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The World Bank

Report No: ICR00001200

IMPLEMENTATION COMPLETION AND RESULTS REPORT
(IDA 34850 TF0 27508)

ON A

CREDIT

IN THE AMOUNT OF SDR 23.6 MILLION
(US\$ 30.6 MILLION EQUIVALENT)

TO THE

PEOPLE'S REPUBLIC OF BANGLADESH

FOR A

LEGAL AND JUDICIAL CAPACITY BUILDING PROJECT

May 14, 2010

Finance and Private Sector Department
South Asia Region

Legal Department

CURRENCY EQUIVALENTS

Exchange Rate Effective: October 13, 2009

Currency Unit = Bangladeshi Taka (BDT)

0.01476 = US\$ 1.00

US\$ 1.00 = 70.16

FISCAL YEAR

July 1 – June 30

ABBREVIATIONS AND ACRONYMS

ADAB	Association of Development Agencies in Bangladesh
ADB	Asian Development Bank
ADR	Alternative Dispute Resolution
BNP	Bangladesh Nationalist Party
C&AG	Comptroller and Auditor General of Bangladesh
CAS	Country Assistance Strategy
CFS	Central Filing System
CG	Consultative Group
CIDA	Canadian International Development Agency
CMIS	Court Management Information System
CPC	Civil Procedure Code
CRO	Civil Rules Order
DANIDA	Danish International Development Assistance
DCA	Development Credit Agreement
DFID	Department for International Development
DW	Drafting Wing
FM	Financial Management
GOB	Government of People's Republic of Bangladesh
IDA	International Development Association
IDF	Institutional Development Fund
ISR	Implementation Status Report
IT	Information Technology
JAO	Judicial Administrative Officer
JATI	Judicial Administration Training Institute
LACI	Loan Administration Change Initiative
LC	Law Commission
LJC	Legal and Judicial Capacity Building Project
LSSC	Legal Services Support Committee
M & E	Monitoring and Evaluation
MHPW	Ministry of Housing and Public Works

MOL	Ministry of Law and Parliamentary Affairs
MOU	Memorandum of Understanding
MTR	Mid Term Review
NGO	Non-Government Organization
NLAO	National Legal Aid Organization
O & M	Operations and Maintenance
PAD	Project Appraisal Document
PD	Project Director
PDO	Project Development Objective
PHRD	Policy and Human Resource Development Fund (Japan)
PMR	Project Management Report
POC	Project Oversight Committee
PP	Procurement Plan
PREM	Poverty Reduction and Economic Management
PRSP	Poverty Reduction Strategy Paper
PSD	Private Sector Development
PWD	Public Works Department
QAG	Quality Assurance Group
QER	Quality Enhancement Review
SA	Special Account
SC	Supreme Court of Bangladesh
SCIC	Supreme Court Implementation Committee
SOE	Statement of Expenditures
SP	Strategy Paper
WBOD	World Bank Office Dhaka

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BANGLADESH
Legal and Judicial Capacity Building Project

CONTENTS

Data Sheet

- A. Basic Information
- B. Key Dates
- C. Ratings Summary
- D. Sector and Theme Codes
- E. Bank Staff
- F. Results Framework Analysis
- G. Ratings of Project Performance in ISRs
- H. Restructuring
- I. Disbursement Graph

1. Project Context, Development Objectives and Design	1
2. Key Factors Affecting Implementation and Outcomes	7
3. Assessment of Outcomes.....	14
4. Assessment of Risk to Development Outcome	17
5. Assessment of Bank and Borrower Performance.....	18
6. Lessons Learned	23
7. Comments on Issues Raised by Borrower/Implementing Agencies/Partners	26
Annex 1. Project Costs and Financing	27
Annex 2. Outputs by Component	31
Annex 3. Economic and Financial Analysis	41
Annex 4. Bank Lending and Implementation Support/Supervision Processes	42
Annex 5. Beneficiary Survey Results.....	44
Annex 6. Stakeholder Workshop Report and Results	49
Annex 7. Summary of Borrower's ICR and/or Comments on Draft ICR.....	50
Annex 8. Comments of Cofinanciers and Other Partners/Stakeholders	58
Annex 9. List of Supporting Documents.....	59
MAP	

A. Basic Information			
Country:	Bangladesh	Project Name:	Legal and Judicial Capacity Building Project
Project ID:	P044810	L/C/TF Number(s):	IDA-34850,TF-27508
ICR Date:	05/30/2010	ICR Type:	Intensive Learning ICR
Lending Instrument:	SIL	Borrower:	GOB
Original Total Commitment:	USD 30.6M	Disbursed Amount:	USD 24.7M
Revised Amount:	USD 20.6M		
Environmental Category: C			
Implementing Agencies: Ministry of Law and Justice			
Cofinanciers and Other External Partners: DANIDA CIDA			

B. Key Dates				
Process	Date	Process	Original Date	Revised / Actual Date(s)
Concept Review:	02/27/1998	Effectiveness:		10/23/2001
Appraisal:	06/29/2000	Restructuring(s):		
Approval:	03/29/2001	Mid-term Review:	05/27/2005	09/26/2005
		Closing:	06/30/2007	12/31/2008

C. Ratings Summary	
C.1 Performance Rating by ICR	
Outcomes:	Unsatisfactory
Risk to Development Outcome:	High
Bank Performance:	Unsatisfactory
Borrower Performance:	Unsatisfactory

C.2 Detailed Ratings of Bank and Borrower Performance (by ICR)			
Bank	Ratings	Borrower	Ratings
Quality at Entry:	Satisfactory	Government:	Unsatisfactory
Quality of Supervision:	Unsatisfactory	Implementing Agency/Agencies:	Moderately Satisfactory
Overall Bank Performance:	Unsatisfactory	Overall Borrower Performance:	Unsatisfactory

C.3 Quality at Entry and Implementation Performance Indicators			
Implementation Performance	Indicators	QAG Assessments (if any)	Rating
Potential Problem Project at any time (Yes/No):	No	Quality at Entry (QEA):	None
Problem Project at any time (Yes/No):	No	Quality of Supervision (QSA):	None
DO rating before Closing/Inactive status:	Moderately Satisfactory		

D. Sector and Theme Codes		
	Original	Actual
Sector Code (as % of total Bank financing)		
Law and justice	100	100
Theme Code (as % of total Bank financing)		
Access to law and justice	23	80
Gender	11	
Judicial and other dispute resolution mechanisms	22	
Law reform	22	10
Legal services	22	10

E. Bank Staff		
Positions	At ICR	At Approval
Vice President:	Isabel M. Guerrero	Mieko Nishimizu
Country Director:	Ellen A. Goldstein	Frederick Thomas Temple
Sector Manager:	Joel Hellman	Marilou Jane D. Uy
Project Team Leader:	Lubomira Zimanova Beardsley	Mohsin Alikhan
ICR Team Leader:	Lubomira Zimanova Beardsley	
ICR Primary Author:	Frances M. Allen	

F. Results Framework Analysis

Project Development Objectives (from Project Appraisal Document)

The project development objectives are (a) to improve the legal and judicial environment by improving the efficiency, effectiveness, and accountability of the civil justice delivery system, and (b) increase access to justice, particularly for women and the poor.

Revised Project Development Objectives (as approved by original approving authority)

(a) PDO Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	User satisfaction with: (a) the fairness of court processes and enforcement decisions; (b) the availability of ADR; (c) accesibility of legal information.			
Value quantitative or Qualitative)	Low	Some improvement - On an avearge 40% increase in ADR use over previous years ADR disposal in the five pilolt Districts.		Low
Date achieved	10/01/2003	12/30/2008		12/21/2008
Comments (incl. % achievement)				
Indicator 2 :	User satisfaction with (a) the accessibility and efficiency of small causes courts; (b) the ADR (including traditional shalish system) as administered by legal NGOs; (c) the utilization of legal aid;			
Value quantitative or Qualitative)	Low	Some improvement - atleast 3000 people receive legal aid in 05 pilot Districts in 2008.		ADR failed due to opaque incentives of lawyers. NLAO marginally established and not fully functional. Component funds not used.
Date achieved	10/01/2003	12/30/2008		12/31/2008
Comments (incl. % achievement)				

(b) Intermediate Outcome Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	Improved case management and court administration initiated in Supreme Court and the pilot districts.			
Value (quantitative or Qualitative)	Traditional system, no ADR, cases filed in individual courts, manual	Case mangement instituionalized in the pilot Districts		Case management not institutionalized,

	process.	and Supreme Court; sustained clearance rate of at least 1.10; about 2000 cases disposed by ADR in the pilot Districts		courts reverted back to original system.
Date achieved	10/01/2003	12/30/2008		12/31/2008
Comments (incl. % achievement)				
Indicator 2 :	Number of Judges and personnel trained in case management, court administration, and in new technology; progress in Completion of construction of Judicial Training Institute(JATI).			
Value (quantitative or Qualitative)	None	Judges and staff regularly receive all necessary training in the new JATI building.		Trainings not being held due to inavailability of trainers and lack of budgetary funds. Building deteriorated.
Date achieved	12/31/2002	12/30/2008		12/31/2008
Comments (incl. % achievement)				
Indicator 3 :	Numbers of Court Houses upgraded. New Court rooms help judges use court full time without sharing with others resulting in increase in judges time available for judicial work.			
Value (quantitative or Qualitative)	Court Houses in 24 Districts does not have enough space for the judges.	100% of all buding construction completed and being used.		Civil works (including minor) completed in 52 courts.
Date achieved	12/31/2002	12/30/2008		12/31/2008
Comments (incl. % achievement)				
Indicator 4 :	A refined Code of Conduct; Case Management and Court Administration (CMCA) Performance Standards implemented in the Supreme Court and the pilot Districts; Publication of Supreme Court#s annual report;			
Value (quantitative or Qualitative)	There is code of Conduct for Supreme Court Judges. District level judges are guided by Civil Service Conduct rules. Supreme Court does not publish annual reports.	Proper Code of Conduct that recognizes performace objective developed for all judges. Supreme Court regularly publishes Annual Report.		Not achieved.

Date achieved	12/31/2002	12/30/2008		12/31/2008
Comments (incl. % achievement)				
Indicator 5 :	More poor people seek Legal aid instituted by the Government; Accessibility of legal information to be improved; Improvement of access to justice, especially for women and the poor.			
Value (quantitative or Qualitative)	Very negligible numbers accessed Government legal aid funds until 2002, because of procedural hassles. Access to legal information and justice for the poor limited.	The number accessing legal aid will increase 100% by 2006 over that of 2005. NGOs work in augmenting access to justice and legal literacy to the poor in the pilot Districts		NLAO marginally established. Not fully functional (one staff member).
Date achieved	12/31/2002	12/30/2008		12/31/2008
Comments (incl. % achievement)				
Indicator 6 :	Number of Judges and personnel trained in case management, court administration, and in new technology; progress in Completion of construction of Judicial Training Institute(JATI).			
Value (quantitative or Qualitative)	None	Judges and staff regularly receive all necessary training in the new JATI building.		
Date achieved	12/31/2002	12/30/2008		
Comments (incl. % achievement)				
Indicator 7 :	Numbers of Court Houses upgraded. New Court rooms help judges use court full time without sharing with others resulting in increase in judges time available for judicial work.			
Value (quantitative or Qualitative)	Court Houses in 24 Districts does not have enough space for the judges.	100% of all buding construction completed and being used.		
Date achieved	12/31/2002	12/30/2008		
Comments (incl. % achievement)				
Indicator 8 :	A refined Code of Conduct; Case Management and Court Administration (CMCA) Performance Standards implemented in the Supreme Court and the pilot Districts; Publication of Supreme Court#s annual report;			
Value	There is code of Conduct	Proper Code of		

(quantitative or Qualitative)	for Supreme Court Judges. District level judges are guided by Civil Service Conduct rules. Supreme Court does not publish annual reports.	Conduct that recognizes performace objective developed for all judges. Supreme Court regularly publishes Annual Report.		
Date achieved	12/31/2002	12/30/2008		
Comments (incl. % achievement)				
Indicator 9 :	More poor people seek Legal aid instituted by the Government; Accessibility of legal information to be improved; Improvement of access to justice, especially for women and the poor.			
Value (quantitative or Qualitative)	Very negligible numbers accessed Government legal aid funds until 2002, because of procedural hassles. Access to legal information and justice for the poor limited.	The number accessing legal aid will increase 100% by 2006 over that of 2005. NGOs work in augmenting access to justice and legal literacy to the poor in the pilot Districts		
Date achieved	12/31/2002	12/30/2008		
Comments (incl. % achievement)				

G. Ratings of Project Performance in ISRs

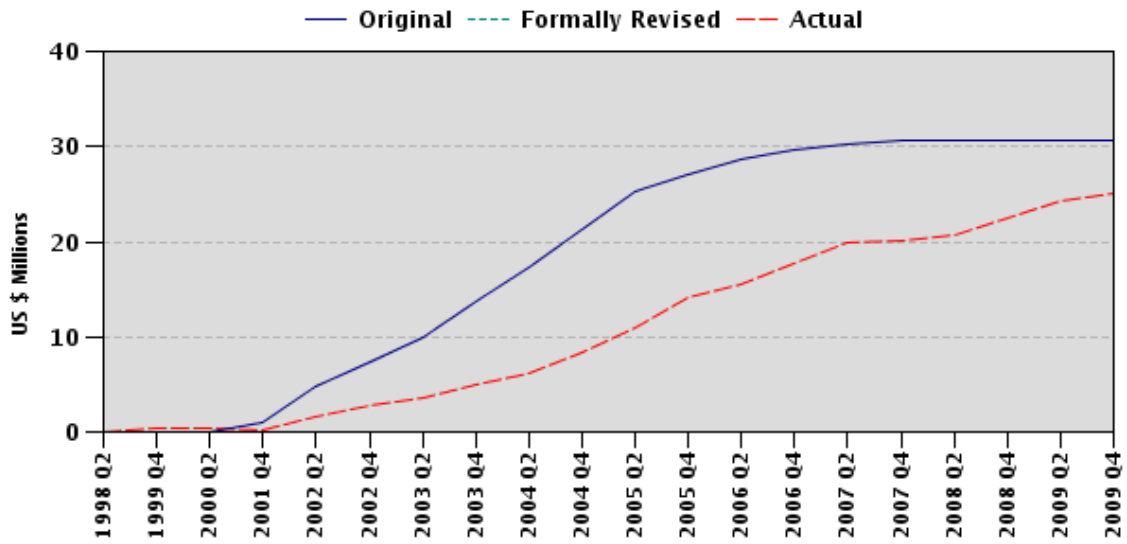
No.	Date ISR Archived	DO	IP	Actual Disbursements (USD millions)
1	10/02/2001	Satisfactory	Satisfactory	0.00
2	04/02/2002	Satisfactory	Satisfactory	2.05
3	09/28/2002	Satisfactory	Satisfactory	3.10
4	03/27/2003	Satisfactory	Satisfactory	4.03
5	09/25/2003	Satisfactory	Satisfactory	5.18
6	03/25/2004	Satisfactory	Satisfactory	6.54
7	09/23/2004	Satisfactory	Satisfactory	9.26
8	06/02/2005	Moderately Satisfactory	Moderately Satisfactory	12.65
9	12/19/2005	Satisfactory	Satisfactory	15.22
10	06/05/2006	Satisfactory	Satisfactory	17.07
11	12/28/2006	Satisfactory	Satisfactory	19.51
12	06/25/2007	Satisfactory	Satisfactory	19.65

13	12/18/2007	Satisfactory	Satisfactory	20.43
14	06/26/2008	Moderately Satisfactory	Moderately Satisfactory	22.13
15	01/06/2009	Moderately Satisfactory	Moderately Satisfactory	23.89

H. Restructuring (if any)

Not Applicable

I. Disbursement Profile



1. Project Context, Development Objectives and Design

(this section is descriptive, taken from other documents, e.g., PAD/ISR, not evaluative)

1.1 Context at Appraisal

Bangladesh's Constitution came into effect in December 1972, and contains quite stringent safeguards for judicial independence. Rather than being strengthened and consolidated, those safeguards have been diluted over the years through a number of constitutional amendments as political actors have sought to consolidate political and economic power.

