

## TOUR REPORT

### Second Judicial Governance Programme organised by the Civil Services College and the State Courts, Singapore from 27<sup>th</sup> to 31<sup>st</sup> July 2015 at Singapore

The Judicial Governance Programme organised by the Civil Services College and the State Courts of Singapore aims to share Singapore's experiences in court governance, administration and judicial capabilities with Judicial Officers and Court Administrators from around the world by discussing approaches adopted in these areas, including developments in and challenges to judicial processes and management.

Singapore has been following the English Law since 1826, and follows the Westminster Style Government with separation of powers between the Executive, Legislature and the Judiciary. Its sources of law include a written Constitution, statutes and subordinate legislation, as well as judicial precedents. It has a fused legal profession (no distinction between solicitors and attorneys). In order to be admitted to the Singapore Bar, one has to have a recognised law degree, pass bar exam and have a training contract.

There were 27 participants from 15 countries. The following participants were from India:

1. Justice Shri Iqbal Ahmed Ansari, Acting Chief Justice, Patna High Court
2. Justice Shri Ram Mohan Reddy, Judge, Karnataka High Court
3. Shri Atul Kaushik, Joint Secretary, Department of Justice
4. Shri Ved Prakash Sharma, Registrar General, Madhya Pradesh High Court
5. Shri Vinod Goel, Registrar General, Delhi High Court
6. Smt Belma Mawrie, Additional District and Session Judge, Meghalaya
7. Shri K C Thang, Under Secretary, Department of Justice

Although the presentations and discussions focused primarily on the justice system in Singapore, each country gave their views based on practical experiences within their jurisdictions. Thus, apart from learning from the challenges faced and best practices adopted by Singapore, the participants were also able to share experiences from their respective jurisdictions. This tour report focuses on the key lessons learnt for the Indian justice delivery system. Important aspects of the sessions held on each of the five days and the lessons from them are given below.

#### Day 1

Mr David Ma, Associate Trainer at the Civil Services College gave a general overview of Singapore. Singapore stands amongst the top few nations in the Global Competitiveness Index. The President exercises veto power in areas such as Government spending, appointment of key government officials, enforcement of internal security and religious harmony laws and investigation of corruption cases. Singapore practices meritocracy: the salary of a graduate civil servant is determined by the private market salary of a graduate of a Singapore University. Leadership is the key to governance; key challenges include changing environment and impact,

diverse population base, growing expectations and leadership development and talent management.

Mr Wee Ming Lim, District Judge and Deputy Registrar at State Courts gave a strategic overview of the Legal and Judicial System of Singapore and the integral role of State Courts. The Judiciary comprises of the Supreme Court, State Courts and Family Justice Courts. Small Claims Tribunals handle cases up to S \$ 10,000 and up to S \$ 20,000 by agreement of parties. Civil cases above S\$ 250,000 go to the Supreme Court in original jurisdiction, called the High Court. Criminal cases involving imprisonment beyond 10 years also go to the High Court. The Presiding Judge of State Courts is also a Judicial Commissioner in the Supreme Court. There are a total of 70 Judges in Singapore, and about 435 Court Administrators, who are generally graduates in various fields.

In the traditional court system in Singapore, the key service provided by courts was adjudication, with a focus on legal dispute and legal outcome. Advocates dictated the pace of proceedings, in a formal adversarial process with limited partnership across the stakeholders in the justice system. Singapore decided that a modern, effective and efficient judicial system is a critical factor for economic growth, development and competitiveness of Singapore. The impetus of the reforms in the 1990s came from the impact of traditional courts, massive delays and backlogs, and the question as to who bears the cost: parties, courts or the society? They therefore decided that an effective and accessible justice system would comprise of quality adjudication, comprehensive services and expanded alternatives. The reforms went beyond mere adjudication with focus on solving underlying problems, achieving holistic outcomes and flexible, non-adversarial process to facilitate dispute resolution with adjudication being the last resort. New roles were crafted out for Judges and court administrators, involving new collaborative processes with networks and partners. By 2013, as per a public survey, 97-98% of the public gave positive feedback on the justice system.

