

TECHNICAL ASSISTANCE COMPLETION REPORT

Division: SAFM

TA No. and Name:		Amount Approved: \$750,000	
TA 4437-IND: Preparing the Administration of Justice Project		Revised Amount: \$750,000	
Executing Agency Department of Justice, Ministry of Law & Justice	Source of Funding: The Government of United Kingdom	Amount Undisbursed: \$37,128	Amount Utilized: \$712,872
TA Approval Date: 19 November 2004	TA Signing Date: 17 December 2004	Fielding of First Consultant(s): 17 December 2004	TA Completion Date Original: 30 Sept 2005 Actual: 31 Aug 2006 Account Closing Date Original: 30 Sept 2005 Actual: 31 Jul 2009
<p>Description: Delhi courts in India are faced with a substantial backlog and congestion of cases. A substantial number of pending cases pervade in the Delhi court system which result in limited access to justice by the public. The constraints include limited training and skills of judges and registry staff, absence of backlog and delay reduction mechanisms for the Delhi courts, inadequate court administrative management in Delhi, as well as insufficient Delhi court budget processes, and transparency.</p> <p>The technical assistance (TA) was designed with the objective to prepare an administration of justice project to (i) support reduction of Delhi court congestion and (ii) develop sustainable improvements in delivery of and access to speedy justice. The project preparatory TA (PPTA) was aligned with the Government of India's Tenth Five-Year Plan's (2002-2007) focus on governance, including the need to decongest the courts and speed up sustainable delivery of and access to justice. The PPTA was preceded by an advisory TA (TA 4153-IND) to foster ownership. The advisory TA design and/or results received strong support and ownership from two successive Chief Justices of the Supreme Court of India. The advisory TA diagnostic 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.</p> <p>Expected Impact, Outcome and Outputs: The PPTA's objective was 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 PPTA was to 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; as well as (v) court resources optimization reforms to maximize budgets and court human resources, infrastructure, and IT for enhanced performance of the courts. The PPTA was also to include a pilot study to 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.</p>			
<p>Delivery of Inputs and Conduct of Activities: The executing agency (EA) for the PPTA was the Department of Justice (DOJ), Ministry of Home Affairs. The PPTA was expected to fund consulting assignments for approximately 21 person-months of international and 32 person-months of domestic consulting services. A PPTA contract was entered between the Asian Development Bank (ADB) and the Association of Universities and Colleges of Canada for provision of PPTA services. Assignments that were financed ranged from the development of a pilot court survey report to the formulation of a final report that proposed an elaborate design for the Administration of Justice Project. In terms of client satisfaction, DOJ was overall satisfied with its inputs because of the wide range and number of assignments undertaken. But this satisfaction was achieved only after the PPTA Team Leader was replaced along with certain key international consultants at the request of DOJ after the inception phase of the PPTA.</p> <p>DOJ's performance was less than satisfactory. DOJ and ADB did not collaborate effectively with regard to eligibility requirements of invoices as well as acceptable receipt format. The terms of references of those assignments that were processed did correspond to the PPTA's objectives and scope, and the profile of the consultants was well suited to the expected outputs. The performance of the consultants engaged under the PPTA could not be assessed as per the project administration instructions since the consultant performance evaluation reports were not submitted to ADB. However, the productivity of the inputs (conversion into outputs) can be considered to be high since DOJ was satisfied with the inputs and also agreed with ADB on the final report that proposed an elaborate design for the Administration of Justice Project.</p>			

The PPTA was to be implemented over nine months. However, the completion of this PPTA was extended for a period of 11 months to allow more time to address differences between ADB and the government regarding the design formulation of the Administration of Justice Project. In fact, the PPTA could not be financially closed till July 2009 due to DOJ delay with respect to submission of remaining invoices and the certificate of full payment.

ADB's performance was less than satisfactory because it was hampered by EA non-cooperation. Differences persisted throughout the duration of the entire PPTA over invoice eligibility requirements, as well as acceptable receipt format and timing.

Evaluation of Outputs and Achievement of Outcome: In terms of absolute numbers, DOJ did meet its operational targets/outputs under its two components, specifically the development of a pilot court survey report and the formulation of a final report that proposed an elaborate design for the Administration of Justice Project. In terms of client satisfaction, DOJ was satisfied with the outputs. The output quality was high and relevant which demonstrated that the reports undertaken by the consultants were satisfactory and that the terms of reference were met. However, most importantly, the PPTA was ineffective since the PPTA outcome could not be achieved because the newly appointed Chief Justice of the Delhi High Court at that time could not reach an agreement with ADB during loan negotiations. Although DOJ was the EA and took ownership of the PPTA, the sphere of influence of DOJ did not include the Chief Justice of the Delhi High Court.

Overall Assessment and Rating: The PPTA is rated as partly successful.¹

Major Lessons: Two major lessons can be learned from the implementation of this PPTA:

First, differences persisted throughout the duration of the PPTA over project and invoice eligibility requirements, as well as acceptable receipt format and timing most likely due to lack of effective and conclusive dialogue/discussions between DOJ and ADB during PPTA formulation. A consensus on all the implementation arrangements (such as how and when receipts should be sent, project and invoice eligibility requirements, etc) should be reached between the EA and ADB before the PPTA is approved. This would minimize delays in the PPTA completion as well as ensure smoother project implementation.

Second, crucial PPTAs such as this one need to be nurtured with substantial stakeholder involvement and continuous dialogue/discussions from the inception phase till the conclusion of loan negotiations to ensure a successful outcome. The inability to execute this PPTA was due in part to the fact that the Delhi High Court is administratively independent of the Supreme Court and independent of the executive branch (i.e. DOJ) that could not and were not willing to play an effective facilitating role.

Recommendations and Follow-Up Actions: The success of such challenging PPTAs requires the identification of a champion in the government to ensure that the proposed reforms in the final project/program design are not only agreed upon by all stakeholders but also more importantly, implemented thoroughly. Specifically, the success of PPTAs to prepare administration of justice projects hinges upon the identification of High Courts with deep backlogs, and reform minded Chief Justices with a sufficiently long tenure backed by strong reform constituencies in the High Courts as a whole.

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¹ Using IED's criteria for overall project performance based on relevance, effectiveness, efficiency, and sustainability as stated in the *Guidelines for Preparing Performance Evaluation Reports for Public Sector Operations*, January 2006 (see Appendix).

Assessment of Overall Project Performance
TA 4437: Preparing the Administration of Justice Project

Criterion	Weight (%)	Assessment	Rating Value	Weighted Rating
1. Relevance	20%	Relevant The PPTA's goal was consistent with ADB's overall Country Strategy and Programs for India. The PPTA was also closely aligned with the Government of India's Tenth Five-Year Plan's (2002-2007) focus on governance, including the need to decongest the courts and speed up sustainable delivery of and access to justice.	2	0.40
2. Effectiveness	30%	Ineffective The outcome of the PPTA was not achieved since the PPTA did not result in a project acceptable to the Government. None of the PPTA outcome indicators were achieved.	0	0.00
3. Efficiency	30%	Less Efficient The PPTA was less efficient due to significant delays during implementation for a variety of reasons.	1	0.30
4. Sustainability	20%	Less Likely Sustainable backlog and congestion reduction of the Delhi courts for improved access to justice will require human, institutional, and financial resources beyond the PPTA.	1	0.20
Overall Assessment (weighted average of above criteria)		Partly Successful		0.90