The Supreme Court(SC) is at the apex of the formal court system. While the 1972 Constitution provided that judges of the SC would be appointed by the President "...after consultation with the Chief Justice", this constitutional requirement of consultation was removed in 1975 and the power of appointment is today effectively exercised by the Prime Minister. The provisions relating to removal of judges were also diluted. Article 114 of the Constitution provides for subordinate courts, which were to be under the SC. However, the subordinate judiciary came under the control of the executive in 1975, which meant that appointments of officers in the judicial service and magistrates exercising judicial functions were made in accordance with the Bangladesh Civil Service Recruitment Rules. Further, officers appointed in the administration cadre of the civil service could be vested with the power of magistracy. Control over posting, promotion and leave was exercised by the Government of Bangladesh (Government). The issue of judicial independence was brought to a head in the Appellate Division case of *Masdar Hossain v. the State* (hereinafter referred to as the *Masdar Hossain* judgment) (1999). The court provided a number of directives for the Government, which sought to give control of the subordinate judiciary to the SC and instill greater judicial independence. The judgment affirmed that the judicial service is "functionally and structurally distinct and separate service from the civil, executive and administrative services of the Republic".¹ Implementation of this judgment was delayed by successive Governments for nearly a decade.

Several dynamics have restricted the autonomy and performance of the judiciary in independent Bangladesh. Military rule during almost half of the period since independence has denied Bangladesh a period of democratic consolidation and the development of a constitutional culture. Secondly, public life and institutions have become increasingly politicized since Bangladesh's return to multiparty electoral politics in 1991, with both bureaucratic and political arms of the executive developing clientelistic relationships with parts of the judiciary and keeping firm control of appointments. At the same time, a decline in both judicial integrity and quality have been aided by a drastic fall in the real and relative value of judicial salaries and benefits and the failure to preserve non-material incentives (such as status and prestige) for judicial service.

Excessive delays seriously compromise the ability of the court system to enforce contracts and property rights -- a civil case may on average take five years to resolve between filing and the

¹ It also held that Article 115 does not provide the executive with any rule-making authority with regard to other terms and conditions of service; Article 133, 136 of the Constitution and Services (Reorganization and Conditions) Act 1975 have no application in respect of the judicial functions.

decision of a district court. The delays reflect the lack of modern case management; weak court administration; and deliberate delays on the part of litigants (and their lawyers) to avoid resolution when their cases are weak. Contract enforcement is rarely pursued in the courts, and often occurs through reliance on criminal elements. The ability of the Bangladeshi judicial system to enforce its own judgments is low.

Bangladesh's two main political parties -- the Awami League and the Bangladesh Nationalist Party -- have alternated in power since 1991. During the late 1990s, the then Awami League Government recognized the "significance of a well-functioning legal and judicial system to the financial, commercial, and industrial life of the nation" and the need to remove the constraints on the system. Its Fifth Five-Year Plan (FY1997-2002) acknowledged that "the judicial process is ...cumbersome and time-consuming" and the legal framework is sometimes inadequate. The Plan also pointed out that legal and judicial reforms are "essential for the creation of an enabling environment for the private sector to flourish and maximize its contribution to a sustained growth." The Government decided to undertake a reform program with a view to making the civil justice system more effective, efficient and accessible and requested a credit from the World Bank (Bank).

The Bank capitalized on the Government's request for a project, with the entry point being the private sector. Following an ongoing analytical report on the overall governance landscape, "*Government that Works*", discussions were held with Ministry of Law (MOL) officials regarding a possible intervention. To support this analysis and to prepare a project, the Government requested a PHRD Grant² (Grant). The study prepared under the Grant eventually formed the bulk of the Government's *Strategy for Legal and Judicial Reforms*³ (the *Strategy*), which was adopted as per the Government's Policy Letter. (*See also Section 2.1. Project Preparation, Design, and Quality at Entry*).

The Project was consistent with the goal of the 2000 Country Assistance Strategy (CAS) to reform institutions to support the enabling environment for private-sector led growth and for better delivery of core public services. The need to build and support effective institutions underpinned the strategic priorities of the CAS. Reform of the justice delivery system was central to the institutional development goal of the project.

To assist with the design of the project, the MOL appointed a team which worked with the Registrars' office in the SCSC. The *Strategy* was finalized around this time, and the design of the project incorporated many elements of the *Strategy*, together with inputs from the SC/MOL team. In hindsight, although there appears to have been good cooperation between the Bank and the Government, it seems the Government agreed to the project (design) while not being fully committed to the reforms.

Context during implementation phase

² TF 27508

³ September 14, 2000

Soon after the project was approved by the Bank's Executive Board, the Awami League lost office to the BNP, which governed from October 2001 until October 2006. After the political crisis which emerged in late 2006, a military-backed Caretaker Government took office in January 2007. Thus, while the Awami League Government was the counterpart for the design and preparation of the Project, the BNP and Caretaker Governments were the counterparts during the implementation of the Project. There appear to have been problems with ownership of the project at both political and bureaucratic levels from its earliest days.

The Government continued to publicly support various aspects of the reform agenda, as reflected in the 2005 Poverty Reduction Strategy Paper (PRSP), including separation of the executive from the judiciary. However, the process of capture of the courts and other public sector institutions continued to increase during much of the implementation period and the Government sought numerous stays on execution of the *Masdar Hossain* judgment. While executive influence over the lower courts had long been a problem, there was increasing evidence of such influence over the upper judiciary. The desire to limit the extent to which the SC SC could fetter executive power through the prerogative writ jurisdiction led to greater control over the upper courts.

The Caretaker Government which took office in January 2007 attempted an ambitious governance and institutional reform effort, which included the implementation of the *Masdar Hossain* judgment. On January 16, 2007, the process began with gazette notifications of four sets of rules.⁴ With the passage of amendments to the Criminal Procedure Code on November 1, 2007, the judiciary was said to be formally separated from the executive. In an effort to reduce the politicization of upper court appointments, the CTG also established a body for making appointments to the High Court and the Appellate Divisions of the SC, a body that ceased to exist in February 2009.

While there was an expectation amongst some quarters that formal separation would help to facilitate an independent judiciary, the courts appear to have functioned as before.

1.2 Original Project Development Objectives (PDO) and Key Indicators (as approved)

The project development objectives were to improve the efficiency, effectiveness, and accountability of the civil justice delivery system, and increase access to justice, particularly for women and the poor. The overall results of the project were supposed to provide a foundation for protecting against corruption and improving governance in the country.

⁴ The Code of Criminal Procedure (Amendment) Ordinance 2007 [Ordinance No. II of 2007]; Bangladesh Judicial Service Commission Rules, 2007; Bangladesh Judicial Service (Pay- Commission) Rules, 2007 and Bangladesh Judicial Service Commission (Construction of Service, Appointments in the Service and Suspension, Removal & Dismissal from the Service) Rules, 2007 & Bangladesh Judicial Service (Posting, Promotion, Grant of Leave, Control, Discipline and other Condition of Service) Rules, 2007.

The achievement of the overall objective by the end of the project (FY2007 – although the project actually closed on December 31, 2008), was to be measured by the public’s perception of the efficiency, effectiveness and accountability of the courts, and the availability of other – more convenient and less costly – means of access to justice. Progress in achieving the broader objectives was to be measured by significantly improved civil court service delivery standards. Progress by mid-term review (MTR) was to be measured both qualitatively and quantitatively, by comparing benchmarks that were to be developed in the first six months of the project.

1.3 Revised PDO (as approved by original approving authority) and Key Indicators, and reasons/justification

The PDO and the Key Indicators of the project were not revised during the implementation of the project.

1.4 Main Beneficiaries

(original and revised, briefly describe the "primary target group" identified in the PAD and as captured in the PDO, as well as any other individuals and organizations expected to benefit from the project)

The project was intended to improve the legal and institutional framework for doing business, but also aimed at providing benefits beyond the business community to society at large and the underprivileged in particular, through providing better legal service, building legal awareness among citizens by informing and educating them about their rights; and explaining ways for using the judicial system including accessing the existing legal aid system.

The project also targeted more specific beneficiaries in the justice sector, especially members of the legal profession, judges and court personnel. By making the JATI (JATI) operational, the Project aimed to fill a long-standing void in training for judges and building of core competencies. By acquiring a direct role in planning and spending, the judiciary would take the first steps toward assuming responsibility over its own affairs. Improved case management and court processes would be of particular benefit to users, the financial sector in particular, and those who work in courts.

1.5 Original Components (as approved)

The project was designed to have five components: (i) Judicial Capacity Building; (ii) Improving Access to Justice; (iii) Legal Reform Capacity Building; (iv) Preparation of Future Reforms; and (v) Project Implementation and Related Services.

(i) *Judicial Capacity Building - \$25.44 million*

This component included six sub-components to reduce delays in bringing cases to a conclusion, and to improve the efficiency and effectiveness of the courts generally. To this end, structures were to be put in place to enable the judges to devote more time to trial work and less to administrative duties, and to modernize court administration practices at the national and district levels (Subcomponent 1). Case management and case classification systems (Subcomponent 2)

were to be changed to streamline the court process. These were to be supported by investments in physical infrastructure (Subcomponent 6) and automation, including installation of Court Management Information System (Subcomponent 3). Training capacity was to be strengthened through building a training facility and upgrading training management capacity. (Subcomponent 4). This was to be complemented by a set of activities aimed at improving judges' working conditions and facilitating the change of institutional culture in courts (Subcomponent 5).

(ii) *Improving Access to Justice; Promoting Legal Literacy and Public Awareness - \$3.09 million*

This component had two subcomponents: (i) Improvement of Access to Justice; and (ii) Promotion of Legal Literacy and Public Awareness.

Measures were to be taken to close the gender gap and enhance gender sensitivity in the judiciary. Affirmative action criteria were to be applied to improve women's representation on the bench. Judges and their staff were to be given training in gender sensitivity. Existing formal and informal dispute resolution mechanisms intended to benefit the underprivileged were to be strengthened. In addition, the Government was to establish the National Legal Aid Organization (NLAO) and District Legal Aid Committees to make them more effective and accessible to the underprivileged and the poor. IDA Funds were to be made available to match the existing funding in the NLAO and district legal aid committees, which were to be initiated in the Stage I and Stage II districts, once the NLAO fund was operationalized. At the grassroots level, legal literacy public awareness and shalish services were to be improved, expanded and carried out by qualified Non Governmental Organizations (NGOs). The outreach efforts of NGOs working in this area were to be extended and assistance was to be provided to develop new modules and materials. Small Causes Courts were to be revitalized and the special procedures already prescribed for small causes were to be assiduously followed. Finally, the Bar Council and Bar Association were to train and educate their members about the reforms and their intended benefits.

(iii) *Legal Reform Capacity Building - \$0.0 million (Judicial Training cofinanced partly by DANIDA; Legal Reform Capacity Building cofinanced by CIDA)*

This component was aimed at supporting judicial reform being carried out under Components 1 and 2, which would involve legislative changes. The institutions primarily responsible for assisting the Government in this process (the Law Commission [LC] and MOL's Drafting Wing) were to be strengthened.

(iv) *Preparation of Future Reforms/ Other Studies - \$0.78 million*

This component aimed to support future reforms to facilitate the judiciary becoming responsible for its own affairs as a separate branch of Government. Studies were to be undertaken to give final shape to the proposed structure and terms of reference for: (i) a central administrative office for the judiciary; (b) a national judicial pay commission; (iii) a judicial service commission; all of which were proposed to be dealt with under subsequent phases of the judicial

reform program as outlined in the Government's *Strategy*. This was to provide an important link to Government's commitment to undertake the program of judicial reform, in line with the Bank's desire to support Government's efforts.

(v) *Project Implementation and Related Services - \$1.29 million*

This component aimed to coordinate and facilitate project implementation carried out by the MOL. The MOL was to be responsible for financial reporting and auditing, the legal services fund, technical services through the Technical Advisor, and coordinating project activities. The MOL was also expected to facilitate procurement of goods, works, and services, in close consultation and coordination with the different implementing entities under the Project, while the Public Works Department (PWD) would be responsible for procurement of civil works.

1.6 Revised Components

The components were not revised during the implementation of the project.

The MTR however, suggested that a restructuring would be necessary for the legal aid / legal literacy component (since no money had been disbursed) in order to give qualified NGOs access to the legal aid funds. It was indicated that the proposed restructuring would also have a positive impact on future Project disbursements. Disbursements did increase following the MTR, picking up from US\$ 15.2 million to US\$23.8 million at the end of the project, but this appears to be more attributable to the shift of funds from the consultant services category to the civil works category (for the judicial infrastructure component). The restructuring of the legal aid / legal literacy component was never prepared nor presented to the Bank's Executive Board and there is no mention of it in subsequent reporting. Eventually, the legal aid component did not disburse at all, and this part of the credit was cancelled at completion.⁵

It is clear that the Judicial Capacity Component should have been also revised (in the form of restructuring following the MTR), once it became obvious that the case management and court administration reform outputs and outcome targets were no longer feasible.

1.7 Other significant changes

(in design, scope and scale, implementation arrangements and schedule, and funding allocations)

Closing Date Extension

⁵ The MTR attempted to place a greater focus on accountability of institutions, transparency and data collection, and access issues. It recommended that the case management system be extended to criminal cases. There were also a number of recommendations relating to transparency and information: increasing public access to laws and legal judgments; publication of an annual report and user surveys on the state of the courts. The recommendations also traversed a greater focus on judicial accountability: codes of conduct for judges, performance standards and evaluation systems, strengthened court inspection systems; an enhanced role for the judicial services commission. Since none of the project funds provided for legal aid in civil cases had been disbursed through the Government legal aid system at the time of the review, it also recommended that consideration be given to disbursing these funds to NGOs.

The Project became effective on November 23, 2001 and its original closing date was June 31, 2007. The closing date was extended for 18 months, to December 31, 2008, following the MTR in December 2005, for the following reasons: (i) the Center at the University of Maryland (IRIS) hired to assist the Government with the implementation of the Component 1 and the Reform Advisory Consultants (RAC) hired to supervise the IRIS contract started their work later than expected; (ii) to allow the case management and court administrations reforms to be rolled-out to the Stage II district courts and (iii) to allow the legal aid funds to be accessed by NGOs. Notwithstanding this extension, none of these three activities were implemented within the additional allocated timeframe.

The original Development Credit Agreement (DCA) dated April 30, 2001 was amended twice. The first amendment in was made in 2002 was made to, inter alia, (i) add and delete the names of Stage II district courts (adding Brahman Baria and deleting Noakhali); (ii) allow additional time to strengthen the financial management system; and (iii) allow for the provision of utilities and supplies for operating and maintaining office buildings acquired for purposes of the Project.

The second Amendment was undertaken in 2007, approximately 18 months before the revised closing date, to allow for Project financing of eight new district court buildings exclusively for civil works.

2. Key Factors Affecting Implementation and Outcomes

2.1 Project Preparation, Design and Quality at Entry

(including whether lessons of earlier operations were taken into account, risks and their mitigations identified, and adequacy of participatory processes, as applicable)

The project preparation was very extensive, owing partially to the Grant which was secured in the amount of US\$ 312,700 in May 1997. Local and international consultants were financed out of the proceeds of the Grant to carry out a major diagnostic study on the courts' legal framework, organization, processes and management, and training needs. The findings and recommendations of the study were subsequently reviewed and confirmed in stakeholder discussions at workshops across Bangladesh. The reports and workshop deliberations resulted in a *Strategy* outlining the GOB's strategy for a comprehensive 10-15 year legal and judicial capacity-building program. (*See also Section 1.1 Context at Appraisal*).