Mr Wong Sheng Kwai District Judge and Assistant Registrar, Family Justice Courts, took a session about the role and functions of the Family Justice Courts. Singapore came to the conclusion that legal remedy was only one part of the solution in family disputes, and recommended an end-to-end integrated support system to meet the need of youth and families in distress through the setting up of a specialist court structure. The Family Court was established as a result in October 2013, which was integrated with all the other government schemes and policies for supporting families. A life-cycle approach is now followed to address family disputes with the involvement of support schemes of the government and regular review of cases. Responding to unique issues in a case, Judges work with mediators, counsellors, lawyers and parties to arrive at fair, sustainable solutions.

The court rooms are designed differently to provide an amicable atmosphere. There is a robust case management and increased use of mediators in family disputes. The child's interest is given top priority in resolution of matters. As a result, the Child Focused Resolution Centre has had an 82% success rate in 2013. A Court Friend Scheme has been recently started to assist unrepresented parties with the help of Community Justice Centre and the National University of Singapore (NUS) pro-bono service. The premises used for this activity was shown to the participants: it has two outsourced court administrators and two representatives from the Bar providing services to unrepresented litigants. The aim of the family justice process is to focus on

division of matrimonial assets and custody and care of children, using friendlier process with less acrimony and stress and efficient use of time.

Participants were taken to State Courts building and shown a working court where bail applications were being considered. They were also shown a functioning Family Court and the Justice Community Centre.

### Lessons of Day 1

The focus of Singapore justice system is to contribute to the ease of doing business as the country has no natural resources of its own and is totally dependent on the service sector. With growing wealth, issues relating to family disputes and child care rose, whereupon the government and the courts developed a comprehensive system of family justice including family courts that have been integrated with the social schemes aimed at providing support to families.

Although a democracy in form and structure, the country has been able to develop a governance system that is able to implement planning and enforcement of State-led initiatives more easily. Ease of decision making and strict enforcement is possible due to a single party ruling since its independence in 1965 with an elaborate system of enforcement of laws. Litigation is generally pursued against political opponents until the person is declared bankrupt, whereupon they are disqualified from political candidacy. This has had a pervasive impact on freedom of expression in Singapore. The Public Order Act, for instance, requires that persons engaging in political discussion must register with the government, and the Public Entertainment and Meetings Act forbids four people from assembling without police permission. Legal action is frequently taken against the editors of online news and discussion forums, with blog authors often pressured to register as members of political bodies if their posts touch upon national issues<sup>1</sup>.

Nevertheless, stories about the efforts of government towards fairness and honesty are legion. One parable told by a Judge is symptomatic of their focus on strict enforcement. When the government passed a law that residents are obliged to keep their toilets clean, they also deputed civil servants to actually and physically check toilets at any point of time, even private household toilets. Singapore is proud of lack of corruption in both the executive and judiciary. Enforcing a corruption free society is also facilitated by veto power of the President on key governance matters, including in investigation of corruption cases. Another parable told to participants was that the Prime Minister once refused to give a lift in his official car to his own father who was travelling to the same place where the President was going for an official function, because he did not want the public to feel that he was abusing his official status to help his family.

Another key reason for better governance may be the transparency and fairness in recruitment of civil servants with merit as the only criterion. In order that the government gets the best talent in the country, salaries are determined based on what the private market sets for University graduates.

The Judge to Court Administrator ratio is about 1 to 6, thus providing a strong managerial content to the justice system on the one hand and relieving Judges from administrative work so that they can focus on adjudication on the other. Registrars and Deputy Registrars conduct repeated Pre-Trial Conferences with parties' lawyers until they can settle the dates and number of

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<sup>1</sup> Sally Andrews in The Diplomat dated 6<sup>th</sup> February 2015, available at <http://thediplomat.com/2015/02/soft-repression-the-struggle-for-democracy-in-singapore/>

hours required for adjudicating a case, and only then the matter goes to the Judge for hearing and adjudication.

