy and action plans, and performance monitoring indicators and supporting materials in standard ADB format.

B. Domestic Consultants

1. Backlog- and Delay-Reduction Specialist (9.0 person-months)

6. The consultant will undertake the following:

- (i) help the international consultant responsible for the courts control reform component of the TA;

- (ii) collect all relevant domestic reports and data, conduct empirical analysis, and prepare the inception, interim, and final reports; and
 - (iii) identify relevant stakeholders and users, conduct consultations with stakeholders, and disseminate material.
- 2. Strategic Policy Adviser/Court Registry Training Specialist (9.0 person-months)**
7. The consultant will undertake the following:
- (i) help the international consultants responsible for the court administrative management reform, court collateral process reform, and skills enhancement components of the TA;
 - (ii) collect all relevant domestic reports and data, conduct empirical analysis, and prepare the inception, interim, and final reports of the TA; and
 - (iii) identify relevant stakeholders and users, conduct consultations with stakeholders, and disseminate material.
- 3. Court Financial Management Specialist (7.0 person-months)**
8. The consultant will undertake the following:
- (i) help the international consultants responsible for the court administrative management reform and court resource optimization reform components of the TA;
 - (ii) help the international consultant collect all relevant domestic reports and data, conduct empirical analysis, and prepare the inception, interim, and final reports of the TA; and
 - (iii) identify relevant stakeholders and users, conduct consultations with stakeholders, and disseminate material.
- 4. Court IT Specialist (7.0 person-months)**
9. The consultant will undertake the following:
- (i) help the international consultants responsible for the court control reforms, court collateral process, court administrative management, and court resources optimization reform components of the TA;
 - (ii) collect all the relevant domestic reports and data, conduct empirical analysis, and prepare the inception, interim, and final reports of the TA; and
 - (iii) identify relevant stakeholders and users, conduct consultations with stakeholders, and disseminate information.

INITIAL POVERTY REDUCTION AND SOCIAL ANALYSIS

A. Linkages to the Country Poverty Analysis

<p>Is the sector identified as a national priority in country poverty analysis?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Is the sector identified as a national priority in country poverty partnership agreement?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Though there is no country poverty partnership agreement, the judicial sector has been identified as critical in India's Tenth Five-Year Plan, the National Common Minimum Program, and the Country Strategy and Program (2002–2006)</p>
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Contribution of the sector or subsector to reduce poverty in India:

Since governance is one of the key means to reduce risk for poor, vulnerable groups, the Administration of Justice Project would help reduce poverty. Improved access to justice being promoted by the project is a key tool to mainstream social development priorities in government.

B. Poverty Analysis

Targeting Classification: General Intervention

What type of poverty analysis is needed?

Outcome indicators will evaluate the impact of the reforms on enhanced access to the courts by the poor and vulnerable. The effect of cost orders will be assessed through a survey-based impact assessment.

C. Participation Process

Is there a stakeholder analysis? Yes No
TA implementation will involve iterative consultation with judiciary, bar, the legal profession, and court users.

Is there a participation strategy? Yes No
Stakeholder participation through various implementation mechanism is a key element of the TA supplemented by a pilot study.

D. Gender Development

Strategy to maximize impacts on women:

Has an output been prepared? Yes No

E. Social Safeguards and other Social Risks

Item	Significant/ Not Significant/ None	Strategy to Address Issues	Plan Required
Resettlement	<input type="checkbox"/> Significant <input type="checkbox"/> Not significant <input checked="" type="checkbox"/> None	There will be no resettlement issues resulting from the implementation of the project.	<input type="checkbox"/> Full <input type="checkbox"/> Short <input checked="" type="checkbox"/> None

Affordability	<input checked="" type="checkbox"/> Significant <input type="checkbox"/> Not significant <input type="checkbox"/> None	Affordability issues on cost orders will be assessed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Labor	<input type="checkbox"/> Significant <input type="checkbox"/> Not significant <input checked="" type="checkbox"/> None	A positive labor impact is expected as a result of skills enhancement.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Indigenous Peoples	<input type="checkbox"/> Significant <input type="checkbox"/> Not significant <input checked="" type="checkbox"/> None	No issues of indigenous people are involved.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other Risks and/or Vulnerabilities	<input type="checkbox"/> Significant <input type="checkbox"/> Not significant <input checked="" type="checkbox"/> None	No other adverse issues are anticipated.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No