A Quality Enhancement Review (QER) was carried out in March 1999 by the Quality Assurance Group (QAG). The QER Panel commended the team on the comprehensive scope of the Project, and made the following key recommendations: (i) phasing, prioritization and sequencing and the use of piloting during implementation so as to build on pilot successes and to ease the burden; (ii) concentration on early measurable and visible outcomes; (iii) focusing on a more limited number of laws under the legal reform component; (iv) need for baseline data; and lastly, (v) pilot courts for the court administration and case management interventions. The QER Panel also recommended that incremental recurrent cost implications be fully assessed in relation to the Government's public expenditures program, and a realistic assessment of Government financial

resource availability. Almost all of the QER's recommendations were incorporated into the Project design.

The overall risk rating for this Project was "substantial". The biggest risks to the project (substantial risks) were (i) capacity constraints in the leading institutions (the SC, the MoL, the LC and the JATI) and the resistance to the proposed reform changes by judges and other legal professionals. The more moderate risks included weak leadership and commitment to the reforms, low implementation capacity (coordination, procurement and financial management), and lack of Government's funds (for operational and maintenance costs).

In retrospect, it can be said that the risk assessment was less than accurate in terms of the depth of the problems - and consequently the effectiveness of the proposed mitigation measures were not as stringent as would have been desirable, given the lack of leadership commitment and implementation capacity. It is also possible to conclude that the project would have had much greater impact if the QER's recommendations were truly applied and the risks were diligently monitored and mitigated. These important signals of potential problems were both overlooked and absent in any dialogue between the Bank and the Government over the course of implementation.

2.2 Implementation

(including any project changes/restructuring, mid-term review, Project at Risk status, and actions taken, as applicable)

The implementation of the project was slow and fractional. The total duration of the project was 8 years (instead of 6 years). During the course of implementation, the project focus shifted from capacity building toward rehabilitation of court infrastructure. The number of construction projects increased by 8, from 26 to 34. The key project components Judicial Capacity Building (Component 1) and Access to Justice (Component 2) were not completed.

Component 1 was the most complex and ambitious of all the intended reforms. The centerpiece of this Component – and on which achievement of the project development objectives was mostly based – was the new models for case management and court administration. In 2000 the development of these models was competitively bid and contracted for a cost of \$2.5 million. The selected contractor, IRIS, commenced its work in 2001.

In large part, the IRIS contract was supposed to assist the Government in developing new solutions to business processes, organizational principles and managerial decision-making. The main deliverables were: (i) models for case management and court administration; (ii) a(CFS); (iii) manuals for both (dealing with internal reorganization for all 64 subordinate courts); and, (iv) a proposal for improved budgeting and planning capacities and general management. The legal framework for implementing the reforms was agreed and enacted with the "Court Reforms Implementation (Supplementary Provisions) Act" in 2004, which allowed trial and testing in the five pilot courts, in addition to more substantive amendments to the Civil Procedure Code.

The implementation was initiated, seemingly with Government commitment and ownership. What proved to be lacking, however, was ownership and commitment to the Project at the level of the pilot courts and the technical capacity of the judiciary to manage the reform process. The Project addressed this issue by including – at the Appraisal stage – the contracting of an additional international consultant (RAC) to assist the SC in overseeing the IRIS contract. It is clear – given the later turn of events – that this signal of a weak institutional capacity should have dictated a re-thinking in the design of the component.

From the beginning, the IRIS work and RAC supervision were fraught with difficulties, from fundamental issues on the direction and scope of the reforms, to disagreements on implementation. The Government took a less than active role in managing the IRIS-RAC relationship and was indecisive about the content and sequencing of reforms. Following enormous problems, the RAC consultants were called in to assess the quality of work and payment of the IRIS team. This escalated into a full dispute, with IRIS refusing the RAC arbitration and the Government not authorizing payment to IRIS.

Following protracted delays, the non-payment culminated with senior levels of IRIS and Bank management becoming involved. In 2007, the dispute was finally resolved. A Bank supported mediation mission in September 2007 indicated that the RAC evaluation had been seriously flawed and should not have been used as the basis for assessing IRIS’ performance or determining payments. It is clear from field interviews that the relationships among all involved, including the Bank, were damaged during the early days of the project, and the reverberations echo to date throughout both executive and judicial actors in Bangladesh’s legal system.

Despite comprehensive diagnostic work and the availability of various business models tailored to the local conditions, the actual change of court operations and administration occurred only temporarily in pilot courts. The reforms was restricted to the implementation of rather ad hoc case backlog reduction programs, limited automated case management with the support of an Information Technology (IT) expert, and creation of aCFS managed by a Judicial Administrative Officer (JAO).

Between 2003-5 three of five pilot courts (Khulna, Gazipur, Comilla) increased their clearance rate and reduced their case backlog. Between 2005-8 their performance returned to the pre-reform level. The reform gains in the rest of the pilot courts were negligible. The evaluation of the CFS produced mixed results. Some, including the leadership of the SC, believed that the reform improved the filing process and by random assignment of cases, reduced corruption. During field interviews and according to results from the Impact Evaluation Study (IES), commissioned as part of this Implementation Completion Report (ICR), the ICR team learned contrasting views. Lawyers, for instance, insisted that the new CFS was confusing and increased corruption by adding another person “to be bribed”. In Dhaka Court, the CFS did not work because of the large volume of cases. The IES also suggests that the success of the reform, if any, can be directly linked to the strength of the court leadership – to individual District Judges. It also points out that the quality of leadership depends on the understanding of the reforms and its benefits achieved through consultations.

After the departure of the IRIS team in 2005, the reform agenda was left for the court presidents and registrars of the pilot courts, and the gains of the reforms started to whittle away. The Government appears to have provided less than adequate political and practical support for the implementation of the reforms. The work and efforts of the pilot courts to implement any reforms were exacerbated by the MOL reassigning judges in and out of the pilot courts, interrupting work to develop and test the reform models, thereby virtually ensuring that there was no consistent counterpart during the entire project period in any district. In the beginning of 2009, the day after the project ended, the courts officially returned to the model of court administration and case management which had been in place before the project started.

Under the Case Management Information System (CMIS), a LAN was set up and computers were supplied in the SC and in pilot courts. In some courts (Bagerhat, Madaripur, Moulvibazar, and Mymensingh), cables were installed but the networks were not activated. One full-time IT expert was appointed in each of the five pilot district courts. IRIS provided basic computer skills training for more than 150 court staff, and constructed computer rooms. From interviews with judges and court staff, it appears that the Government made no provisions for maintenance of the computers or for ongoing training of the relevant staff, and the use of IT was never institutionalized.

While there was more stability on the Bank side in terms of task team leaders – only two over the life of the project - the leadership of the project on the Bangladeshi side is likely to have suffered from at least three Registrars, who were designed to be the main counterpart on court administration for the Project, and five Project Directors (PD). The longest serving PD was in his position for a little more than two and a half years and effectively steered the project. His ability undoubtedly stemmed from the fact that he had previously served as the Gazipur District Judge, one of the Stage I pilot courts supported by the Project, and one of the two courts which actually showed limited – but temporary -- improvements in case management performance.

A marginal amount of activities under the Legal Aid & Awareness Component have been implemented, albeit with almost no sustainable results. Gender sensitivity training appears to be too small in scope to impact court practice, and reportedly the ADR (ADR) reform failed because of opaque incentives of lawyers. The activities to strengthen the small causes courts and legal aid were not implemented despite almost unlimited needs for legal services. The system established by the Legal Aid Services Act 2000 under the auspices of the project was intended to create a national legal aid administration for funding legal aid services. However, this scheme existed mostly on paper for much of the decade and there were ongoing problems in disbursing even the Government's own modest budgetary legal aid allocation, let alone project funds earmarked for legal aid.

Construction and / or rehabilitation of the court houses and the JATI is perceived as the most significant achievement of this project. The ICR team visited the JATI and Dhaka Court and through the IES, attempted to verify this suggestion. The quality of the works was exceedingly poor. At the JATI, which was finished and opened for business in April 2009, there was already significant deterioration of the building. The ICR team also noted lack of basic space functionality in the JATI. Despite being a six story building, with multiple rooms available to carry out different training courses, only one training course is run at a time, utilizing one room.

The JATI administration indicates that this is due to lack of qualified teaching staff (e.g. trainers), and the lack of budgetary funds from the GOB. It should also be said that the building was originally conceived to be 12 floors. Today, the building is completed to the sixth floor, with incomplete remnants of further floors visible from the roof top. In short, the building appears to be unfinished (*See photographs below*).



The IES confirms the findings of the ICR team. The interviews with users revealed that constructions financed under this project failed to take into consideration best practice and international standards. The users were not sufficiently consulted and therefore many of their legitimate needs and court functions were not taken into account in the buildings' design. For instance, the general complaint is that court buildings have no space for litigants. In Comilla, the new court is undersized and offices are too small to accommodate cabinets, and there is no parking space for cars. A similar problem was reported from Khulna where, in addition to the aforementioned problems, the spacial organization does not properly accommodate

stenographers or the accused. Other complaints included lack of light, absence of elevators, restrooms and so on. (See also Section 2.4 Safeguards.)

The purpose of the Legal Reform Capacity Building (Component 3) was to strengthen the LC and the Drafting Wing of the MOL (DW) to carry out legislative work related to the above reforms and beyond that. By the end of the Project, the LC aimed to have more staff working according to a medium-term work plan using modern methodologies and automated research facilities. The DW was intended to gain more institutional autonomy and capacity; its staff should have improved legislative skills, a drafting manual prepared, and the DW's facilities (including a library) updated and equipped.

Project documentation suggests that this activity is the highlight of the project (the rating was "satisfactory" throughout the whole life of the project). The field interviews with the current staff of the LC contradict such conclusions. The LC staff is not aware of any significant support (e.g. in the form of new methodologies or a research tool/facility). The DW feedback was much more positive, highlighting the receipt of books, training, and preparation of its own *Legislative Deskbook of Bangladesh*. Indeed, the ICR team believes that the DW became a stronger institution, partially as a result of this Project. The DW has gained its autonomy in January 2010, more than a year after the closure of the project.

It appears from the project documents that the Bank did not often intervene to facilitate policy dialogues, guide the implementation and/or resolve the various implementation challenges. For instance, the contractual dispute between IRIS and RAC was brought to the attention of Bank management only when the crisis was at its highest peak. Subsequently the Bank mediated the conflict. Despite the problems occurring with the most critical component of the Project, project ratings for Component 1 were "Satisfactory" for the bulk of the project lifespan, and were only downgraded to "Moderately Satisfactory" in June 2008, at which time the dispute had been resolved.

2.3 Monitoring and Evaluation (M&E) Design, Implementation and Utilization

The Project Appraisal Document (PAD) indicates that monitoring and evaluation (M&E) would be based on Annex 1, which includes benchmarks to be established through baseline studies undertaken within six months of project effectiveness. The Baseline Survey for court administration and case management component was not completed until October 2003, exactly 2 years after the effectiveness date of the project. The delays in the preparation of the Baseline Survey were attributed to the disagreement on the survey instrument, and a general feeling by the judiciary that the consultants had not understood and were not well versed in the Bangladeshi context.

The Baseline Report used data generated by the inventory of cases in pilot courts and also a detailed survey of lawyers, judges, court staff, litigants and the general public, and it had some potential to document reform accomplishments. There were no subsequent updates to the baseline data and no other follow up reports were prepared for this project.

As for the Bank, the Baseline Survey was referred to in early project documentation, at the time of the Effectiveness of the Project (October 2001), and not again through the remainder of the archived project reports. Instead of tracking progress against the Baseline Survey, the progress of the project was monitored through progress reports, supervision reports, and the Mid Term Review Report. (See also 1.2. *Original Project Development Objectives and Key Indicators*).

2.4 Safeguard and Fiduciary Compliance

(focusing on issues and their resolution, as applicable)

Safeguards

There were no safeguards triggered by the Project. However, due to the fact that project design envisioned approximately \$20 million being allocated for upgrading of court infrastructure, which included new construction, *Guidelines for the Environmental Management of Court Building Construction* were developed. The *Guidelines* required that if any major environmental issues were identified during screening, further public consultation would be held to ensure that these concerns were adequately addressed in the designs. The *Guidelines* were to be incorporated into the Terms of Reference for the Design and Supervision Consultants, and elements would be included in an environmental manual which would form part of the bidding documents for construction contracts. As further elaborated below, it does not appear that the production of these *Guidelines* in any way informed the design process for the buildings financed by the Project, e.g, the SC Annex and the JATI.

The IES indicated that no consultations took place prior to the construction, even in cases when they were demanded by the users – e.g. local bar associations. As a result, users of the courts, while acknowledging the overall improvements of their working conditions, were unanimously critical about the architectural designs and/or locations of buildings and the disregard to such important considerations as security and basic access and rudimentary comforts, e.g., adequate toilets, covered waiting areas for litigants (protection from rain and sun, etc.). They also criticized the quality of construction and the maintenance of buildings. (See also Section 2.5 *Post-Completion Operation/Next Phase*).

Fiduciary Compliance

Financial management was generally handled in a satisfactory manner. All financial statements that were received within the due dates were audited. In all, the Government auditors made 75 observations for the Project. At the writing of the ICR, 48 audit observations were settled and 27 are outstanding. From the Bank's view point, 4 of the observations were identified as material for the latest financial year, 2007-2008. It has been agreed with the Ministry of Law, Justice and Parliamentary Affairs that an Action Plan will be made to settle the observations in due course. IDA-identified observations were related to contract management. Most of the remaining observations were related to weakness in internal control and maintenance of auditable documentation.

2.5 Post-completion Operation/Next Phase

(including transition arrangement to post-completion operation of investments financed by present operation, Operation & Maintenance arrangements, sustaining reforms and institutional capacity, and next phase/follow-up operation, if applicable)

As mentioned above, “insufficient funds” were included among the project risks. Indeed, the lack of Operation and Maintenance (O&M) funds from the Government during project implementation presented serious challenges, and the situation does not seem to have improved post-Project.

The impact of this challenge on the Judicial Capacity Component (Component 1) is discussed in Section 2.2. *Implementation*. The lack of budgetary support for O&M has had a similarly negative impact on the construction of the court buildings and the JATI (JATI). This has been despite the explicit inclusion of the PWD of the Ministry of Housing and Public Works (MHPW) as the implementing agencies for the infrastructure component.

According to the JATI management - and as verified by the Development Credit Agreement - the PWD would estimate the amounts needed for repairs and annual maintenance and provide this information to the MOL. In the case of the JATI building, although these amounts were prepared and presented, they were not considered by the MOL, which is reportedly a standard practice. Therefore no funds were received for upkeep and maintenance of the structure.

It appears the Bank did not intervene to remedy this problem, although the Development Credit Agreement, Article III, Section 3.01(a) called for “the Borrower to declare its commitment to the objectives of the Project as set forth in Schedule 2 to this Agreement, and, to this end, shall carry out the Project through the MOL, the SC, JATI, LC and PWD with due diligence and efficiency, in conformity with appropriate administrative, financial, engineering, legal and judicial practices, and shall provide, promptly as needed, the funds, facilities, services and other resources required for the Project.”

3. Assessment of Outcomes

3.1 Relevance of Objectives, Design and Implementation

(to current country and global priorities, and Bank assistance strategy)

The business and investment environment were chosen to be the entry points of legal and judicial reform. The project development objective, however, was less than explicit about this fact. The PAD states that the PDO is “to improve the efficiency, effectiveness and accountability of the civil justice delivery system, and increase access to justice, particularly for women and the poor. The overall results of the project should have provided a solid foundation for protecting against corruption and improving governance in the country.” Higher productivity of courts and legal aid were the ways to increase access to justice. The project beneficiaries included judges and court staff, and users – businesses, the poor and vulnerable, especially women. In addition, politicians and the broader public should have benefited from better laws.