The functional court we saw had an interpreter, video conferencing facility and audio recording. It was functioning even at 1730 hours as the bail and committal hearing in respect of some migrants had to be heard. The viewers' gallery where we were sitting was separated by glass partition from the main court room so as to avoid noise disturbance in the hearing in progress.

The court had an ante room with servers. On a query, we were informed that all hearings in Singapore are audio recorded for use as evidence, even in appellate matters.

## Day 2

Judicial Commissioner See Kee Oon, Presiding Judge of the State Courts is also a Judge in the Supreme Court. He took two sessions on Judicial Governance. In the first session, titled "Leading Change 1", he identified threefold challenge for the Judiciary: educated and aware public, technological advancement and widespread use of social media, and the realization that one-size-fits-all approach is no longer valid in justice delivery. An interesting challenge perceived by him is that Judiciary is 'price taker' with no control over case loads. Singapore faces similar challenges as India: many other national priorities competing with the judiciary for limited resources, infrastructure and manpower constraints and increased public scrutiny with demands for judicial accountability.

He quoted from an article in the June 2013 issue of the Harvard Business Review by Todd Zenger titled "What is the Theory of your Firm"<sup>2</sup> and the story of shift of business by Kodak after the digital camera came, to emphasise that an eye on the need for strategic change is a must for any organisation to stay relevant. Singapore Judiciary has undertaken scenario planning with the help of external experts to envisage its changing role based on citizens' expectations in order to arrive at strategic decisions about court processes and policies. State Courts set up a Strategic Planning and Training Division in 2008, rechristened it as Strategic Planning and Technology Division in 2014 and revised its Justice Statement containing Shared Vision, Mission and Core values in January 2014. They aligned their robust planning cycle with the government budget cycle to ensure effective implementation of the strategic decisions. Using Kaizen, Performance Tools and Key Performance Indicators (KPIs), the State Courts devised various tools<sup>3</sup>; he spoke about learning change and then change management: difficult and painful, yet essential for organisational excellence.

Continuous surveys and feedback is common in the Singapore system: Judge Kee Oon mentioned the survey on how adaptive is an organisation to exemplify it<sup>4</sup>. Using writings by John Kotter<sup>5</sup>, he explained the need to create urgency, team and strategy for change. The key achievements of State Courts after implementing the change management were increased efficiency, raising standards and quality of the Bench, improved infrastructure, improved staff

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<sup>2</sup> See <https://hbr.org/2013/06/what-is-the-theory-of-your-firm>

<sup>3</sup> The Book "The Fifth Discipline" by Peter Senge was quoted extensively by Judge See Kee Oon to emphasise the need to treat the justice system as a learning organisation, forever alert for client feedback and review and resultant change, and then managing change.

<sup>4</sup> The survey monkey can be seen in the book by Ronald A Heifetz, Marty Linsky and Alexander Grashow "The Practice of Adaptive Leadership: Tools and tactics for Changing your Organization and the World", available at <https://hbr.org/product/practice-of-adaptive-leadership-tools-and-tactics-/an/5764-HBK-ENG> pages 107-08.

<sup>5</sup> John P Kotter, Leading Change, 2012, Harvard Business Review Press.

cohesion and better perception of the judiciary from others. He stressed that continued improvement and change is essential for any organisation, including the judiciary.

In the second session titled “Leading Change 2”, he divided the participants into four groups and gave an assignment. My group had, among others, Justice Ansari and Ms Mawrie, ADJ Meghalaya. We worked out the following key aspects to be kept in view by the leader<sup>6</sup> in order to bring about organisational change:

- a) Review of the current situation
- b) Planning infrastructure including human resources
- c) Prescribing necessary time-frame for proceedings, and adherence to those timelines
- d) Qualitative and quantitative evaluation so as to modify standards, if necessary, and make the standards workable
- e) Ability to increase resources
- f) Diagnose the obstacles and needs and develop strategy
- g) Create platform for feedback
- h) Generate discussion in tune with the leader’s objectives
- i) Raising level of efficiency – qualitative as well as quantitative
- j) Assessing satisfaction level of the user

