

## **CASE FLOW MANAGEMENT SYSTEM AND COURT AUTOMATION**

**BY**

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This paper is an effort to provide an idea about use of case flow management technique and information technology by the courts for expeditious dispensation of justice keeping in view the experience of the District Karachi- East.

Every democratic State is bound to provide expeditious justice to its citizen and Pakistan is not an exception. Article 37 (d) of the Constitution of the Islamic Republic of Pakistan, 1973 stipulates that State shall ensure inexpensive and expeditious justice to its people.

The delay in case settling undermines the purpose of the courts itself because delaying justice often implies its negating, as said by a great British statesman William E. Gladstone in nineteenth century that “justice delayed is justice denied”.

In all developed countries delay reduction has been one of the primary focuses of twentieth century. American courts have developed a set of principles and techniques since the 1970s that we refer to as “case flow management”.

Maureen Solomon in his book “Case Flow Management in the trial courts” has defined the case flow management as “management of the continuum of process and resources necessary to move a case from filing to disposition, whether that disposition is by settlement, quality plea, dismissal, trial or other method”.

An appropriate case flow management system makes justice possible both for individual cases and the entire judicial system.

The case flow management involves the entire set of actions that a court takes to monitor and control the process of cases from initiation through trial or other initial disposition to the completion of all post disposition court work to make sure that justice is done promptly.

Generally in all the course of Pakistan and specially in subordinate courts, backlog of cases is gradually increasing and if the problem is not tackled by employing modern technique i.e. case flow management the backlog would be a stigma for the institution.

In Pakistan this technique is uncommon but in other countries it has played a vital role in clearing the backlog of the cases and reduction in the period of disposition of

cases. Specially, in U.S.A. it started to play a vital role from the beginning of twentieth century.

As mentioned above the case flow management is the coordination of court processes and resources so that court cases progress in a timely fashion from filing to disposition. The best case flow management practice includes setting the case disposition time standard, early court intervention and continuous court control of case progress, use of differentiated case management establishing meaningful pretrial events and schedule, maximizing dispositions before setting specific trial dates, monitoring case load information systems and effective post-disposition.

Another aspect of the case flow management policy should be related to the court's effort to avoid future backlog and maintain a pending case inventory that is manageable in terms of workload of judges and court staff members. What constitutes a "manageable" pending case inventory? In simplest terms, it is the number of pending cases that the court can maintain and still meet its time standards without heroic efforts on the part of judges and staff or undue burdens on parties and counsels. If, after having eliminated its backlog, a court disposes of as many cases each year as are filed, the size of the pending case inventory should remain relatively stable and manageable.

Successful case flow management requires that a court continually measure its actual performance against the expectations reflected in its standards and goals, therefore, the court should regularly measure times of disposition and the size and age of its pending case load as well as determine whether it is disposing of as many case as are being filed, and assess the rates at which trials and other court events are being continued and rescheduled.

### **PRACTICE OF CASE MANAGEMENT IN DISTRICT KARACHI-EAST.**

For the effective case management, time standard in civil cases for their disposal has been fixed and for that purpose each stage of the case is to be completed within specified time period. The schedule of time standard is found printed on the file covers of cases which is to be filled at the time of institution of the case. The Presiding Officers as well as the District Judge monitors the disposal of the cases within time standard. In this way the backlog of the case has been tremendously reduced.

### **DISTRIBUTION OF THE JUDICIAL WORK.**

For the better case flow management, efforts should be made for even distribution of the workload among the judges and to review from time to time the pendency of the cases in each court and to take necessary steps to ensure a manageable caseload.

In district Karachi East the monitoring of backlog is made on a monthly basis and the judges who put their best efforts to clear backlog are appreciated not only by the District Judge but also by the High Court.

### **ADJOURNMENT POLICY**

All the stakeholders are of unanimous view that the main reason for delay in disposition of the cases is indiscriminate adjournments and extension at all stages of the trial in both civil as well as criminal courts. The close study of the diaries point out that the circumstances which lead to adjournments includes the number of cases fixed for trial on a day are excessive therefore in most of the cases the Judges freely grant adjournments. Further, sometimes the courts are willing to proceed with the matters but the parties themselves seek adjournment, which can be avoided if the members of the bar cooperate with the courts.

