

January 30, 2024

TIP2024/0123/1A

Registrar
High Court of Sindh
Karachi

Subject: TI Pakistan Recommendations for The High Court of Sindh Karachi


Dear Sir,

Transparency International Pakistan refers to your office letter No. Gaz/NCPS Report/TI/2023 dated 15-01-2024 requesting TI Pakistan input on the factors on the basis whereof the rating is made in NCPS 2023 for improvement in Sindh judiciary.

In this regard, NCPS methodology and TI Pakistan recommendations are enclosed for your reference.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

Regards,



Advocate Daniyal Muzaffar
Trustee/Legal Advisor
Transparency International Pakistan

National Corruption Perception Survey 2023

In the last 23 years, Transparency International Pakistan (TI Pakistan) has conducted National Corruption Perception Surveys (NCPS) eight times: NCPS 2002, NCPS 2006, NCPS 2009, NCPS 2010, NCPS 2011, NCPS 2021, NCPS 2022 and NCPS 2023. The NCPS 2023 released by TI Pakistan on 9th December 2023 is based on international methodology and reflects the perception of the citizens of Pakistan.

Factors

NCPS 2023 was conducted in all four provinces from 13 October 2023 to 31 October 2023 with 1,600 respondents (400 respondents from each Province). Four districts were selected from each of the four provinces and the data was collected from 100 respondents in each selected district covering rural and urban areas. In total, 16 districts were selected in four provinces of Pakistan.

The overall objective of the survey is to identify the sectors where citizens encounter most corruption in accessing public service. The survey covers only petty corruption which the common man experiences on daily basis. It does not cover grand corruption. Following below is the list of the areas where NCPS was conducted:

Sindh	Punjab	Khyber Pakhtunkhw	Balochistan
1. Karachi 2. Dadu 3. Sukkur 4. Umerkot	1. Lahore 2. D.G Khan 3. Bahawalpur 4. Toba Tek Singh	1. Peshawar 2. Nowshera 3. Lower Dir 4. Mansehra	1. Quetta 2. Kalat 3. Sibi 4. Khuzdar

Data Collection

The NCPS 2023 data is collected from the users of the public service deliveries i.e. by visiting the markets, educational institutes, clinics, public places, and residential areas in order to obtain diverse samples. All completed Questionnaires were re-checked & scrutinized by TI Pakistan team. The vaguely filled forms were rejected & substituted with the ones from the same locality. However, such incidences were rare, due to an experienced field team. In total 52 forms were rejected out 1600 which shows high level of reliability of the collected data. The forms with any missing information were contacted by the supervisors at TI Pakistan to obtain missing information. Random calls were made to the respondents to check authenticity of the data. No incident of any fake entries was reported. The sample population was ensured complete privacy of the collected data which made them confident to participate in the survey.

The NCPS 2023 is a survey questionnaire which is administered through trained enumerators hired by the partner organizations of TI Pakistan. As the partner organizations of TI Pakistan have been working with the organization for more than a decade on conducting different surveys so they have qualified team in place. However, every year TI Pakistan further train enumerators for every district before the start of the survey.

NCPS as a perception Survey

Since NCPS 2023 is a perception survey, it does not necessarily mean reality but is shaped by the citizens' opinions and experiences. It does not mean that the department, sector, or institution is corrupt or has financial irregularity. In terms of the indicators employed, a simple question is asked of the survey respondents i.e. **In your opinion, which is the most corrupt sector?** NCPS 2023 provides a comparative analysis of public perception among 7 sectors, which include: Tender & Government Contracts, Judiciary, Police, Health, Education, Land Administration, Local Government, Custom/Excise/Income Tax. In comparison to NCPS 2022 (13%) report, in NCPS 2023 (7%), the perception of the judiciary in Sindh has improved by 46%. The Honorable Sindh High Court will also be pleased to note that at the national level, the perception about judiciary has improved by 7%, aggregating to 35% improvement in the perception. At the national level, 87% of the respondents have perceived judiciary as "CLEAN" and only merely 13% have perceived it as "CORRUPT". Similarly, in Punjab, perception about Judiciary has improved by 3%, and in Balochistan, perception about judiciary has improved by 2%.

It may also be noted that the Judiciary is the third pillar of the government. Judiciary includes Magistrate, Sub-Divisional Magistrate, Session Judges, City Court, Provincial and Federal Ombudsman, High Court, Supreme Court, Federal Shariat Court and Supreme Judicial Council.