These were overly somehow ambiguous and ambitious goals, taking into account the sector's weak institutional capacity and less than reform-conducive political environment (*See also Section 1.1 Context at Appraisal*).

The focus on technical aspects of the reform and disregard for the ongoing judicial fight for independence was as strategic mistake. Ultimately the project floundered around at the periphery of the arena, but was not successful in either achieving the development objective of the project, or contributing to the reform agenda.

The 2006 PRSP and CAS put more emphasis on sustainable and therefore more equitable pro-poor growth. This would obviously require a slightly different focus – the focus on ordinary users and legal remedies, and the need to address their legal challenges. The broad definition of the objective and diversity of activities to support them would have allowed alignment of the project with the new CAS, provided there was more confidence in the project on the both sides (the Government and the Bank) and willingness to do that and a willingness of the task team to implement the MTR's recommendations. The legal aid component, which was a centerpiece for such change, has never been implemented.

The ICR team believes that the reforms (under the umbrella of access to justice) which take into consideration the need for more inclusive development, and focus on the peoples' needs and provision of legal services (rather than financing inputs into the court system) would be very relevant to the judicial sphere in Bangladesh.

However, the question is whether at this point the Bank has sufficient credibility with the Government and broader legal community to be trusted to assist with such reform. The CAS Completion Report (August 2009) is consistent with the above. It indicates that the project met some of its objectives but did not address broader issues such as the role of the judiciary as an institution of accountability.

3.2 Achievement of Project Development Objectives

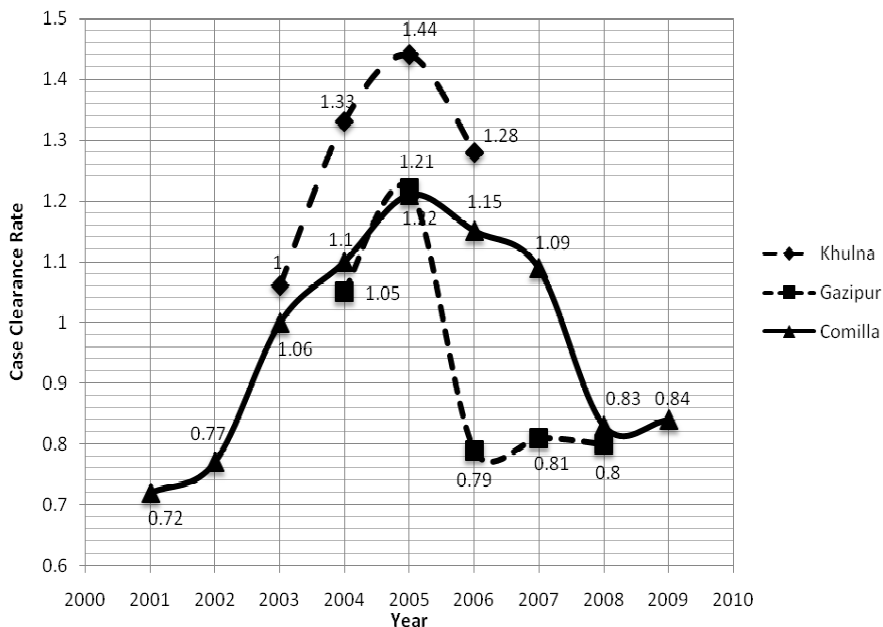
(including brief discussion of causal linkages between outputs and outcomes, with details on outputs in Annex 2)

The ICR rating for achievement of the PDOs is low, in each area. None of the focus areas, (i) efficiency, (ii) effectiveness and (iii) accountability of the civil justice delivery system were improved by the project.

A definitive indictment of the project is that the two reforms which were finally (but temporarily) adopted – creation of a CFS and appointing a JAO position – both ended with the closing date of the project. The ICR team did hear praise for the construction of buildings which would not have otherwise happened without project funds. The ICR team's observation is that many opportunities to make a difference have been lost due to a lack of supervision and persistence in terms of quality of work and continuation of activities.

The table below captures the changes in performance of the pilot courts during the period of January 2002-December 2006, the original life cycle of the project, before it was extended for 18 months. The improvements are inconclusive.

Case Clearance Rate of Pilot Courts Khulna, Gazipur and Comilla



Overall, most of changes – and perhaps not even as a direct result of the project - occurred for a very short period of time, less than five years, and were reversed as soon as the project closed.

3.3 Efficiency

(Net Present Value/Economic Rate of Return, cost effectiveness, e.g., unit rate norms, least cost, and comparisons; and Financial Rate of Return)

The Project was an institution building project, so no calculations of rates of return were undertaken during project preparation.

3.4 Justification of Overall Outcome Rating

(combining relevance, achievement of PDOs, and efficiency)

Rating: Unsatisfactory

The overall outcome rating of the project is rated *Unsatisfactory* due to the lack of sustainable progress made towards the achievement of the PDOs (improving the efficiency, effectiveness and accountability of the civil justice delivery system, and increasing access to justice particularly for women and the poor.)

3.5 Overarching Themes, Other Outcomes and Impacts

(if any, where not previously covered or to amplify discussion above)

None.

(a) Poverty Impacts, Gender Aspects, and Social Development

The project objective was to increase access to justice for the poor or other vulnerable litigants; and to make the judiciary more sensitive to the needs of the underprivileged, especially women, children and the poor. As a result of the project the gender gap in the judiciary should have been reduced and judges and their staff should have received training in gender issues. Grass roots legal literacy and public information programs should have been supported as a means of informing the underprivileged of case management and ADR mechanisms. The project has contributed to achieving good results in increasing the number of women-judges on the judicial bench. As for the rest, virtually no results have been recorded by the ICR team.

The Task Team included a gender specialist early on in project preparation to enhance the desired outreach to women. There was a significant participatory process carried out to put service providers and users together. Discussions were organized in major towns of Bangladesh to foster communication and dialogue. The Chief Justice was personally involved in this effort, and indicated that he supported a target of at least 30 percent of judicial appointments should be women. As of the writing of this ICR, more than 30 percent of women judges are in the High Court, and system-wide, the figure increases to 45 percent.

(b) Institutional Change/Strengthening

(particularly with reference to impacts on longer-term capacity and institutional development)

The impact of the project on the justice system in Bangladesh capacity and institutional development are limited to the construction of judicial training and court facilities and a stronger DW. The institutional reforms with the intended potential of nationwide improvements have never been rolled out apart from the Stage I pilot courts, and as discussed above, even the minimal adoptions of the CFS and JAO were temporary. Eventually they were abolished and the old – pre-project – procedures and operations reinstated effective January 1, 2009, one day after the closing date of the project. Legal aid, ADR, and small cause courts have not been implemented. As mentioned before, the project did lead to the changes of the Civil Procedural Code with some positive impact on dispute resolution.

(c) Other Unintended Outcomes and Impacts (positive or negative)

None.

3.6 Summary of Findings of Beneficiary Survey and/or Stakeholder Workshops

(optional for Core ICR, required for ILI, details in annexes)

See Annex 5.

4. Assessment of Risk to Development Outcome

Rating: High

The Government has not embarked on any further reform agenda in the judicial sphere, following the completion of the project. There have been minimal achievements as a result of the project. Therefore, the risks to maintaining the marginal outcomes that did occur are high.

5. Assessment of Bank and Borrower Performance

(relating to design, implementation and outcome issues)

5.1 Bank Performance

(a) Bank Performance in Ensuring Quality at Entry

(i.e., performance through lending phase)

Rating: Moderately Satisfactory

The project benefited from a QER by the Bank's QAG in March 1999, which commended the Government's preparation (together with Bank input) of the Strategy Note, which set forth a program of legal and judicial reforms together with measures recommended for building capacity. The QER Panel did recommend, and this recommendation was incorporated into the project design, the need to phase, prioritize and sequence – through piloting – project activities. This resulted in the concept of the Stage I pilots – five courts, and the subsequent roll-out – based on the anticipated success of the Stage I courts – the Stage II – sixteen district courts.

The Task Team adhered to the suggestions of the QER – however, the scope of the project was still overly ambitious, especially given that the project was the first intervention in the justice sector, with a Borrower new to the policies and procedures of the Bank, and was to be implemented in a less than optimal governance environment. It also appears in retrospect, that the incorporation of the QER suggestions had little real impact on actual project implementation.

(b) Quality of Supervision

(including of fiduciary and safeguards policies)

Rating: Unsatisfactory

The quality of supervision was less than optimal for the following reasons:

Absence of an adequate policy dialogue with judicial authorities and the Government (Ministry of Law).

Project documentation does not reflect any substantive discussion on project issues, apart from the normal meetings held during supervision. The project appears to have been implemented in isolation, without due regard to the political economy of Bangladesh, complicated as it was at the time. Rather, as could be expected given the acrimonious relationship which developed early on in the project between the SC and the IRIS consultants, much of the Task Team's efforts over the life of the project were focused on resolving this dispute and moving the Terms of Reference for the contract forward.

Task Team Qualification

Lack of an experienced lawyer with expertise in judicial reform. As mentioned in other parts of this ICR, the Task Team for the project was deficient in terms of the expertise needed for the successful implementation of the project. This was in part due to the sector mapping – Private Sector Development (PSD) – for the project, which did not necessarily ensure that a lawyer – with technical expertise and comparative knowledge and experience in legal and judicial reforms – would steer the project. It should be said that although the private sector was the entry point for the project, the project content focused on building legal institutions. There was an effort by Bank management to turn the project over to the Poverty Reduction and Economic Management (PREM) portfolio in 2005, but this was never effectuated. The day-to-day supervision of the project appears to have been relegated to a consultant who had no prior experience on judicial reform projects in other developing country contexts.

Lack of appropriate supervision for civil works construction/ rehabilitation. Civil works for judicial infrastructure were estimated at Appraisal to account for \$12.5 million out of the \$30.6 million project. Due to difficulties in procuring consultant services, the civil works component ultimately ended up spending \$15.4 million, approximately 58 percent of the total credit amount. The additional amounts were based on funds not spent under the consultant services component, decided following the MTR. Despite this increased allocation, the supervision by the Task Team was not as rigorous as it should have been.

Insufficient Supervision:

Frequency of Missions. The Dhaka Country Office supervised the project. Formal supervision of the project - with a complete team complement - occurred less than once a year. Over the seven years of project implementation, only five supervision missions were fielded. Despite the efforts of the co-financiers seeking a joint supervision mission with the Bank team, this was never agreed to or undertaken. This lack of oversight and active management likely contributed to the failure of the project.

Inaccurate project evaluation:

The ICR team noted a disconnect between the project ratings and the reality on the ground, specifically for Component 1. Based on the (i) field interviews, (ii) the team's own impartial assessment, (iii) review of project documentation, and (iv) the IES, the storyline which was included in project documentation and ultimately approved by Bank management, was different than the picture which emerged based on the above reviews. Interviews with Government representatives were quite comprehensive, and the ICR team met with the judges of at least two of the pilot courts, and learned firsthand the limited extent of the proposed reforms supported by the IRIS contract. These interviews were confirmed by the findings of the IES.⁶

⁶ For instance, restructuring of Component 1 was cited in project documentation, due to the adversarial situation between the Bar and the Bench and the MTR. No concrete actions, however, were initiated following the completion of the MTR. Project documentation (ISR #9) indicates that at the time of the MTR, case management and court administration reforms in four out of the five Stage I District Courts (Gazipur, Khulna, Comilla and Rangpur) were

Financing and Disbursement: At inception, the total project cost was estimated at US \$43.6 million of which US \$30.5 million was to be disbursed as IDA credit. Of the US\$30.5 million (SDR 23.60 million) IDA Credit, 72 percent was disbursed and 28 percent was cancelled at closing. DANIDA and CIDA were to provide US\$2.37 million and US\$2.0 million equivalent of co-financing. GoB was estimated to provide US \$8.66 million equivalent of co-financing. Table 1 compares the actual project costs incurred by financing sources to the estimates from the PAD from March 2001.

Table 1: Statement of Project Costs by Category

	Project Cost by Financing Sources	PAD Estimate ¹		Actual ^{2,3}	
		US \$M	% of Total ⁴	US \$M	% of Total ⁴
1	Government	8.66	20%	5.26	15%
2	IDA	30.59	70%	26.3	77%
3	CIDA	2.00	5%	1.49	4%
4	DANIDA	2.37	5%	0.9	3%
	Total	43.62	100%	33.95	100%

¹ Source: Annex 5 of PAD

² Actual for Government, CIDA and DANIDA derived by converting cumulative financing in BDT from Summary of Sources & Uses of Funds of the Oct-Dec '08 Project Monitoring Report to USD at December 31, 2009.

³ December 31, 2008 conversion rate of 1 BDT = 0.0146 USD applied

⁴ Total does not add to 100% due to rounding.

At MTR in September 2005, it was identified that disbursement was below projected levels due to slow procurement and corresponding delays in payment. The cancellation at closing resulted from the unspent credit amount mostly allocated for activities under “services and training” component of the project. After the MTR, additional civil works were undertaken beyond the initial planned activities using savings under the project, raising the total expenditure for “civil works” component and significantly increasing its share of total costs. Table 2 compares the actual project expenditure by category from IDA financing sources to the estimates from the PAD from March 2001.

Table 2: Statement of Project Costs by Category

Project Cost by Category	All Financing Sources		IDA Financing			
	PAD Estimate ¹		PAD Estimate ²		Actual	
	US \$M	% of Total ⁴	US \$M	% of Total ⁴	US \$M³	% of Total ⁴

being successfully implemented and that the process had also started in Dhaka District Court. Additionally the ISR claims that implementation of these reforms had also started in some other stage II Districts.

1	Goods	4.85	11%	4.07	13%	3.36	13%
2	Works	19.85	46%	13.84	45%	15.63	59%
3	Services and Training	15.08	35%	10.51	34%	6.75	26%
4	NLAO Costs	1.34	3%	1.21	4%	0	0%
5	Unallocated	2.5	6%	0.96	3%	0.56	2%
	Total	43.62	100%	30.59	100%	26.3	100%

¹ Source: Annex 3 of PAD

² Source: Table A of Annex 6 of PAD

³ Derived by converting SDR at Sep 16, 2009 exchange rate of 1 SDR = 1.5817

⁴ Total does not add to 100% due to rounding.

(c) Justification of Rating for Overall Bank Performance

Rating: Unsatisfactory

Bank performance at the task team level and Management supervision level were both unsatisfactory. The task team could have taken advantage of multiple opportunities throughout the implementation of the project to: (i) create an open, collaborative dialogue with Government counterparts, particularly when the IRIS contractual dispute began – and lingered; (ii) use the *Masdar Hossain* case separating the judiciary from the executive as a tipping point for fostering reforms, and encouraging high-level country dialogue; (iii) be more diligent in ensuring that the more technical reforms implemented under the project were rolled out and/or implemented effectively; (iv) be more persistent in establishing a functional M&E system; and (v) participated in a more open and collegiate working relationship with the co-financiers, and other donors.

As mentioned above, the internal reporting on project implementation and assessment was inflated and inaccurate; the Task Team used indicators in the ISRs which were inconsistent with the project M&E system design and were difficult to monitor and/or show progress against, and was less than frank regarding the challenges on the ground. In addition, timely and adequate reaction to project failures was minimal. Had the team been more engaged and taken a more proactive approach, it would have restructured the project at the time of the MTR.