In the district Karachi-East the judges fix the cases keeping in view their capacity to proceed the same. Usually not more than 30 cases are fixed in daily cause list including formal cases which are not ready for trial. The judges do not show their leniency at unwarranted adjournments and they refuse to grant unnecessary adjournments.

### **PUNCTUALITY OF OFFICERS**

The problem of punctuality of judicial officers in subordinate judiciary is a matter of concern. Complaints are voiced by the members of the Bar that judges do not sit in court on time. Unless judges sit in the court punctually and for at least five hours on every working day, it is not possible to obtain the maximum turnover in the matter of disposal. This is one of the factors which certainly contributes to the accumulation of arrears. The problem with regard to the punctuality of judicial officers in district East Karachi is taken care of by monitoring their punctuality in court sittings through close circuit television. Their absence from courts is seriously viewed by the District Judge and such judges are required to give their explanations.

### **AUTOMATION OF THE COURT**

Use of computer and information technology is not something new in Pakistan particularly in Supreme Court and High Courts. However in subordinate courts use of computers was to the extent of typing work only. The use of information technology for the purpose of case flow management system has been found very useful in district Karachi-East.

## **FACILITATIONS INTRODUCED FOR INTRODUCING AND SUSTAINING INFORMATION TECHNOLOGY**

An information technology training center was established having multimedia facilities to enable judges and their staff to receive basic training on computer applications and accessing customized court related software on ongoing basis.

Private consultants were hired to conduct workshops and symposia on the use of technology to facilitate case and case flow management.

The training center will train trainers for other courts as well. A 50,000 volume law library has also been established to provide judges access to legal materials, including journals, as well as providing Internet facilities. Case law is available online and on CDs prepared by an electronic law journal.

All the courts in the district, the information technology training center, and the library are connected by a local area network following the Integrated Information Processing Monitoring Model. Information at all levels about bar and court management is now available to court users, litigants, members of the bar, and judicial officers and staff.

## **JUDICIAL TRANSFORMATION**

Judicial transformation is an ever going and never ending process as new methodologies and practices are evolving. Any automation is built upon sound practice and procedures. Having studied Singapore courts in the last few years and a brief that things can be changed, a phased plan was made to have following steps which can later lead to introduction of automation.

### **Phase-I : Outlining Strategies as:**

- a. Promoting a paradigm shift among the members of the judiciary.
- b. Prioritizing cases.
- c. Fixing time periods for the disposition of cases.
- d. Monitoring of the courts.
- e. Consultation with the Bar.

The paradigm shift requires a change in the attitudes and approaches of the individual members of the judiciary and court staff. While such a shift is intangible and difficult to measure, it is nonetheless a fundamental element of implementing and sustaining any reform program. In the case of the Karachi East's judicial reform program, the paradigm shift was achieved through dissemination of information on the programs accompanied by training. Judges were encouraged to welcome the reforms and provide assistance and cooperation to the new methods adopted to facilitate case flow. They were taught how to prioritize cases, beginning with the 30 to 35 year old cases that had

been transferred from the High Court to the District Court with the expansion of the latter's jurisdiction.

The program's goal was to clear the backlog within a period of two to three years. A workshop was held with members of the judiciary where it was jointly decided to clear the backlog at a rate of three percent per month. A time limit was fixed for the disposal of each category of case and steps were taken to ensure the implementation of the scheme. Judges have been monitored to ensure that they adhere to the statutory periods limiting the amount of time allowed to decide each type of case. For example, civil cases must be disposed of within eight months, rent cases within five months, and family cases within four months. In addition to setting limits on the amount of time allowed for the disposal of each case, the program has introduced new scheduling practices. Previously, the general practice was for the court staff to fix the hearing dates. As a result, judges did not know how many cases were scheduled for a particular date nor did the staff know whether the judge was available on that date or not. Now, judges have become more involved in setting the schedule of cases and are required to maintain their own court appointment records. These new scheduling practices are intended to assure litigants and attorneys that cases will proceed as scheduled. Judges and their staff are monitored to see that proper court procedures are observed. There are also regular consultations with members of the Bar who provided inputs on the reform programs. After this program was followed in Karachi central, the twenty five judges assigned there were able to clear 70% of their backlog within thirty two months. Two factors counteracted the positive effect of the reforms and prevented the backlog of cases from being disposed of as quickly as it could have been. First, several courts were vacant because the presiding judges had been transferred to new assignments. Second, extra-judicial duties performed by the judges, including the supervision of Local Body Elections, referendums, and general elections, prevented them from focusing all of their time on processing the backlog of cases. While it is an important function of the judiciary to ensure independent elections, it nonetheless affects the primary functions of the courts. The same approaches and methodologies to address the case backlog were implemented in Karachi East. In thirteen months, 40% of the backlog was cleared. The number of pending cases was reduced from 12,961 to 10,389 as on 1 January 2005.

