

## Equal Playing Ground Methodology

### Introduction

Peshawar High Court and Secretariat for District Judiciary Receives judicial performance data from districts. Currently the data is received in line with Revised Unit Policy 2018 in terms of units assigned to various case categories and information about case institution, disposal and pendency and is shared with Data Analysis Wing for analysis purpose. A significant area of study for Data Analysis Wing was judicial performance measurement where the challenge was to develop a model which is equity based where equal treatment is ensured to districts and judicial officers. The disparity of inflow (institution) and pendency is such that equitable assessment would require formulation of an intelligible formulae. After detailed deliberations, a model is developed called "Equal Playing Ground" Model. This model was shared with districts in April and in May 2019 for valuable feedback from districts. To further refine the formula a peer review was also made by Mathematics and Statistics Department at University of Peshawar. Based on feedback from districts, peer review and decision by Principal Officers at Peshawar High Court, EPG model has emerged as under:

1. It is proposed to divide the districts into zones based on pendency in the districts. In the proposed model, judicial officers are ranked for their relative performance within a zone.
2. The formula emerged after feedback from districts and principal officers at the districts includes the following factors along with its weightages:

#### A. At District Level:

- a. **Institution Factor:** Representing total institution made in the district (10% Weightage)
- b. **Disposal Factor:** Representing total disposal made in the district (20% Weightage)
- c. **Clearance Factor:** Representing the reduction or increase in backlog of cases through disposal above or below the institution level (50% Weightage)
- d. **Disposal per Judge Factor:** Representing efficiency of utilizing judicial officers through disposals made per judge (20% Weightage).

#### B. At Judicial Officer Level:

- a. **Institution Factor:** Representing Institution in the court of the Judicial Officer ( 10% Weightage)
- b. **Disposal Factor:** Representing Disposal by a Judicial Officer (20% Weightage)
- c. **Clearance Factor:** Representing Clearance by Judicial Officer through disposals against institution made in the court of Judicial Officer (20% Weightage)
- d. **Disposal Per Day Factor:** Represents number of cases disposed by the Judicial Officer per day - after deducting lawyer strike days. (10% Weightage)
- e. **Units Factor:** Represents units required against achieved by judicial officer – calculated in percentage (10% Weightage).
- f. **Old Cases Factor:** Represents Old Cases disposed against the target by judicial officer (under any mode of disposal) - calculated in percentage (15% Weightage)
- g. **Contested Cases Factor:** Represents Contested cases disposed against the target by Judicial Officer – calculated in percentage (15% Weightage)

3. The calculation of these factors is made on relative scoring method as advised by Mathematics and Statistics Departments, University of Peshawar. A weightage is assigned to each factor where a District or a Judicial Officer scoring maximum in that factor will take full marks and the others will be marked relative to the top achiever. e.g. a Judicial Officer relative to other scores the highest in a particular factor with weightage of 15%, he/she will get all 15 marks, while the others will be scored relative to the top achiever. In case of Clearance Factor, if the clearance is in negative (meaning disposal is less than the institution), the score will be zero and not in negative. An illustration is given at the end of this document for further clarity.

4. Districts are divided into zones based on pendency where following zones have been adopted:

<b>Zone</b>	<b>Pendency (Cases) Approx</b>	<b>Districts</b>
A	30000+	Peshawar
B	21000-15000	Mardan, Abbotabad
C	13000 – 7000	Nowshera, Kohat, Haripur, Swabi, Mansehra, Charsadda, Swat, Bannu, DIKhan, Karak
D	5000 – 1000	Lakki, Tank, Lower Dir, Malakand, Buner, Hangu, Chitral, Shangla, Batagram, Upper Dir
E	Below 1000	Torghar, Kohistan Lower, Kolai Pallas, Kohistan Upper, Khyber, Mohmand, Kurram, North Waziristan, South Waziristan, Orakzai and Bajaur District

**Illustration (Imaginary Figures given for illustration)**

**District Level Illustration**

District Level							Weightages					
							50%	10%	20%	20%		
District	Institution	Disposal	Pendency	Clearance	No. of Judges	Disposal Per Judge	Clearance Factor	Institution Factor	Disposal Factor	Disposal Per Judge Factor	Final Score	Ranking
A	1932	2210	11019	278	19	116	50	8	19	19	96	1
B	1960	2110	8833	150	18	117	27	8	18	20	73	2
D	1614	1764	10745	150	19	93	27	7	16	16	66	3
C	1913	2030	11385	117	51	97	21	8	17	17	63	4
E	2333	2249	8009	-84	21	107	0	10	20	18	48	5

As can be seen in the table above, the District A has scored Maximum (278) in Clearance therefore the Clearance Factor Score is 50 where the others have score relatively less accordingly. District E has scored in negative in Clearance but their score is Zero and the same district has scored maximum in disposal hence their score in Disposal factor is 20. Ranking will be based on the final score.

**Judge Level Illustration**

Judge Level						WEIGHTAGE								
						10%	20%	10%	20%	10%	15%	15%	100%	
ZONE C						EPG						EPG + Unit Policy		
District	Judge Name	Institution	Disposal	Pendency	Clearance	Disposal per day Factor	Clearance Factor	Institution Factor	Disposal Factor	Units Factor	Old Cases Factor	Contested Factor	Total Score	Ranking
B	V	184	235	631	51	9.4	9.1	7.0	20.0	6.00	10.00	6.58	68.08	1
A	Z	2	70	45	68	3.2	12.1	0.1	6.0	10.00	15.00	15.00	61.41	2
A	Y	225	228	805	3	10.0	0.5	8.6	19.4	4.44	13.75	1.53	58.25	3
C	W	72	184	473	112	6.7	20.0	2.7	15.7	2.91	3.75	1.53	53.32	4
D	X	262	189	666	-73	8.7	-	10.0	16.1	5.96	3.75	3.06	47.59	5

As in the case above, one can observe that Judge V from District B has scored the maximum and is ranked 1<sup>st</sup> in Zone C. We can see that Judge Z has scored maximum score in Units Factor, Old Cases Factor and Contested Factor. While Judge X from District D has scored maximum for Institution and has scored zero for negative clearance.

It is hoped that this approach will provide impetus to districts to achieve higher rank within zones that are comparable in institution, disposal and pendency with districts within the zone.

Yours sincerely,

Team (DAW)