Bank management shares blame for not verifying results on the ground – this could have been achieved through participation of any of the 3 sector managers on supervision missions, preferably the MTR. Bank management left unnoticed that the project documentation were not providing the depth and breadth of information to accurately assess purported project results. In addition, Bank management review was less than rigorous, particularly in regard to the M & E section of the project documentation. Bank management was not identifying the lack of tracking on the Baseline Survey, nor the shuffling in the results indicators framework, tracking one indicator for a period of time, including new indicators and the overall lack of consistency in monitoring.

5.2 Borrower Performance

(a) Government Performance Rating: Unsatisfactory

Although there was little discord between the MoL and the SC when the project was designed, the relationship deteriorated over the years of implementation. Today, there remains deep resentment at the district court level on the role of the MoL in the project.

To oversee the Case Management and Court Administration component, the SC Implementation Committee (SCIC) was established by the Chief Justice and comprised of three SC judges and the Registrar. The PAD notes that the SCIC would be expanded if required during implementation, but this never occurred, despite the problems which became clear during implementation. Such reconstitution or an entirely new mechanism could have been used to improve cooperation. Regardless of this supervisory mandate, the SCIC judges were not full-time overseers of the component and were busy with their own workloads, thereby not allowing them to dedicate the time and effort needed to fruitfully guide the work of the consultants. Indeed the Registrar was designated as the focal point for the IRIS consultants, but also had little time for the project interventions. There were multiple Registrars and three different Chief Justices during the project period. No requirements were placed on the Registrar, who reports to the Chief Justice, to engage with IRIS and to actually implement reforms. To exacerbate the situation, there was a shortage of judges at the district level during the period of 2001-2008, and reportedly no new judges could be recruited. This created an environment in which it was difficult to pilot reforms, and even to expand the SCIC, or replace it with other more reform-minded judges if the first group were too busy to actively contribute to the monitoring of the component.

The lack of O & M funds to properly implement reforms in and sustain their benefits is another reason for the above rating.

(b) Implementing Agency or Agencies’ Performance Rating: Moderately Satisfactory

There were two implementing agencies for the project: the Ministry of Law, Justice and Parliamentary Affairs [w1] was responsible for goods and services and the PWD was responsible for the implementation of civil works contracts. During seven years of implementation, inclusive of the 18 months in the extension in the closing date, the MOL did not develop adequate procurement management capacity. The overall procurement performance during the project period was moderately satisfactory. There was a significant initial delay in procurement processing, especially in the consultancy services area. Though the PWD has completed most of the PWD contracts within the original project closing date, the agency had considerable weaknesses in contract management.

According to the PAD, the planning of procurement was agreed as per the following table – this demonstrates that during project design, significant emphasis was given to capacity and institutional development through the category for consultant services and training.

Procurement Method	Estimated contract value	% of total procurement
Goods	US\$ 4,850,000	12%
Consultant Services & Trg	US\$15,080,000	38%
Civil Works	US\$19,850,000	50%

Total	US\$39,780,000	
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Immediately after Effectiveness (October 23, 2001), the first approved Procurement Plan (PP) had already been radically adjusted, even though there had only been 16 months between Appraisal and Effectiveness. The categories were changed as follows:

Procurement Method	Number of contracts	Estimated contract value	% of total procurement
Goods	38	US\$3,619,100	11%
Consultant Svcs & Trg	19	US\$ 7,673,000	24%
Civil works	23	US\$20,950,440	65%
Total	60	US\$32,242,540	

According to the Procurement Plan which was approved just prior to the extended closing of the project, the distribution of the goods, works and consultant services categories were as indicated in the table below. The PP indicates that some of the important procurement packages were not executed – especially in the consultant services category. To make up for this “under run”, both implementing agencies included a large number of small packages in the updated procurement plans and implemented them accordingly.

Procurement Method	Number of Contracts planned for Procurement	Number of contracts not executed	Total contract value	% of total procurement
Goods	179	10	US\$ 3,660,610	11%
Consultant Svcs. & Trg.	90	24	US\$ 5,905,412	18%
Civil works	102	2	US\$22,923,571	71%
Total	371	36	US\$32,490,594	

(c) Justification of Rating for Overall Borrower Performance Rating: Unsatisfactory

Most of intended benefits of the project have not occurred or been sustained. The Government demonstrated weak capacity throughout the life of the project – as evidenced by the need to include project-financed technical assistance for the supervision of the case management contract (IRIS) – and subsequent implementation. There was never a concerted, coordinated effort to implement the objectives of the project or to provide leadership for the reforms. There were few incentives for judges to carry out the reforms and they were not required to participate. The SCIC was empowered to work with the IRIS contractors, but not to clear up problems at the local level. District judges also resisted formation of local working groups for implementation of the CMCA. Commitment of the Government to the reforms disappeared after the conflict with IRIS.

6. Lessons Learned

(both project-specific and of wide general application)

There are several important lessons which arise from the design and subsequent supervision phase of this project.

Government's commitment and ownership

The project was approved at the brink of the election which led to the change of the Government. Two more governments came to power during the life of the project. While each of these changes had major impact on the project, the change in 2001 was the most critical. The reforms that the project represented lost some of its protagonists and leaders and the ownership of and commitment to the reforms was diluted. The implementation of the project key reforms (court administration & case management reforms) revealed that the success of the reforms requires the strong commitment and ownership of the capable leaders on both levels – the central level as well as the medium and lower level. It also proves that the leadership, commitment and ownership are essential for the project from its beginning to the end.

Relevance of judicial independence

It should have been apparent at the conception of the project that constitutional restraints on undue influence of the executive power over judiciary were not working in practice. Arbitrary judicial appointments and reassignments are just one example of the vulnerabilities of the Bangladeshi judiciary. The project provides clear evidence how insufficient autonomy, if not addressed – e.g. through the design or policy dialogue -- could endanger the reforms. This project concentrated on the courts' business operations believing that such effort would eventually spur the structural changes. Such approach is not new and there are examples of countries (e.g. Slovakia, Poland, and Croatia) which were able to use the reforms of the court operations as a stepping stone to significant structural reforms. The legal institutions of these countries, however, seem to be stronger and far more independent than their parallels in Bangladesh. The lesson we can take from the project is that judicial independence drives judicial philosophy, structure, and decision and has to be taken into the consideration in each project reforming judiciary.

Implementation arrangements

A next important lesson relates to the implementation arrangement, more specifically to the outsourcing institutional capacity to oversee the project and reforms it represents. At Appraisal, the Government indicated that it lacked the institutional capacity and technical expertise to properly and effectively supervise the IRIS contract. Although this should have been a red flag, the whole premise of Component 1 was based on the SC managing the intervention. It was conceded by the Task Team that this was a critical design flaw. Therefore, an allocation was included in the project costs for a firm to provide such capacity. Reform Advisory Consultants (RAC) was contracted at the same time as the IRIS team. The relationship amongst the international consultants deteriorated rapidly after contracting, the Government playing a very minor role and exerting no managerial supervision over the contractors. Although the Bank should have provided better oversight, and managed the IRIS/RAC relationship, it is clear that international consultant are no substitute for local institutional capacity.

Monitoring and Evaluation

M&E needs to be consistent, rigorous and timely. The inherent difficulties in monitoring these types of projects which are largely institutional strengthening – and which take multiple years to produce results – reinforces the absolute need for constant analytical follow up on project results. Delays in getting the Baseline Survey initiated should have prompted the team to develop alternative suitable indicators for tracking. The subsequent lack of attention paid to the results of the survey, and the less than rigorous periodic assessment of the relevance, performance, efficiency, and impact of the project is one of the key reasons that problematic issues were not dealt with in an appropriate and timely manner.

Restructuring

The most important lesson learned out of this project – and what might have rescued the project from the “Unsatisfactory” rating - is that the fact that it should have been restructured at least at the time of the MTR. It was clear at the point of the MTR that the project objectives would not be achieved since the envisaged roll-out of the case management model as well as the implementation of other activities would not occur and/or be completed. The recommendation of the MTR to restructure the project, however, was restricted only to the legal aid activities and this proposal was not pursued. (*See also Section 5.1 b Bank Performance.*)

Appropriate sector alignment

The project originated in the private sector department portfolio and stayed part of the PSD portfolio for the life of the project. In hindsight, the project should have been formally transferred to the PREM portfolio, as therein lay its focus. By doing so, it might have been able to benefit from improved team supervision, with justice sector reform and broader governance and institutional expertise, and increased Management attention and supervision.

Importance of constant multi-tiered policy dialogue

The project was being implemented during a tumultuous legal time in Bangladesh, immediately following the *Masdar Hossain* case. As indicated above, in addition to the focus on achievement of the PDOs, the project never dealt with how it could help in furthering separation and judicial independence; it did not capitalize on this critical opening, and redesign the project if necessary, in the face of resistance.

Need for parallel demand for justice reform

It is clear from implementation of this project that demand for justice reform cannot come from the Borrower alone. Civil society, the Bar Association, think tanks and the like must be engaged as well, pushing for the reform and being the voice of citizens. As conceived, the project was not designed to harness the drivers of civil society, which – had they been – through a possible

Public Information / Education campaign, could have proved effective in pushing the tide of reforms further along.

Global justice sector lessons

The Bank has had varied experience with its projects in the justice sector. Of its 19 closed projects, 14 (or 73 percent) have been rated Moderately Satisfactory (MS) for Outcome, and 100 percent have been rated MS for achievement of the Project Development Objective. The South Asian justice sector portfolio comprises one project for which the Outcome rating was Moderately Unsatisfactory and achievement of PDO was Moderately Satisfactory. The project was implemented in a similarly difficult political climate, and struggled with implementation challenges along the lines of Bangladesh. The results were mixed, as evidenced by the above mentioned ratings.

7. Comments on Issues Raised by Borrower/Implementing Agencies/Partners

(a) Borrower/implementing agencies

(b) Cofinanciers

Canadian International Development Agency (CIDA) – Legal Aid Component

CIDA co-financed the Legal Aid Component with an amount of US\$5 million and started implementation of the Legal Aid during the third year of the project. It struggled with the Government to achieve the focus areas of its TORs: (i) juvenile justice; and (ii) legal aid. Despite hiring a legal aid coordinator in Gazipur and Jessore court, the majority of its assistance resulted in the purchase of computers and organization of study tours. Mid-stream, the Government requested a modification to the project after witnessing the Canadian Duty Counsel System during a study tour. This change resulted in giving less assistance to the National Legal Aid Office and putting more money into the Duty Counsel System. The Duty Counsel in Dhaka was created the last year of the project, and is still running, staffed with CIDA-funded lawyers hired under the project.

A benefit of the component work was the improved relations between Government actors (judges in the courts) and civil society (lawyers, prosecutors), and that a structure was created which provided more scrutiny in terms of how cases were dealt with. As a result, cases were better managed and lawyers were more satisfied.

The major downfall in the lack of success of this component appears to be an unresponsive Government who did not succeed in establishing the NLAO. This issue could possibly have been facilitated by the Bank team during Supervision and raised with the Ministry of Law, but it appears there was virtually no communication or dialogue between the Bank team and the CIDA team.

Another difficulty in effectuating any change lay in the fact that CIDA was never in a position to really establish good relationships with their Government counterparts, being a funder on the one

hand and implementer on the other. This conflictual relationship is inherent in any donor lending, and must be properly managed to minimize risks.

DANIDA

DANIDA's co-financing role was to build capacity within the JATI, which basically comprised providing a full-time expatriate adviser to the Director-General of JATI as well as purchasing large amounts of furniture and information technology equipment. Another key effort was to review the curriculum of the JATI with a view to modernizing it, and proposing improvements in the business processes of JATI. Unfortunately not many of these recommendations were ever taken up by the JATI administration, which did not have the staffing, resources, or wield the level of autonomy needed to promote the desirable changes. As a result, modifications to the curriculum were never carried out. Systemic issues of the JATI go beyond DANIDA's co-financing however, and point to (i) lack of budget; (ii) lack of manpower and (iii) lack of strategic leadership and support by the Government.

(c) Other partners and stakeholders

(e.g. NGOs/private sector/civil society)

As was raised during CAS consultations in 2005 and then again in 2009, and through BDI's research, legal professional organizations were initially consulted about the project during project preparation but were never subsequently updated about the project's progress nor were their views sought on how the project, even within its limited lens, could be made to work better. The initial outreach raised expectations that were not met, and the Bar perceives the project as having been "hijacked" by Government. Ironically, the Bar perceives the Bank as being secretive and conspiratorial with the Government – at a time when the judiciary was being systematically captured by the ruling party, the Bank was seen as buttressing the powers, influence and legitimacy of actors and institutions that were undermining the rule of law. There is a feeling that little effort was made to win over broader civil society support and to explain the project's objectives, and that far too much emphasis was placed on infrastructure at the cost of real reform or improvements in access to justice.

Annex 1. Project Costs and Financing

(a) Project Cost by Component (in USD Million equivalent)

Components	Appraisal Estimate (USD millions)	Actual/Latest Estimate (USD millions)
JUDICIAL CAPACITY BUILDING	0.00	25.44
IMPROVING ACCESS TO JUSTICE	0.00	3.09
LEGAL REFORM CAPACITY BUILDING	0.00	0.00
PREPARATION OF OTHER REFORMS	0.00	0.78
PROJECT IMPLEMENTATION AND RELATED SERVICES	0.00	1.29
Total Baseline Cost	0.00	30.60
Physical Contingencies	0.00	0.00
Price Contingencies	0.00	0.00
Total Project Costs	0.00	30.60
Front-end fee PPF	0.00	0.00
Front-end fee IBRD	0.00	0.00
Total Financing Required	0.00	30.60

(b) Financing

Source of Funds	Type of Cofinancing	Appraisal Estimate (USD millions)	Actual/Latest Estimate (USD millions)
Borrower		8.65	0.00
CANADA: Canadian International Development Agency (CIDA)		2.00	0.00
DENMARK: Danish Intl. Dev. Assistance (DANIDA)		2.37	0.00
International Development Association (IDA)		30.60	0.00

Annex 2. Outputs by Credit Category

PROCUREMENT PLANNING AND MONITORING FORMAT (Revision – 9) FOR GOODS DURING 2001 – 2008

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price in BDT	Procedure/ Method	Date of Contract Signing	Supplier's/ Contractor's Name	Checked by us
1	G – 6	Server, Computer and accessories for Dhaka, Gazipur, Comilla, Rangpur, & Khulna	70,04,700	NCB	June 28 2007	Delta Systems Ltd.	
2	G – 6A	Printer for Gazipur, Comilla, Rangpur, and Khulna.	6,60,962	NCB	07.10. 2007	Smart Technologies (BD) Ltd.	
3	G – 7	Computer and accessories for 8 districts- Moulvi Bazar, Braman Bharia, Feni, Laxmipur, Cox's Bazar, Noakhali, Munshiganj, & Pabna	40,98,640	NCB	05.11. 2007	Smart Technologies (BD) Ltd.	
4	G – 8	Computer and accessories for Chittagong, Rajshahi, Barisal, Sylhet, and Mymensingh	38,86,500	NCB	May 30 2007	Flora Limited	
5	G – 9	Computer and accessories for Bagerhat, Gopalganj, Bhola, Pirojpur, Jhalokathi, Madaripur, Thakurgaon, & Bogra	39,64,000	NCB	20.11. 2007	Smart Technologies (BD) Ltd.	Yes
6	*G – 13	Toner for printer & photocopier for the JAO's office, Comilla	1,37,350	NS	Sep 23 2007	Kosturi Trade International	
7	G- 93A	EJLASH, accused dock and witness dock for Dhaka court	10,62,000	NCB	July 08 2007	Ornate Plus	