### **Phase-2: Outlining Strategies for: Information Processing Transformation**

- Access to Information, a self propelling tool of accountability at all levels".
- Efficient Information access is a method of self accountability in many ways.
- If the information is fast available to the superior (DJ/CJ) and apex court management then the whole process is made transparent and self governing.
- If the stakeholders have transparent access to information via modern means without even coming to court then we are in league with developed world to make most of ours and stakeholder time.
- In producing the management information if the court staff is also involved by automating their regular work then everything is chained together as a unit, which after a passage of time will become locked for all to be part.

### **THAT IS WHAT AGEHI WAS SET TO ACHIEVE.**

Well the above picture seems very rosy but to actually venture into an alien field means lot of risks and high cost of development of infrastructure, human resources training and a complex software. Even if this is all done, the sustainability of such a technology must have a strong footing. The Courts do not have any high end technical means to deliver such a solution, further the changes in technology happens at such a fast pace that it is difficult to keep the pace. Knowing your barriers upfront make one plan ahead. District Karachi East joined hands with team of IT- people who having rich legal and automation experience with their indigenous efforts wanted to implement such a system seeing as a completion of their work of last seven years. **Having identified the tough goals seen as an opportunity by both the technical team and DE to give the country a unique solution the work started.**

### **CASE FLOW MANAGEMENT SYSTEM**

CFMS an integrated software solution aimed to automate, monitor and control the progress of cases through its stages to enable justice to be reached at a faster pace, monitoring to be on the fly for all stakeholders and information access is without any time limit and physical boundaries. Having set the above aim, work of implementation went underway at District East. Legal reforms in Pakistan's inconsistent policy climate presents a radical challenge altogether as compared to any other country.

The concept of integrated CFMS is not limited to having software application but rather it has a broader base considering the local climate where conviction for change is scarce, sense of automation, beyond buying computer hardware, does not prevail, lack of resources for institutions to decide how and where to go, and sustainability are big issues. The program has been an outcome of six-seven years of efforts of a private firm's investment in establishing resources, having sound domain knowledge, working strategy, relationship with courts willing to take radical steps and sustainable technical resources.

### **TRANSFORMATION AND ITS EFFECTS:**

The resolution of either side i.e the court management and the technical team behind the concept has shown a consistent behaviour towards achieving the goal which otherwise was very gigantic.

- The technical team teamed up with District East to form a sort of partnership towards common goal having unique motives of bringing out reform in legal automation in the country.
- Internal staff in a carefully planned maneuver was strengthened to operational use of system, no high tech team was hired from outside. This made the system internally strong.

- The implementation process has been broken down strategically into several linkable components thereby penetrating the effects of implementation curve very quietly and smoothly.
- Every implementation component tied user on one end, and on other side facilitated to keep the process moving in an interdependent way.

## **WHAT HAS BEEN TRANSFORMED.**

### **A. Case Filing and Electronic Indexing**

All cases pending at the time of startup and the cases filed after are updated in the system in accordance with defined guidelines to create a complete data base of cases in the most comprehensive form having: case categories (multilevel), parties advocates, witness and their current statuses.

#### **The outcome:**

- Case information is known to everybody and statistics are updated on daily basis.
- Cases in scrutiny can be carefully examined for objections and delays.
- Case filed/instituted in a day are known to all as web site will be updated.
- Case Indexing and institution.
- Cases are indexed in unique order by a system for so that they are accessible anywhere.
- Preparation of cause list has just become a routine 10-15 minute job, as it is only a click on the computer. That too is mostly marked at the time of proceeding for future fixation.
- Finalized cause list can be printed out alongwith the internet which is updated for counsels so that they can easily access the required information.
- A radical change has occurred in the court filing staff; they quickly switched to it.