In the afternoon, Office of the Attorney General explained the duties of their office. These include being the principal legal adviser to the government, handling Public Prosecutor’s duties, drafting and handling of Bills to be presented to the legislature by the government and performing other assigned duties of legal character such as development and growth of the legal sector in the country. The office also posts legal officers in various Ministries of the government, sets up commissions of enquiry, and generally acts as a unique interface between the Executive and the Legislature. In sum, the Attorney General’s office handles work relating to both the Department of Legal Affairs and the Legislative Department of India.

Principal District Judge of the State Courts Ong Hian Sun took a session on the criminal justice system in Singapore. He explained that the State Courts handle about 95% of the criminal cases, while the cases with higher sentence including capital punishment are handled by the High court. The criminal courts in the State Courts are divided into six clusters, apart from the Crimes Registry. These are:

- a) Commercial Crimes
- b) Crimes against Persons
- c) Crimes against Property
- d) Centralised PTC courts
- e) Community courts, and
- f) Specialised and Mentions courts

While Singapore had cleared the backlog of criminal cases in the 1990s, he stated that the courts aim to strike a balance between ‘justice delayed is justice denied’ and ‘justice hurried is justice buried’. State Courts have allotted the first mention of criminal cases to 2 First Mention courts.

The accused is first charged in the Mentions court; two court rooms are kept for this purpose. If the accused pleads guilty (even after short adjournments), the case is immediately transferred to a sentencing court. If he doesn’t, the case is fixed for Pre-Trial Conference (PTC), which is

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<sup>6</sup> Hon’ble Justice Shri Iqbal Ahmed Ansari is gratefully acknowledged for finalising these key aspects.

conducted in centralised PTC courts. A meeting is held in chambers by the Judge between the accused/defence counsel and the prosecution to discuss progress of the case, deal with administrative issues and to narrow down the contested issues for the purpose of trial. Parties are encouraged to conduct the case through Criminal Case Management System (CCMS) where the prosecution discloses certain evidence to the defence counsel so that the latter can advise the client. The Criminal Prosecution Code of 2010 fosters a frank and open discussion between the prosecution and defence. It also introduced the concept of Criminal Case Disclosure Conference (CCDC) which facilitates pre-trial disclosure with specified timelines. This centralised PTC Court ensures that timelines are adhered to and case management is rigorous. After the accused is charged and pleads not guilty, three CCDCs within 16 weeks are held before the case is committed to trial.

In addition, based on a decision by the Judiciary in 2011, now Criminal Case Resolution (CCR) is in place, which facilitates off-the-record discussion between the prosecution and the defence which discusses factual and legal issues with a view to arrive at pre-trial resolution where possible, narrows down issues for trial, and facilitates open discussion in a collaborative spirit. Of course, referral to CCR (another separate court) is subject to parties' agreement for criminal trial cases and dispute over statement of facts or mitigation issues. The court can also explore sentence indication if requested by accused at the discretion of the CCR Judge. If parties consent, there can be a plea before the CCR Judge as there are clear benefits of mutually agreed negotiated outcomes and savings in terms of hearing dates and allocation of available court resources.

Where a case goes for a full trial, under the State Courts Case Docketing System (SCCDS) an experienced Judge is assigned the case. Benefits of SCCDS are:

- a) Assigned Judge will have more time to follow through and become familiar with the issues,
- b) Enhance the case management, possibly leading to savings in the number of hearing days and early disposal of trial cases, and
- c) Facilitate specialisation such as in commercial/white collar crimes.

Judge Hian Sun also discussed the contemporary issues in the criminal justice system. Responding to the need that the public enjoys the confidence of courts and the courts are responsive to the needs of the community, a Community Court was established in 2006-07. This involves:

- a) Attention given to problem solving rather than mere crime control/punishment
- b) Personal involvement of the Judge beyond mere adjudication
- c) Family conferences, victim/offender conferences conducted by psychologists and social workers through the Community Court Secretariat.