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price in BDT	Procedure/ Method	Date of Contract Signing	Supplier's/ Contractor's Name	Checked by us
8	G-93B	Furniture of District Judge Court of Dhaka	2,518,546	NCB		Paragon Enterprise Ltd.	
9	G-95A	Furniture for District Judge Court of Laxmipur	2,610,604	NCB	June 19, 2007	Paragon Enterprise Ltd.	
10	*G - 105	Printing & stationery for project office & entities	Tk 1,17,690	NS	Nov 21 2007	Multipurpose Technology	
11	*G - 109	Repairing & servicing of PA system of the Supreme Court	Tk 1,69,992	NS	Apr 18 2006	Tel Asia Ltd.	
12	G - 110	Computer chair & computer table for 5 pilot District Courts	Tk. 1,57,430	NS	Apr 30 2006	Otobi Limited	
13	*G -112	Repairing & servicing of AC of the Supreme Court	Tk. 4,87,200	NS	May 09 2006	Shefalika Engineering Works	
14	G -115	Photocopier for Supreme Court and 25 project District Judge Courts (<i>excluding – Pirozpur</i>)	31,67,216	NCB	April 18 2007	Business Machines Company	
15	G -121	Furniture for Conference rooms of 26 Project District Judge Courts	4,824,600	NCB	-	-	
16	G -122	Furniture for IT Liaison Section, Court Services Section and Budget & Planning Section of Supreme Court	5,02,400	NCB	Sep 24 2007	Neo Collection	Yes
17	G – 124	Books and journal for the PMU, Supreme Court Library and 25 District Court libraries	6,890,025	NCB	-	-	
18	G – 126	Printing & Stationery for project office	1,44,512	NS	Nov 19, 2007	Kakhrul Enterprise	
19	*G – 131	Repairing Air conditioner for Supreme Court	42,250	NS	May 21 2007	Shefalika Engineering Works	

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price in BDT	Procedure/ Method	Date of Contract Signing	Supplier's/ Contractor's Name	Checked by us
20	*G – 136	Partition, furniture etc for JAO, Comilla Court	1,98,600	NS	Feb 04 2007	Ekram Ahammed Bhuiyan & Co.	
21	*G – 137	Stationery for project office	46,405	NS	May 22 2007	Ananta Paper & Stationery	
22	*G – 138	Air conditioner repairing for Supreme Court	54,975	NS	May 27 2007	Shetalika Engineering Works	
23	*G – 139	Stationery for 5 JAOs' offices & project office	1,72,850	NS	July 12 2007	PC Met Network	
24	*G – 140	Toner for printer	1,73,700	NS	July 23 2007	Multi Purpose Technology	
25	*G – 141	Stationery for Supreme Court	1,73,821	NS	Aug 09 2007	Kosturi Trade International	
26	*G – 142	Toner for Gazipur & Khulna	1,77,389	NS	Aug 20 2007	Ananta Paper and Stationery	
27	*G – 143	Air conditioner repairing for Supreme Court	57,880	NS	Aug 22 2007	Saad International	
28	*G – 145	Repairing of printer for Death Reference Section of S.C.	29,600	NS	Oct 30 2007	Afrin Technology & Communication	
29	G-155	Printing and stationery for project office	139,778	NS	June 03, 2008	SS Enterprise	
30	G-157	Repairing of furniture and sofa for project office	355,500	NS			

FOR SERVICES & TRAINING DURING 2001 – 2008 (Revision – 9)

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price Value (with contract currency) in BDT	Procedure/ Method	Date of Contract Signing	Consultant's Name	Checked by us
1	S - 2A	Financial Specialist	Tk 100 Lakh	Individual selection method	Sep 27 2001	Mr. Moinul Islam	
2	S – 2B	Procurement Specialist	Tk 80 Lakh	Individual selection method	Sep 27 2001	Mr. Md. Shamsul Arefin Arif	
3	S – 2E	Junior Information Technology Expert (5 individual consultants)	Initial contract is Tk 0.15 lakh per man month up to Dec 2006 and then Tk 0.20 lakh per month up to completion of the Project	Individual selection method	Jan 11, 2003	(1) Md. Sahab Uddin, (2) AFM Reazul Amin, (3) Md. Tanvir Arafat, (4) Md. Mahbubur Rahman, (5) A.J.M. Touheedul Islam	
4	S-45	Appointment of Junior Accounting Specialist	Tk 1.80 lakh	Individual Selection method based on qualification and experience	Sept 15 2005	Mr. Amir uz Zaman	
5	S – 49	Short term consultant for civil works for JATIC (6 th & 7 th floors) and Dhaka District Judge Court (8 th to 11 th floors)	2,98,500	Least cost	Aug 21 2006	Alam and Associates Ltd.	

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price Value (with contract currency) in BDT	Procedure/ Method	Date of Contract Signing	Consultant's Name	Checked by us
6	S – 54	Infrastructure Planning and Development Expert (1 national consultant for 24 months for Supreme Court)	600,000	Individual Selection method based on qualification and experience	July 25 2007	Md. Hasan Emam	
7	S-56	Court Service Analysis, Monitoring and Training Expert (1 national consultant for 24 months for Supreme Court)	600,000	As above	-		
8	S – 57	Junior Network Expert (1 national consultant for 24 months for Supreme Court)	480,000	As above	July 24, 2007	Md. Ahdabul Islam	
9	S – 58	Junior I. T. Hardware Expert (1 national consultant for 24 months for Supreme Court)	360,000	As above	July 24, 2007	Sadik Noman	Yes
10	S - 59	Junior Program Analyst (1 national consultant for 24 months for Supreme Court)	360,000	As above			
11	S - 60	Junior Data Base Administrator (1 national consultant for 24 months for Supreme Court)	360,000	As above			
11	S - 61	Junior Monitoring Analyst (1 national consultant for 24 months for Supreme Court)	360,000	As above			
12	S - 62	Junior Training Coordination Expert (1 national consultant for 24 months for Supreme Court)	360,000	As above			

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price Value (with contract currency) in BDT	Procedure/ Method	Date of Contract Signing	Consultant's Name	Checked by us
13	S – 63	Junior Maintenance Expert (1 national consultant for 24 months for Supreme Court	360,000	As above	July 24, 2007	Md. Al Emdad Sikder	Yes
14	S – 64	Liaison Section Coordinator (1 national consultant for 24 months for Supreme Court	480,000	As above			
15	S – 65	Junior Liaison Section Coordinator (1 national consultant for 24 months for Supreme Court)	360,000	As above	July 24, 2007	Md. Alimul Morshed	Yes
14	S – 66	Junior Record Examination Expert (1 national consultant for 24 months for Supreme Court	360,000	As above	Aug 01 2007	Ms. Tasvina Sultana	
15	S – 67	Junior Record Coordination Expert (1 national consultant for 24 months for Supreme Court	360,000	As above	July 25 2—7	Md. Monir Hossain Mozumder	
16	S – 68	Junior Stay Coordination Expert (1 national consultant for 24 months for Supreme Court	360,000	As above	July 24 2007	Monowara Begum	Yes
17	S – 69	Court Services Adviser (1 national consultant for 24 months for Supreme Court	600,000	As above	July 24 2007	Hafeejul Alam	
18	S – 70	Supreme Court Services Expert (1 national consultant for 24 months for Supreme Court	480,000	As above	July 24 2007	Md. Nur Hossain Khan	

Serial No.	Contract Package Number	Name of Contract (Brief Description)	Actual Contract Price Value (with contract currency) in BDT	Procedure/ Method	Date of Contract Signing	Consultant's Name	Checked by us
19	S – 71	Subordinate Court Services Expert (1 national consultant for 24 months for Supreme Court)	480,000	As above	July 24 2007	Md. Abdullah Al Mamun	Yes
20	S - 72	Junior Rules Expert (1 national consultant for 24 months for Supreme Court)	360,000	As above			
21	S – 73	Junior Statistics Expert (1 national consultant for 24 months for Supreme Court)	360,000	As above	July 24 2007	Md. Hadiul Islam	

WORKS CONTRACTS

Contract Package No	Name of Work/Location	Quantity/ Number	Date Of Contract Signing	Estimated Cost(In Lakh BDT)	Contract Cost (In Lakh BDT)	Procedure/ Method	Checked by us
W-29	Provision for construction of collapsible gate , Boundary wall, Sentry Box and Ground floor verandha grill etc as a Security measures of Judges and court premises of 61 district judge court and also sentry box for supreme court.						
W-29/2	Comilla	1	20.01.2008	14.00	1,427,685	National Bidding	Yes, previous year (FY-07-08)
W-29/4	Khulna	1	20.01.2008	14.00	1,146,053	National Bidding	
W-29/5	Bogra	1	20.01.2008	14.00	1,367,307	National Bidding	
W-29/6	Feni	1	20.01.2008	14.00	1,396,849	National Bidding	
W-29/7	Coax's Bazar	1	20.01.2008	14.00	1,378,886	National Bidding	
W-29/9	Gazipur	1	20.01.2008	14.00	1,398,724	National Bidding	Yes, previous year (FY-07-08)
W-29/10	Rajshahi	1	20.01.2008	14.00	1,014,907	National Bidding	Yes, previous year (FY-07-08)
W-29/11	Rangpur	1	20.01.2008	14.00	1,350,561	National Bidding	

Contract Package No	Name of Work/Location	Quantity/ Number	Date Of Contract Signing	Estimated Cost(In Lakh BDT)	Contract Cost (In Lakh BDT)	Procedure/ Method	Checked by us
W-29/12	Thakurgaon	1	20.01.2008	14.00	1,240,233	National Bidding	
W-29/13	Bhola	1	20.01.2008	14.00	1,027,859	National Bidding	Yes
W-29/14	Barisal	1	20.01.2008	14.00	950,880	National Bidding	
W-29/15	Bagerhat	1	20.01.2008	14.00	941,133	National Bidding	
W-29/16	Gopalganj	1	20.01.2008	14.00	873,029	National Bidding	
W-29/17	Madaripur	1	20.01.2008	14.00	914,278	National Bidding	
W-29/18	Mymensingh	1	20.01.2008	14.00	989,870	National Bidding	Yes, previous year (FY-07-08)
W-29/19	Munshiganj	1	20.01.2008	14.00	1,070,828	National Bidding	
W-29/20	Moulbibazar	1	20.01.2008	14.00	1,371,529	National Bidding	Yes
W-29/21	Noakhali	1	20.01.2008	14.00	1,293,077	National Bidding	
W-29/22	B.Barua	1	20.01.2008	14.00	1,056,213	National Bidding	
W-29/24	Laxmipur	1	20.01.2008	14.00	1,388,938	National Bidding	
W-29/25	Perojpur	1	20.01.2008	24.00	562,557	National Bidding	
W-29/26	Chandpur	1	20.01.2008	24.00	2,399,985	National Bidding	Yes
W-29/27	Kishorganj	1	20.01.2008	24.00	1,709,627	National Bidding	
W-29/28	Satkhira	1	20.01.2008	24.00	1,381,997	National Bidding	
W-29/29	Naogaon	1	20.01.2008	24.00	1,897,500	National Bidding	Yes
W-29/30	Shirajgonj	1	20.01.2008	24.00	1,448,355	National Bidding	
W-29/31	Netrokona	1	20.01.2008	24.00	1,522,447	National Bidding	
W-29/36	Joypurhat	1	20.01.2008	24.00	1,849,627	National Bidding	
W-29/37	Kushtia	1	20.01.2008	24.00	2,398,021	National Bidding	
W-29/39	Borguna	1	20.01.2008	24.00	2,320,686	National Bidding	
W-29/40	Lalmonirhat	1	20.01.2008	24.00	2,362,702	National Bidding	
W-29/41	Sherpur	1	20.01.2008	24.00	1,367,254	National Bidding	
W-29/42	Jamalpur	1	20.01.2008	24.00	1,461,019	National Bidding	
W-29/43	Narshinfdi	1	20.01.2008	24.00	495,621	National Bidding	
W-29/44	Ponchogor	1	20.01.2008	24.00	621,922	National Bidding	
W-29/45	Gaibanda	1	20.01.2008	24.00	1,753,650	National Bidding	

Contract Package No	Name of Work/Location	Quantity/ Number	Date Of Contract Signing	Estimated Cost(In Lakh BDT)	Contract Cost (In Lakh BDT)	Procedure/ Method	Checked by us
W-29/46	Rajbari	1	20.01.2008	24.00	2,029,601	National Bidding	
W-29/47	Norail	1	20.01.2008	24.00	154,065	National Bidding	
W-29/48	Magura	1	20.01.2008	24.00	1,737,647	National Bidding	
W-29/49	Jhenaidha	1	20.01.2008	24.00	2,378,118	National Bidding	
W-29/50	Meherpur	1	20.01.2008	24.00	1,707,345	National Bidding	Yes, previous year (FY-07-08)
W-29/51	Hobigonj	1	20.01.2008	24.00	2,028,079	National Bidding	Yes
W-29/52	Nilfamari	1	20.01.2008	24.00	1,068,503	National Bidding	
W-29/53	Chuadanga	1	20.01.2008	24.00	1,769,634	National Bidding	
W-29/54	Kurigram	1	20.01.2008	24.00	2,323,996	National Bidding	
W-29/55	Tangail	1	20.01.2008	24.00	2,088,490	National Bidding	
W-29/56	Jessore	1	20.01.2008	24.00	1,201,026	National Bidding	
W-29/57	Faridpur	1	20.01.2008	24.00	1,468,761	National Bidding	
W-29/58	Shariatpur	1	20.01.2008	24.00	1,044,578	National Bidding	
W-29/59	Potuakhali	1	20.01.2008	24.00	2,134,950	National Bidding	
W-29/60	Dinajpur	1	20.01.2008	24.00	2,289,898	National Bidding	

Annex 3. Economic and Financial Analysis

(including assumptions in the analysis)

The PAD indicates that the financial returns on Project investment cannot be easily quantified but that qualitative assessments could be made on economic growth by (i) reducing the cost of doing business and (ii) improving access to justice for the poor and underserved populations (especially) women to further social and economic equity. These returns were expected to be considerable.

There was no data in Project documentation at the end of the Project to confirm these assumptions.

Annex 4. Bank Lending and Implementation Support/Supervision Processes

(a) Task Team members

Names	Title	Unit	Responsibility/ Specialty
Lending			
Supervision/ICR			
Nilufar Ahmad	Senior Gender Specialist	SDV	Gender
Sakuntala Akmeemana	Senior Public Sector Specialist	SASGP	Legal/public sector – Mid term review
Muhammad Ali	Consultant	SARPS	
Christina Biebesheimer	Chief Counsel	LEGJR	Legal – Mid-term review
Akhtar Hamid	Consultant	SACPA	Legal
M. Aminul Haque	Consultant	SARPS	Legal
Tanvir Hossain	Procurement Specialist	SARPS	Procurement
Syed Mynuddin Hossain	Consultant	SASFP	Legal
Khateeb Sarwar Lateef	Consultant	PRMPS	Legal/public sector – Mid-term review
Azharul Mannan	Consultant	SASFP	
K. M. Maqsoodul Mannan	Consultant	SASDU	
Sheikh Mohammad Moniruzzaman	Information Officer	ISGOS	Info. Tech.
Bridget Rosalind Rosario	Program Assistant	SACBD	Administrative
Kishor Uprety	Sr Counsel	LEGES	Legal
Suraiya Zannath	Sr Financial Management Specia	SARFM	Financial Mgmt.