### **B. Case proceedings:**

Every day the court is automatically fed by the system so that the proceedings are entered on the days cause list. It tracks the time spent by the court on the case, the concerned parties present in the court, and recording of witnesses, judges, orders and judgments etc.

This is all run by trained readers of the court without any technical help from any other person. Once they update the system with daily diary, these are simply printed out and filed while the electronic copy is sent to internet for online viewing.

### **C. Process serving management**

Likewise the requests are routed to notices, summon etc for onward monitoring and production to process serving agency. The next fixation are done then and there, the system updates the judges calendars and even updates the internet in a matter of few hours for everybody to see the current information.

A comprehensive system of proceeding has brought about a very positive change in the court reader: They enjoy the software as it has cut down on their time drastically.

### **D. Information Kiosk.**

A centralized information Kiosk deliver information value to all stockholders in a free manner.

- Case information.
- Cause List Information.
- Case proceedings histories, orders and daries.

### **E. Website ([www.karachieast.org](http://www.karachieast.org))**

The website of Karachi East is not a site with few text pages and pictures; it is an interactive site which is updated by an automatic system. It is meant for people so that they can get comprehensive updates on a daily and sometime on a minute to minute basis. An online complaint system has been established against illegal detention so as to take action under section 491 Cr.P.C., and for the non registration of FIR. There are also downloading options for statues and commonly used court forms for litigants to have ready access. It is a comprehensive resource for all stakeholders serving day to day needs. An updated cause list is available at the end of day, further the past calendar of case fixations by each court can also be seen with all the details of a case.

### **F. AGEHI court information network (ACIN)**

**An information Marvel;** [www.agehi.org](http://www.agehi.org). District Karachi-East has defined the monitoring rules altogether by making available the courts data online. This enables the Sindh High Court and the Member Inspection Team to just log on and make use of system without having to ask for reports. Trends, disposal, judges, district performances, all can be seen on the website. Even the backlog and their clearance, aging of cases are shown online.

The beauty of it is that the ACIN's technological impact on courts is none as the entire system is robust and automated and the court only uses it, the rest is all done by intelligent software sitting in court and on the internet.



**CLOSING NOTE:**

The enormous effort of last few years has set the benchmarks in technology, methodology, human resources development and a sound strategy for transforming the courts to automation and data dissemination under standards. DE has used inexpensive hardware/computer system along with doing the solution on Java platform to keep the things on an open platform. The success of solution is a testimony that we do not need expensive hardware all the time, nor expensive hardware can solve the problems.

**MONITORING;** On-Line Monitoring provides information on cases, delays and performance within seconds for District Judge to be on top to take vital decision.

Observing the utility of the information technology and court automation in district Karachi-East the Sindh High Court with the assistance of Ministry of Information and Technology, the Government of Pakistan has taken the task of introducing the same system in other districts of the Province.

**WHERE WE GO FROM HERE**

Indigenous efforts in automation are a key factor to implementing successful solution like AGEHI at district Karachi-East. However the inertia behind such efforts can only be maintained if the efforts are institutionalized at the national level.

Following recommendations are envisaged.

1. A national level body should be made which can enforce upon the standardization in process and technology.
2. Technology decisions are very vital, consensus needs to be evolved to stop high investments on hardware which is not required.
3. Judicial Officers and Court staff needs to be extensively trained to make use of technology. This may be included in the curriculum of Judicial Academies.
4. Rules of business and job description of the court staff need to be redefined for the impacts of charges to have sound backing.
5. Resources requirement of automated solution and overall transformation need to be sustained beyond certain personal interest.

The end.

**Source.**

1. "Case Flow Management"  
The Heart of Court Management in the new Millennium by David C. Steelman.
2. "Rejuvenating Judicial System through E-Governance & Attitudinal Change" by Dr. Justice G.C. Bharuka.
3. [www.karachieast.org](http://www.karachieast.org)