The perception surveys are carried out across the world and are considered highly reliable. A case in point is the Corruption Perception Index (CPI) and Global Corruption Barometer (GCB) released by Transparency International, every year. CPI merely focuses on the public perception of the corruption in each country. Similarly, Rule of Law index released by the World Justice Project (WJP) is based on a sample of 1000 respondents. Pakistan score on Rule of Law Index 2023 has declined to 0.38 and rank stands at 130 out of 142 **(Annex-A)**.

RECOMMENDATIONS FOR THE HONORABLE HIGH COURT OF SINDH KARACHI

The initiatives adopted by the Sindh High Court (SHC) to digitize and modernize itself including but not limited to its website are commendable. The initiatives implemented as part of the e-Court Project, such as the Case Flow Management System, e-Cause lists, online case diaries, SMS alerts for court proceedings, and the recording of witness statements through video link, are particularly praiseworthy. Such measures positively contribute to enhancing the public perception of the judiciary as well as facilitating the public at large to follow proceedings in their respective matters.

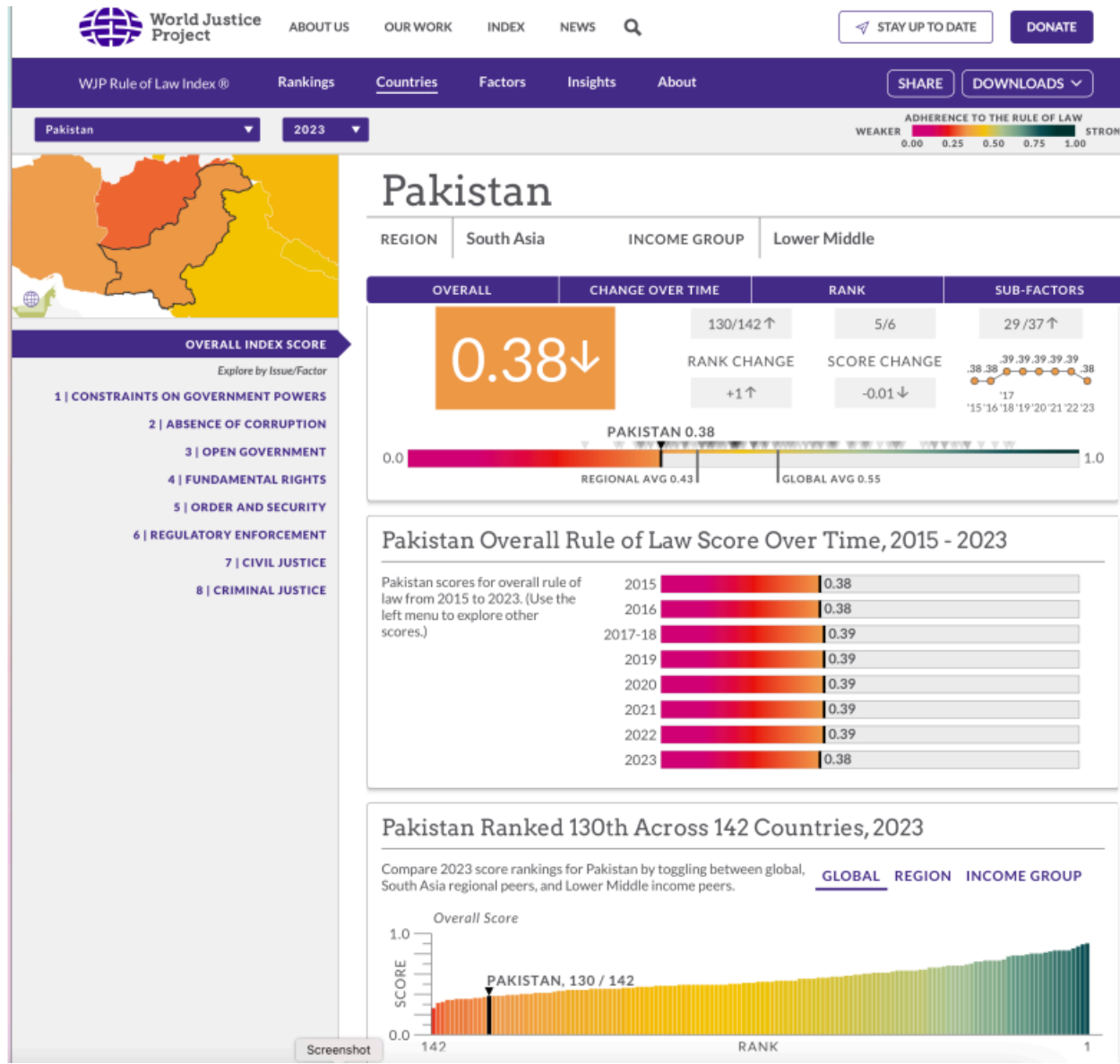
TI Pakistan is encouraged by the online complaint system presently put in place by the SHC as such initiatives increase transparency while at the same time reducing chances of any victimization of the complainant. However, there are a few recommendations to further improve public perception of the judiciary:

1. Efforts should be made to digitize the case filing process thus eliminating contact between litigant and court staff as much as possible. Further, hard timelines for processing of such cases/applications may be set and enforced in order to ensure matters are fixed in an expedient manner and no undue delay is caused by the office staff looking for a facilitation payment. As such inspiration may be drawn from the one window operation, prevalent in the Singapore courts, where a litigant does not come into personal contact with the court staff and prescribing of a mandatory period for various functions that the staff has to perform and their failure to do so to be visited upon with repercussions. Such efforts will pave the way for enhancing transparency amongst the clerical staff as well as enhancing confidence of the common man with respect to the Courts and their operations.
2. Specific timelines must be defined for fixing and resolution of matters; specific time may be allotted for recording of evidence in matters requiring the same and the party barred should they fail to fulfill their obligations within the prescribed timeline. Moreover, barring any unforeseen event, timelines should be defined for hearing and disposing off matters brought before the Courts to ensure matters are dealt with in an expedient and judicious manner. In

criminal cases the state counsel and investigating officer should be required to appear at each date to ensure there is no undue delay.

3. Develop and implement a robust whistleblower protection policy to encourage and protect those who report corruption or other unethical behavior within judiciary.
4. Publish annually on the website, the assets of High Court, District, Session Court Judges and the respective Bar Councils.
5. Conflict of Interest policy must be implemented to ensure transparency in judicial conduct.
6. Relatives of sitting judges should not appear in that particular High Court. All such lawyers may be advised to practice in the High Courts of other provinces.
7. Strict action must be taken against the staff found involved in corrupt practices, and the action of the courts should be publicized on social media.
8. On the website of the Honorable High Court of Sindh, in the tender section, only Tender Advertisement, Tender Documents, Attendance Sheet, and Evaluation Report are present, however, the copy of the contract award is not available which is mandatory as per SPPRA Rules 2010. **(Annex-B)**
9. Meaningful tools may be utilized to publicize and foster a positive public perception of the court.

(Annex-A)



(Annex-B)

https://sindhhighcourt.gov.pk/tender.php

5. Supply of fifteen (15) 1.5 ton Split A.Cs (Kenwood e Grande Pearl or equivalent standard) for High Court of Sindh, Karachi through single stage two envelopes method.

- 1 [Advertisement - uploaded on 18/12/2021](#)
- 2 [Tender Documents - uploaded on 18/12/2021](#)
- 3 [Bid Evaluation Report - uploaded on 04/02/2022](#)
- 4 [Financial Bid Evaluation Report - uploaded on 23/02/2022](#)

6. Supply of Stationery Articles on item wise basis

- 1 [Advertisement - uploaded on 30/12/2021](#)
- 2 [Tender Documents - uploaded on 30/12/2021](#)
- 3 [Bid Evaluation Report - uploaded on 07/02/2022](#)

7. Supply of Printing Articles on item wise basis

- 1 [Advertisement - uploaded on 30/12/2021](#)
- 2 [Tender Documents - uploaded on 30/12/2021](#)
- 3 [Bid Evaluation Report - uploaded on 07/02/2022](#)

8. Supply & Installation of branded Business Series Laptops for the Hon'ble Judges of this Court.

- 1 [Re-tender notice - uploaded on 17/01/2022](#)
- 2 [Updated Tender Documents - uploaded on 17/01/2022](#)
- 3 [Technical Bid Evaluation Report - uploaded on 14/02/2022](#)
- 4 [Financial Bid Evaluation Report - uploaded on 23/02/2022](#)