(c) Staff Time and Cost

Stage of Project Cycle	Staff Time and Cost (Bank Budget Only)	
	No. of staff weeks	USD Thousands (including travel and consultant costs)
Lending		
FY96		0.34
FY97		21.90
FY98		159.32
FY99		204.60
FY00	55	137.98
FY01	52	153.65
FY02	2	1.99
FY03		0.00
FY04		0.06
FY05		0.00
FY06		0.00

FY07		0.00
FY08		0.00
Total:	109	679.84
Supervision/ICR		
FY96		0.00
FY97		0.00
FY98		0.00
FY99		0.00
FY00		0.00
FY01		0.00
FY02	35	87.04
FY03	43	127.08
FY04	24	72.51
FY05	19	77.29
FY06	22	123.96
FY07	16	38.79
FY08	25	55.43
FY09	18	0.00
Total:	202	582.10

Annex 5. Beneficiary Survey Results

Introduction

The BRAC Development Institute (BDI) undertook a qualitative assessment of key stakeholders and beneficiaries during October and November 2009. Researchers traveled to ten district courts, including all five pilot courts in which the case management improvements were piloted and five of the courts where these reforms were to be rolled out in Phase 2 of the project (Bagerhat, Mymensingh, Munshiganj, Madaripur and Moulvibazar). In each district, researchers conducted informant interviews with the District Judge and the Administrative Officers and met with members of the relevant district bar to conduct focus group discussions. In total, information was gathered from meetings with 15 district judges who were either currently serving or had served in the aforementioned ten districts, a number of sub-judges, 59 lawyers, nine administrative officers, three officials each from the Law Commission, the SC Registrar's office, the MoLJPA's Legislative DW and JATI.

While BDI aimed to interview all district judges who served in the aforementioned districts during the Project's period, only five were located.⁷ Furthermore, BDI was unable to obtain the appropriate "official" authorization from the MOL within the timeframe required to carry out interviews. Without formal written authorization, BDI faced difficulties in obtaining statistics about the rate of case clearance, legal aid cases, ADR cases, and the budget.

Findings

A. JUDICIAL CAPACITY BUILDING

Court Management and Court Administration (CMCA) reform through the implementation of aCFS (CFS) was specifically aimed at reducing delays and improving case clearance rates in the civil justice system. While the five pilot courts (Dhaka, Gazipur, Comilla, Rangpur and Khulna) implemented CFS with varying degrees of success, none of the five out of sixteen randomly selected roll-out courts ((Bagerhat, Mymensingh, Munshiganj, Madaripur and Moulvibazar) ever had a CFS. Officials in the roll-out courts claimed that while all logistical arrangements were made for a JAO who would serve as the focal person for CFS, a JAO was never posted to any of these courts.

⁷ Judges are transferred frequently and there is no national directory of where these judges are transferred to or the posts at which they have served before. The few that BDI located were through leads provided by World Bank officials.

Khulna, Gazipur and Comilla district courts experienced significant improvements in their case clearance rates for periods of time, which were mainly attributable to the leadership of particular officials present during the Project period.

An enabling law promulgated in 2004 gave effect to CFS for a period of four years only. CFS ended in all pilot courts on 31 December 2008, with the end of the project. Case filing reverted back to the old system as the CFS was not mandatory thereafter.

Local Area Networks (LAN) set up in the pilot courts proved to be an effective tool for District Judges to monitor court activities, track status of cases and gain easy access on case information. Each court received between 15-30 computers in addition to 195 computers supplied to chambers of judges, officers and other sections of the SC. However, in most courts, the LAN has been discontinued upon the Project's closure, as have the IT experts funded by it. There was no information and feedback mechanism between the district and national levels. The Court Management Information System (CMIS) was never operationalized.

In the roll-out courts of Bagerhat, Madaripur, Moulvibazar and Mymensingh, fiber-optic cables were installed but the LAN was not activated. In Munshiganj however, the LAN was activated but only a select few computers were included in the network. The Project was not far-sighted about maintenance of the expensive printer and photocopy machine cartridges; the machines fell into disuse upon the absence of funds for maintenance.

While there appears to be overall satisfaction with new and renovated court buildings in 21 Districts, issues of quality and access (including lack of disability access, women's toilets, covered waiting areas, spatial needs of the officers or the litigants, local realities of climate and weather patterns) were raised. Interviews and field visits revealed that the court buildings had neither been designed by those who were familiar with the functional needs of a court building in Bangladesh, nor was there any consultation with the beneficiaries, i.e. judges, lawyers and administrative officers, let alone the litigant public. In Comilla, there is now a visible gap between the wall and the ceiling in the court building. In Gazipur, cracks have begun to show. In the roll-out court of Bagerhat, cracks have begun to show where a third floor has been built on top of the second. In Munshiganj cracks have begun to appear in two years; in the old buildings, no cracks appeared even after ten years.

A six-storied modern training complex called the Judicial Academy Training Institute (JATI) was constructed with both offices and residential accommodation for course participants and the provision of training for judges of all ranks, law officers of the government, advocates and court administrative support staff. Inspection of JATI and Dhaka court buildings indicated poor quality constructions and no maintenance with crack appearing in many places.

JATI has trained over 4000 individuals to date. When asked to comment on the quality and relevance of courses, almost all judicial officers said they were satisfied. On the issue of lecturers and trainers, the JATI Director General opined that despite an enormous facility, JATI has a shortage of trainers, an absence of permanent teaching capacity and inability to carry out multiple classes.

B. IMPROVING ACCESS TO JUSTICE, PROMOTING LEGAL LITERACY AND PUBLIC AWARENESS

Very few court officials received gender sensitivity training. When asked about the existence of specific gender training initiatives, a judge mentioned that judges sensitive to issues of gender would not help if lawyers and other actors were not simultaneously trained.

All respondents concurred that no initiative had been taken under the Project to strengthen small cause courts although steps were supposed to have been taken to strengthen, improve, and revitalize these courts, which exist as a forum of convenience for the underprivileged to litigate small claims.

The interviewees failed to establish any link between the Project and strengthening ADR at district courts. From interviews conducted, it was not clear if ADR received sufficient attention from the Project or not. Knowledge of ADR mechanisms was viewed as part of regular judicial activity by judges, and all the District Judges were keen to use them. Unlike judges, the majority of lawyers were reluctant to utilize ADR mechanisms. According to District Judges and Administrative Officers, lawyers are hesitant to use ADR because they believe that swifter case resolution will translate into less income for them.

The National Legal Aid Services Organization (NLASO) and District Legal Aid Committees (DLAC) were established in order to increase the usage of legal aid for the groups targeted. Initially, the Project was to provide USD7 million of IDA funds for legal aid in civil cases. However, this money was never disbursed and this component of the loan was eventually cancelled. Respondents indicated that the difficulty of applying in earlier years could be a reason why legal aid disbursement had been modest. In addition to the difficulty of applying, many officials claimed that citizens were not fully aware of the existence of legal aid funds. According to lawyers, the process to apply for legal aid became easier after 2005.

Many lawyers indicated that the selection of lawyers who dealt with legal aid cases was a corrupt process and that more monitoring of the district legal aid committees should be taking place.

C. LEGAL REFORM CAPACITY BUILDING

The Project failed to strengthen the Law Commission. Current members and officials in the Law Commission indicated that there was no evidence of modern or advanced work methodology having been developed, nor were their research networks built.

According to the official interviewed at the MoLJPA's Drafting Wing, support to the Wing was positive overall. During the Project, the DW received books for training from both the government and CIDA. The Wing also published its own "Legislative Deskbook of Bangladesh" to be used for training purposes.

The Legal DW appears to have acquired quite good capacity compared to other parts of the civil service. However, the Wing may have developed an inflated sense of importance. One interviewee described the paternal nature of the relationship between the DW and the Law Commission and implied that one entity always had its way and that was not the LC.

D. PREPARATION OF FUTURE REFORMS/OTHER STUDIES

Of all the judges interviewed, only two went on study tours. Those who went on study tours were usually higher officials and judges. While much of the Project's success lay in the hands of the individual district judges, most often the Dhaka-based officials were sent abroad.

One district judge visited Thailand before 2000, accompanied by individuals from PWD and the MoLJPA. The purpose of the trip, he said, was to visit the judicial training complex in Thailand. According to him, the JATI complex in Bangladesh was eventually made to look like it. The other judge visited Indonesia and Australia but did not elaborate on the purpose of the visit. Some opined that a more efficient use of resources would have translated to sending officials to countries in the region that have judicial systems similar to that in Bangladesh, rather than developed countries like Canada.

General Observations

The Project suffered from an absence of ownership. Since the funds were directed to the executive, existing tensions between the judiciary and the MoLJPA resulted in neither entity assuming responsibility to implement the Project wholeheartedly. According to respondents interviewed, no supervision was undertaken by the SC, WB or MOLJPA in all of the districts that were sampled. In one instance, officers at a District Court claimed that when individuals from the SC came to supervise, they did not do any work. Instead they stayed at a nearby luxury hotel and accumulated a large bill. In another instance, a former District Judge claimed that before retirement, the-then Law Secretary toured the entire country's courts and came into contact with officials who complained about the quality of the furniture. He then rebuked the court clerk thinking that it was his oversight that led to the procurement of bad furniture. There was nobody that served as a focal point for the Project at each court.

There was a lack of ownership at the district level. The DJs who were primarily responsible for implementing the Project at the micro level had little incentives to pursue reforms. It became clear that those judges who were heavily involved in the Project design from the start or benefited by going on study tours were more familiar with project components and as a result more motivated to implement them.

Relationships between MoLJPA and the judiciary and between practicing lawyers and judiciary were complicated and it did not take into account. The project failed to take into account that different participants—judges, lawyers, parties, witnesses—have different interests in the pace of court proceedings. Manipulating the pace of litigation is usually a deliberate strategy of the litigants as well as judges. Judges blamed lawyers and their delaying tactics for the lack of implementation of the CPC amendments. Some judges even admitted to being fearful of lawyers. In one district, the lawyers boycotted a district judge when he tried to dispose of a case that missed its hearing date three times. In several other instances, judges were transferred from a district when lawyers complained about them in the SC officially and or unofficially. One district judge compared the actions of lawyers to that of a trade union. Litigants are also known to use delaying tactics, often with encouragement from their lawyers.

Some respondents claimed that the implementation of the amendments have proved difficult because there were skeptics even at the highest ranks of the judicial system. One of the Chief Justices during the project period publicly proclaimed that the amendments could not be implemented in a place like Chittagong where there are just too many cases.

The Court Reform Implementation (supplementary rules) Act 2004 were enacted for just the Project's duration, and no discussion was ever undertaken about whether the new system would be enacted permanently for all districts with phased implementation. It is not even clear that a law needed to have been enacted in order for improved court administration and case management mechanisms.

All stakeholders felt the project ended abruptly without fully utilizing its potential and expect that it will resume in the future. When asked for their overall opinion of the Project, nearly all interviewees claimed that they did not feel the Project was ready to be evaluated. They opined that if the Project had been implemented with a longer term vision, the judiciary may have been able to reap its benefits.

Annex 6. Stakeholder Workshop Report and Results

No Workshop was held.

Annex 7. Summary of Borrower's ICR and/or Comments on Draft ICR

The draft ICR was shared with the Borrower. No comments were provided.

The following is excerpted verbatim from the Government of the People's Republic of Bangladesh Implementation Monitoring and Evaluation Division Project Completion Report (IMED)

G. DESCRIPTIVE REPORT

1. General observations / Remarks of the Project on:

1.1 Background: The judicial and legal system of Bangladesh is rich in tradition. But with the passage of time due to lack of appropriate reforms in the judiciary system, now it has become more difficult for the court to ensure justice than ever before. The reasons that may be mentioned are; outdated procedures and their weak application, degeneration of court staffs in terms of necessary knowledge of law & morality, inadequate physical infrastructural facilities, etc. Due to this a huge backlog of cases in courts has occurred. People seeking justice are spending their valuable time and money with little or no result. They are gradually losing confidence in the judiciary system due to extraordinary delay in the disposal of cases. As a result people, taking advantage of the situation, are being encouraged to file false cases with the intention to harass others. Moreover, there is no strong legal support for Alternative Dispute Resolution (ADR). Situation like this has been creating a negative impression regarding our judiciary system to both local and foreign investors which in turn discourage investment. This is an obstacle to our national development as a whole and needs to be eliminated as soon as possible.

Realizing the need of necessary judicial reforms, the Government of Bangladesh has established judicial Administration Training Institute in 1995 through the Judicial Administration Acts, (Act XV of 1995), and also established the permanent Law Commission in 1996 through law Commission Act. The aims of establishing Judicial Administration Training Institute is to develop human resources in judges. This institute has already rendered training to many judges, attorney's, and court administrative officials. The positive impact of the trainings and its consequences has already been felt in the court administration system. The Government has also set up an independent legislative Drafting Wing in the MOL. In the mean time recruitment rules and a clear policy regarding appointment and promotion of the wing has been formulated and introduced. This will help lead to qualitative improvement of laws, rules and sub-rules.

The traditional system of court administration, inadequate infrastructural facilities, old establishment etc, has contributed more to aggravate the problems. In many districts, two or three judges share a single room to conduct their judicial works. As a result, expected judicial services from the judges cannot be delivered. In many court houses the main court room is in a dilapidated condition. They may collapse at any time as they are very old and consist of structure outdated by now. The limitation of space also acts as constraints to recruit new judges.

As time progresses, the expectations of the society are also changing. The opening of the economy and its gradual integration into the global economy have created new demands on the functioning of the court, system, the process in which it works, the laws through which it operates, its ability to enforce contracts, both domestic and international, and faster dispensation of commercial cases including effective dispute resolution. A well functioning system can only become effective if there is also unhindered access to justice by all including the poor and women. To achieve all these, there is also a demand for adequate human resource development, both for judges and for lawyers. Modern technology, mainly effective use of information technology, will bring dynamism to the system. Precisely, the project is expected to help develop an efficient and accessible judicial and legal system that caters to the needs of the times.

Because of the need for deep rooted institutional reforms the implementation of the judicial reform program will be taken up in phases with some of the critical reforms being piloted before replication. Brief description of the components is given below.

In order to achieve the stated objectives, the activities under the project have been organized into five work related components and the PMU (project management unit) as the organization will provide support and co-ordination services to the concerned agencies entrusted with executing different components. The components of the project are

- a) Legal Capacity Building
- b) Judicial Capacity Building
- c) Technological, Physical and Human Resource Development
- d) Improving Access to Justice, Promoting Legal Literacy & Public Awareness; and
- e) Preparation of Future Reforms.

1.2 Justification/Adequacy: As expressed in the Government Fifth Five- year plan (FY 1997-2202), Bangladesh fully recognizes the significance of a well- functioning legal and judicial system to the financial, commercial, and industrial life of the nation-and of the need to remove the constraints to which that system is currently subject. The plan acknowledges that the judicial processes are cumbersome and time consuming and the legal framework is sometimes inadequate. The Government of Bangladesh (GOB) in this context has decided to undertake major reforms with a view to making the civil justice system more effective, efficient, and accessible together with strengthening the country's legal framework for commercial and public service activity. Under this project different steps to be taken to improve the efficiency, effectiveness, and accountability of the civil justice delivery system, and increase access to justice, particularly for women and the poor. The overall results of the project should provide a solid foundation for protecting against corruption and improving governance in the country. So it is clear that Project undertaken is justified.-

1.3 Objectives:

The objective of the Project was to increase enough scope for People's access to Justice by making the existing Judicial system more efficient and effective. To achieve the above objective the following activities shall be undertaken:

- a) Judicial Capacity building through institutional reforms of Drafting Wing & Law Commission under the Ministry of Law, Justice and Parliamentary Affairs and Law Commission.
- b) Judicial Capacity building through improvement of Judicial structure and procedures and in view of the above necessary amendments of Laws in relevance to such activities.
- c) Effective reforms in Court administration and enhancement of skills of Judges.
- d) Introducing modern information technology (MIS) system in the Judiciary.
- e) Courts management systems.
- f) Improvement of Judicial Training system for the Judges and
- g) Creating adequate opportunity for the People's so as to have easy access Justice.