After such conferences, community service and similar sentences are handed down, though limited sentences are also given based on the state of the accused. Since March 2014, based on a directive by the Chief Justice of the Supreme Court, these sentences are monitored by Progress Accountability Court to ensure positive outcomes and continuous review.

Singapore has evolved a Sentencing Information Research and Repository (SIR) as an analytical tool based on sentencing data to map out specific case outcomes and patterns of behaviour. It enhances consistency in sentencing practices, makes sentencing information publicly accessible and promotes transparency.

The State Courts have also evolved an Integrated Criminal Case Filing and Management System (ICMS), which is a paperless tool enabling all enforcement agencies to commence criminal prosecution and other criminal procedures without a visit to the court house. The prosecution and defence file applications and receive court orders and documents online. Key features include e-charging or electronic registration of all criminal prosecutions and other criminal matters, e-filing of documents, e-service for CCDC documents, e-payment, electronic document management and 24 hour access to documents and outcomes online. About 30 prosecuting, investigating and warrant enforcement agencies participate in the ICMS. Details of the various aspects and functions of ICMS are available at [https:// icms.statecourts.gov.sg/guide](https://icms.statecourts.gov.sg/guide). This is the latest innovation in court practices in Singapore and has revolutionised the case and court management system.

Final session for the day was on Alternate Dispute Resolution by District Judge Ong Chin Rhu, Senior Director of the State Courts Centre for Dispute Resolution. An interesting distinction has been made between an inward orientation of ADR, which focuses on efficiency of the court system *per se* vs. an outward orientation of ADR, which focuses on litigant satisfaction. The former may become a tool to divert cases from courts and ADR practitioners being evaluated primarily on settlement rates/outcomes, while the latter will inspire confidence in courts. The Centre for Dispute Resolution in State Courts in Singapore has volunteer mediators serving the litigating public in the Small Claims Tribunal. The Judge gave a calculation showing that deploying 6 Settlement Judges freed up 14 Trial Judges in a year.

### Lessons for Day 2

Day 2 was the most intense learning experience of the Programme. While many of the innovations and practices explained during the day are being practiced in India as well, the four big takeaways were:

1. Change requires initiative from the top of the judiciary. The top judges having enthusiasm and commitment towards professionalising the system enables easy in-sourcing of professional inputs and advice from agencies experienced in management practices. Effecting change through top-led initiatives also allows easier adoption across all levels. India can benefit from the experiences of Singapore in dealing with these issues that lead to institution building initiatives.
2. Dividing case flow into distinct components and managing these components in an organised manner through different forums handled by different judges or court administrators improves efficiency, accountability and transparency. The way Singapore has divided the criminal justice system into components like First Mentions courts, PTCs, CCDCs, CCRs, SCCDCs and sentencing courts removes possible personality related aberrations and imbues professionalism into the system. India can analyse case data now available through NJDG and develop similar compartmentalisation of case flow so as to facilitate more professional case management.
3. ICMS of Singapore, like the proposed ICJS in India, is a game changer. I had discussions with the technical resource person behind the creation of a common platform across different agencies, and was surprised with the similarities with the ongoing Indian experience. This technical person is from the Singaporean counterpart of NIC, housed in the Information Technology Ministry and the performance of her team is assessed jointly by the Ministry and the State Courts.

4. ADR should aim at litigants' satisfaction rather than case disposal. Some feedback received from the public about the Lok Adalats in India indicates that their focus is on the number of cases disposed rather than client satisfaction. The Singapore experience can help to make the necessary corrections.

### Day 3

The third day began with a session on contemporary issues in the civil justice system by Principal District Judge Tan Puay Boon from the Civil Justice Division of State Courts. The Judge identified two basic factors for delays, costs and complexity of civil cases: allowing litigants (and their lawyers) to dictate the pace of litigation and litigants (and their lawyers) spending much time on peripheral issues. To address the problem, the Civil Justice Division of State Courts started focusing on case management processes. For example, motor vehicle claims constitute 30% of the case load in Singapore, so there is automatic referral to ADR, and pre-action protocols have been put in place to make parties better informed of facts leading to early settlement. For small value cases, case management conferences were evolved. For large, complex cases, periodic reference to PTC courts is resorted to.

Resort to ADR is a major tool used by Singapore in civil cases. They have constituted a Community Justice Centre with the assistance of court administrators and volunteer lawyers and other stakeholders. Various programmes have been established for litigants-in-person (LIP) through State Courts website and a toolkit for LIPs.

District Judge Bala Reddy, Principal Director, Community Justice and Tribunals Division of State Courts explained that community disputes are handled through Small Claims Tribunals, Community Dispute Resolution Act and Protection from Harassment Act. Often criticised as an intrusive legal system, this aspect of the Singaporean justice system, however, reins in many unnecessary disputes and consequent litigation due to strong application of a judge-led moral code of conduct on the society, ensuring compliance with good social behaviour laws in the country.

In the afternoon, the delegation was taken to the Supreme Court, which is now housed in a spank new building with all the modern amenities. Like automatic ticket machines in railway stations and banks in India, the Supreme Court of Singapore also uses technology to facilitate ease of access and orderly conduct of cases. Judicial Commissioner Foo Chee Hock along with his team of court administrators gave an overview of the Supreme Court. The Singapore Judicial College has been established in January 2015 for training and research and as a Centre of Excellence. Bench Skills, Legal Development, Social Awareness and Legal Ethics have been chosen as the first subjects for research and training by the College. Technology and Sciences and Judicial Leadership will be added next year. The College collaborates with the Ministry of External Affairs, Ministry of Law, Civil Services College, Law Schools and other institutions in Singapore and abroad to keep abreast with the latest developments, conduct robust research and deliver focused training to judges.

Mr Sriram Chakravarthi, Senior Director and Chief Legal Counsel gave an overview of the Singapore Academy of Law, informing of the public-private partnership and many other innovations used in the Academy to spur leadership and judicial excellence in Singapore, and to make it a hub of international arbitration and dispute settlement. No wonder, Singapore has become a hub for cross border dispute resolution in this part of the world.

Ms Tan Xiao Wen, Assistant Director LawNet gave an overview of LawNet, so often used by the legal fraternity in India, and explained their role in e-Litigation, an electronic case management system recently operationalised in the Supreme Court. e-Litigation offers law firms and court users a single access point for commencement and active management of case files throughout the litigation process. Electronic Filing System (EFS) was implemented in Singapore in March 2000, while e-Litigation is a second generation IT use launched in January 2013. She took the participants through the technical aspects of e-Litigation, which appears quite similar to the dashboard we have prepared for NJGD in India. Parties with physical petitions can file them electronically through a service centre opened in the Supreme Court for them. The major difference from eCourts in India is that litigants and lawyers are able to access parts of the system online through a series of protocols thus enabling electronic paperless work.

Mr Bala Shanmugam, Senior Director, Academy Publishing, informed of the publication of law reports while Ms Carolyn Lim, Assistant Director, Legal Education explained how legal education is being tuned to make Singapore the thought leader and hub of legal education in the region. She also gave an overview of e-Lex, the online learning portal. Mr Loong Seng Onn Executive Director, Singapore Mediation Centre (SMC) gave an overview of the Centre and how it has received immense support from the judiciary. There is an interesting State Court Practice Direction of 2010 requiring parties to certify that ADR has been explained by solicitors and considered before approaching the regular court. Through an amendment to the Practice Direction in 2012, there is now a presumption of ADR in respect of all civil suits up to S\$ 20,000 and those up to S\$ 60,000 which require more than three trial days. Parties can opt out where (a) ADR has been attempted before; (b) the dispute involves a question of law; or (c) for other good reasons. Otherwise, there will be a cost consequence if ADR is not resorted to. He gave some impressive figures about the track record of ADR in Singapore: 72.5% of referred cases were settled, more than 90% cases settled within a day, over S\$ 3.2 billion worth of cases have been mediated at SMC, with S\$ 309 million being the costliest cause. Under the Small Causes Commercial Mediation Scheme, very reasonable fee is charged to encourage resort to mediation.