Describe briefly the main features of revision with justification: The main features are:

- **Extension of the project period:**

Extension of the project period by 6 months i.e up to December, 2008. In the revised PP project period was extended by 18 months i.e up to June, 2008 from December 2006 as per recommendation of World Bank Supervision Mission. Later on the Development Credit Agreement (DCA) signed between the World Bank and the Government of Bangladesh was amended to endorse the extended timeframe. However, as per amendment and as explained by the World Bank official present in a stakeholders' meeting held on 13-09-2007 presided over by the Secretary of Ministry of Law, Justice and Parliamentary Affairs, credit closing date for World Bank is 31st December, 2008 i.e from the World Bank side project effectively ends on 31st December, 2008. This in effect gives the project 6 more months to complete few more tasks otherwise would be left incomplete and push the reforms envelope a little bit further. To mush the World Bank timeframe and to implement incomplete tasks, project completion date needs to be extended up to 31st December, 2008.

- **Increase in the number of project districts from 26 to 34 (8 in total) for civil Works purposes only:**

Original DPP (Revised-I) allocated Tk. 148.12 crore to carry out civil construction in the Supreme Court and 25 District Courts (one project district - Chittagong was outside the purview of civil works). It is presently estimated that the project will achieve the civil construction target for Supreme Court and 25 Districts with a lesser investment of Tk. 11874.50 lakh. An amount of Tk. 2938.03 lakh will be saved after completion of all construction works as has been shown in the Table -9 of RDPP.

In the meeting of 13-09-2007, it was agreed in the presence of the World Bank representatives that these savings could be utilized to upgrade court buildings in few more Districts. The Project's PWD Core Team office has examined and come up with a proposal whereby physical infrastructure works cans easily be extended in 8 new Districts Courts with the amount of Tk. 2938.03 lakh including some additional works to be done in the JATIC and the Dhaka District Judge Court. The Court buildings in the following Districts are excessively congested, expansion of Ejlashes is acutely needed, there is ample scope for vertical extension which can be completed with the existing architectural and structural designs within the project period. The proposed new

Districts are Jamalpur, Joypurhat, Kishorgonj, Narshindi, Natore, Nogaon, Shatkhira and Sirajgonj. The resultant number of project Districts for Civil works purposes will increase from 25 to 33 (one project District - Chittagong was outside the purview of civil works) raising the total number of project Districts from 26 to 34. The reform processes will not be replicated in these new Districts as limited time will not permit such replication. Out of the savings Tk. 2938.03 lakh, Tk. 2937.41 lakh will be utilized in these proposed Districts (Table 9 - page 14 of RDPP-II).

- **Reduction and reallocation of fund earmarked for consultancy services such as Implementation of action plan, Legal Literacy Awareness Building, Legal Aid etc. :**

Consultancy services such as Legal Literacy Awareness Building and Legal Aid could not be implemented in full in the rest of the project period due to the long drawn procedures to be observed for selection of consultants. Similarly, redesigning the implementation of Judicial reforms by dropping hereto unsuccessful procurement of International Legal Expert, Project Adviser, Resident Court reforms experts for 20 Districts Courts etc. and reduction of man months for Strengthening of Supreme Court Registrar's office will create an overall savings of Tk. 1862.56 lakh (Table -9 page 8 of RDPP-II). This saving could be utilized to offset deficit in capital component.

- **Reallocation of funds saved under security equipments and PA system:**

Under the head of security equipments and PA system Tk. 500.00 and Tk. 100.01 lakh will be saved (Table- 9, page 8 & 9 of RDPP-II) as the procurement of these items are being scrapped as a consequence of 13-09-2007 meeting's decision, these funds will be used to provide additional 777 nos. computers, 777 nos. printers, 777 nos. UPS, similar nos. of computer tables, chairs and other accessories, 60 nos. servers, 26 nos. Photocopiers, 7 nos. Laptop, 26 nos. Scanners, 7 nos. Multimedia Projectors and 104 nos. per drives to the Supreme Court and project Districts courts. The deficit of Tk. 625.85 lakh under Machinery and equipments — IDA part head (page 9) will be offset by the savings generated under revenue component mentioned earlier.

- **Increase in the allocation of funds under furniture head:**

Under original PP provision furniture has been provided to new project court buildings handed over to the project authority. However, furniture for Judicial Administrative officer post created as part of project induced reforms, furniture for litigants waiting rooms both male and female, furniture for library rooms etc. could not be provided under original procurement plan due to lack of funds. The savings earned under revenue component can now be allocated to those items under the Furniture head to facilitate project induced reforms. The resultant enhancement of funds under furniture head will be Tk. 191.96 lakh (Table - 9, page- 10 of RDPP-II).

- **Reduction of Total Project Costs Tk. 1143.17 lakh :**

Only a part of the net savings of Tk. 1950,52 lakh generated under revenue component (page-8) will be used by the enhanced capital expenditures. The net enhancement of funds under

capital component will be Tk. 807.35 lakh (page-14). The net decrease of project costs is therefore, Tk. 1143.17 million (GOB savings Tk. 18.07 lakh and IDA savings Tk. 1124.10 lakh) with total project costs reduced to Tk. 27056.83 lakh (GOB Tk. 4736.93 lakh and IDA Tk. 20440.00 lakh with CIDA & DANIDA funds unchanged i.e Tk. 1879.90 lakh).

2. Rationale of the Project in respect of Concept, Design, Location and Timing.

A technical assistance project would have been appropriate to assist. Bangladesh's effort to improve its legal framework, through the preparation of new and amended laws, and its court system, through the induction of institutional changes. This alternative, however, was rejected in favor of investment lending for the reason that part of the problem also is a severe lack of physical space and other amenities, resulting in loss of judges' time and a mounting case backlog. This, too, needed to be addressed through upgrading of court infrastructure and equipment because it has a direct bearing on the efficiency of court.

Because of the phasing/sequencing required in implementing the proposed judicial reforms, the Learning and Innovation Loan (LIL) option was considered; however, under current circumstances, sufficient knowledge of the issues and possible solutions are now available as a consequence of diagnostic studies and project preparation activities related to an investment loan. Moreover, the Government has shown substantial commitment to the proposed judicial reforms and taken substantial measures pursuant to its commitment, including a recent judgment by the Supreme Court calling for the separation and independence of the judiciary. In addition, learning will take place throughout the project which is built into the implementation scheme. The reforms in the first two District Courts would be replicated in the other Project Courts, employing lessons and experience from challenges and success that occur while implementing the initial District reforms. Synergies can be expected to occur in subsequent applications of experience and expertise gained from the initial group of District Courts. For these reasons, a LIL was not considered appropriate to respond to the reform initiatives the Government is undertaken.

The project employs features that might make it eligible for adaptable program lending (APL); however, there is no major difference between an APL and two or three projects sequenced to support the various phases of judicial reforms-perhaps within a span of 15 years that may be needed to complete the judicial reforms process. Moreover, an APL would require agreeing on a budget at the outset, which may not be appropriate, given that the reforms under the Project will take six years to complete. If the reforms under the proposed Project are successful, they will have a significant positive effect. While the project's infrastructure and technology components are concentrated on the Supreme Court and 21 out of Bangladesh's 64 Districts, the institutional and policy reforms achieved will apply throughout the country. There are other legal reforms planned under the Government's strategy; however, most of them, e.g Telecommunication Act, Intellectual Property, and land titles, are in the domain of ministries and agencies, other than MOL, with many either taken up or being taken up by other agencies. Some components (e.g legal education) are likely to be supported by other donors. Therefore, it was considered introduced as discrete components of a future project (s).

3. Brief description on planning and financing of the project and its applicability.

- Project Identification: The project supports the CAS goal of reforming institutions to support the enabling environment for private sector-led growth and for better delivery of core public services to civil society and the poor. The need to build and support effective institutions underpins the strategic priorities of the CAS. Reforms of the Justice delivery system is central to the institutional development goal of the project.

Diagnostic work undertaken during the course of project preparation found that the current laws of Bangladesh are basically an appropriate foundation for economic activity (with some exceptions). The problem really lies with the civil justice system on which those laws depend for thier interpretation, application, and enforcement. It is true that some laws in Bangladesh, like those of any other country, have a tendency to constrain the environment for doing business, and need updating and modernization-e.g, those pertaining to land title registration, legal barriers to entry and exit in business, protection of industrial/ intellectual property and information technology, bank loan recovery, and regularly agencies. The most urgent need is to address the weakness of the civil justice delivery system that applies, interprets, and enforces the laws.

- Project
Preparation: In view of the above circumstances Government has prepared this Project with the joint collaboration of World Bank.
- App
raisal The Project appraisal document under IDA Credit # 3485_BD was made by the World Bank on 1s^t March, 2001.
- Credit Negotiation : The credit negotiation was made between the People’s Republic of Bangladesh and the World Bank.
- Credit Agreement : The Credit agreement was signed on 30-04-2001.
- Credit Effectiveness : The Credit effectiveness date was 01-11-2001.
- Loan Disbursement : The project loan disbursement was started on 2nd February, 2002 with the initial deposit into the CONTASA account operated under Sonali Bank Foreign Exchange Corporate Branch, Motijheel C/A, Dhaka.
- Loan Conditionality : Consultant contracts have been signed with the reforms advisory Consultants (RAC), including a resident legal adviser, a deputy resident legal adviser and other technical advisers, and with the case management/Court administration consultants (CMCA). A financial expert and an accountant should have been appointed.
- The project concept paper (PCP) has been approved the Executive committee of the national economic council (ECNEC)
- Project Approval : Approved

- Others (if any)

4. Analysis of the Post-Implementation situation and result of the project:

4.1 Whether the beneficiaries of the project have clear knowledge about the Target/Objectives of the Project : *To some extent*

4.2 Programme for use of created-facilities of the project: Not applicable

4.3 0 M programme of the project : Not applicable

4.4 Impact of the project

4.4.1 Direct :

4.4.2 Indirect: Yes

4.5 Transfer of Technology and Institutional Building through the project: *To some extent*

4.6 Employment generation through the project: There is not any direct opportunity for employment generation through project but by disbursing a huge amount through the project a significant amount of money flow has made various employment opportunities in the economy of the country.

4.7 Possibility of Self employment: Yes there are a lot of example for creating job opportunity as self employment. Such as Project authority employed 50 IT professionals which may be created self employment opportunity.

4.8 Possibility of women-employment opportunity: Project procured huge office equipment, Computer and other related accessories for which money flow increased in the economy which may create women employment opportunity.

4.9 Women's participation in development: In this project there is no direct involvement of Women's participation in development.

4.10 Probable Impact on Socio-Economic activity: Economic analysis of judicial reform projects in the context of the role of the state, as reflected in the World Development Report, 1997, indicates that the reliability of judicial enforcement in commercial matters and freedom from corruption is positively correlated with significantly increased economic activity. Judicial reform would improve the enabling environment for business, thus reducing the cost of doing business and helping spur growth; in addition, it will also help targeted poverty reduction by improving access to justice, especially for underserved populations, i.e the poor and women. As a catalytic reform project to build supportive institutional arrangements, formal attempts at quantitative cost-benefit or cost effectiveness analysis would be misleading. The overall economic benefits from the project may be difficult to quantify; however, qualitative assessment can be made on economic growth by reducing the cost of doing business and relatedly improving access to justice for the poor and underserved populations (especially women) to further social and economic equity, such as reduction

the cost of doing business to promote economic growth and improved access to justice for targeted poverty reduction.

- 4.11 Impact on environment: There is no direct impact on environment was assessed through this project. But it may say that construction and renovation of Supreme court and 26 District Judge court Building may contribute better environment of the country.
- 4.12 Sustainability of the project: The success and sustainability of the project will depend largely on the continuing commitment of the Government.
- 4.13 Contribution to poverty alleviation / reduction: Through this project there is no direct activities that could contribute in the poverty alleviation/reduction in the targeted community/beneficiaries. But the huge amount as disbursed through the project in the economy certainly created some positive impact which must create some significant role for alleviation of poverty of the community in passive mome.
- 4.14 Opinion of the Public representatives, local administration, teachers, religious leaders, women's representatives etc.: No direct comments from the project side is recorded through formal interaction. But it is learnt from the concerned stakeholder like NGO, Supplier, Contractor and related organization that the project could create a very positive attitude among the public representatives, local elite, local administration, teachers, religious leaders, Women's representatives etc.
- 4.15 Contribution of Micro-credit Programme and Comments on overlapping with any NGO activities. : Through this project there is no possibility of contributing in 'Micro-credit program' -which may create overlapping with NGO activities.

Problems encountered during Implementation (with duration & steps taken to remove those):
There is no Problems encountered during the implementation of the project activities.

Remarks & Recommendations of the Project Director:

Date • Signature and seal of the Project Director

Remarks/Comments of Agency Head

Annex 8. Comments of Co-financiers and Other Partners/Stakeholders

Those representatives of the co-financiers and their implementing agencies that we interviewed alleged that the task team was opaque and lacked candor and openness. According to those interviewed, who were posted in Bangladesh during the period 2005 – 2008, the task team did not attend donor meetings and the only person they encountered representing the Bank on the legal sector was a governance specialist from the-then PREM team. Both co-financiers and implementing agencies indicated that there was insufficient commitment apparent in the task team to the most routine and rudimentary practices of good donor relations, such as information sharing and transparency.

The near absence of communication meant that potential synergies between the Project and the co-financiers' projects were not exploited. For instance, the JATI courses were obvious places where the CMCA and ADR reforms could be taught to both new judges and those receiving refresher training and thus better internalized. Yet, a breakdown in the relationship between the task team and the expatriate Adviser at DANIDA meant that CMCA was not part of the JATI curriculum for much of the project's life (at least from 2005 onwards). CIDA also conducted its own legal aid project, with pilot interventions in Jessore and Gazipur, a duty counsel project in Dhaka, and a number of studies on legal aid. Yet, none of the lessons from CIDA's projects informed the Project's legal aid component, and indeed there was no dialogue at all between the task team and the CIDA implementers. Again, upon the CTG taking office and moving to implement the Masdar Hossain judgment, and the broader international community moving to provide any support the CTG required, the task team did not use the opportunity to revitalize the project or participate in the donor effort. The task team never raised the issue of whether and how the Project could facilitate the process that was underway.

The head of DANIDA/Deputy Danish Ambassador from 2005-2008, as well as the head of CIDA made strenuous efforts to organize a joint supervision mission with the Bank team in 2006 and 2007, in the wake of the mid-term review's findings, and when both co-financiers were reviewing their own future funding in the sector. Not only did such a joint mission never eventuate, the co-financiers became quite frustrated with various communications by email and phone often not being responded to by the task team.

The expatriate DANIDA adviser was physically based in the JATI building. He indicated that he was very much concerned with the poor quality of the JATI building and his own physical safety (essentially whether the building would collapse). He actually sought the advice of an engineer about this issue.

Annex 9. List of Supporting Documents

1. Project Concept Note
2. PAD, March 1, 2001
3. Agreed Minutes of Negotiations
4. Development Credit Agreement, April 30, 2001
5. Back-to-Office Reports & Aide Memoires:
 - a. November 25-December 11, 2001 (First Supervision Mission)
 - b. October 12-29, 2002 (Supervision Mission)
 - c. June 1-15, 2003 (Supervision Mission)
 - d. July 5-15, 2004 (Supervision Mission)
 - e. September 11-25, 2005 (Mid-Term Review Mission)
6. Implementation Status Reports (ISRs) #s 1-15
7. IRIS Baseline Study, October 2003
8. Apex Court Ruling on the Separation of the Judiciary “Secretary, Ministry of Finance vs. Masdar Hossain”
9. IRIS Final Project Report, August 31, 2000
10. Report of the Workshop on “IT Activities of the Project District Judge Courts”
November 2007
11. A Short Status Report and Minutes of Recent Workshop on the Legal and Judicial Capacity Building Project
12. Final Report (Volume 1-12) Post Review of Procurement Contracts – Legal and Judicial Capacity Building Project – prepared by A. Qasem & Co., Chartered Accountants, June 17, 2009.

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