### Lessons from Day 3

The biggest lesson of the third day was that Singapore is using the same or very similar systems and solutions that we are using in India; though the outcomes may be much better due to the country being small and cooperation of lawyers having been secured by persistent persuasion by the judiciary. The focus on case management, process re-engineering, ADR and use of IT are all familiar concepts to the Indian justice system, and we can learn from their best practices.

The biggest take away from this day was e-Litigation. The eCommittee of the Supreme Court of India may benefit from further interaction with the technical resource persons behind e-

Litigation and understand the challenges as well as best practices developed in Singapore. It will be a timely initiative as Phase II of the eCourts Mission Mode Project has just begun.

An interesting insight of the day was the innovations by the Singapore Academy of Law, which works in tandem with the Law Ministry and the Supreme Court, to convert Singapore into a regional hub for arbitration. With the focus of the Government to make India an international hub for arbitration, it may be useful to liaise with the Academy to learn of their best practices.

#### Day 4

The entire forenoon of the fourth day was spent on the organisational excellence achieved by Singapore through the International Framework for Court Excellence (IFCE). Ms Jennifer Marie, Deputy Presiding Judge and Registrar, State Courts stated that in order to improve administration of justice in the country, annual Work Plans were put in place in 1992. The focus in 1992 was on clearing backlogs, while in the next two years it was on efficient case management practices and performance measurements. From 1995 to 1997, the State Courts prepared core values and justice statement to become a world class court. Based on these core values, the years 1998 to 2002 focused on building capacities and capabilities of people, systems, process, structure and technology. Since then, each year's Work Plan has focused on aspects of engaging the community to achieve higher standards. All this has been achieved through the tools of insight, cross-sight and foresight.

The idea of IFCE was mooted in 2003 by Justice Richard Magnus when the Business Excellence Framework (BEF) was adopted from the Singapore Quality Awards Governing Council. BEF is a holistic framework that drives organisational excellence in 7 areas: leadership, customers, strategy, people, processes, knowledge and results. The IFCE framework draws from SQA and other quality models used internationally. Its inaugural conference was held in 2007 in Singapore, followed by Washington (2007) and Sydney (2008), while it was formally launched in 2010. Australasian Institute of Judicial Administration, Federal Judicial Centre USA, National Centre for State Courts and Subordinate Courts of Singapore are the founder members of IFCE.

The purpose of IFCE is, using the seven areas of court excellence, to provide for a path for improvement in the quality of the court and represents a methodology for continuous improvement. A Court Excellence Self Assessment Questionnaire is used to identify what areas of court excellence must be addressed in the short term and in the long term, developing a roadmap from 'what is' to 'what can be'.

Ms Marie took the participants through each of the 7 areas of court excellence. She then talked about the latest scenario planning done on the subject: What will the world be like in 2035 and where will State Courts stand?

As mentioned earlier, the administrative work in Singapore courts is done by Court Administrators, who are the key to bringing about efficiency in the system. Ms. Marie detailed key recommendations of the Committee of Professionalising Court Administrators resulting in Framework of Competencies and Assessment Qualities of State Courts' Court Administrators. She also spoke about the State Courts Framework of Core Judicial Abilities and Qualities for

judges, involving Bench Skills and Ethics, Legal Knowledge and Social Awareness, and Judicial Leadership and Management. As the presentation reveals, a lot of time and effort is given to continuous improvement at both the court administrator and judge level. No wonder, therefore, that in an Organisational Health Survey earlier in 2015, 84% of the court staff was satisfied with the workplace.

Knowledge management, leveraging IT, a culture of innovation and *Kaizen* – continuous improvement, are the mantras of State Courts. State Courts undertake regular internal and external audits and extensive media engagement apart from having published a Court Charter on its website. More recently, they have started ‘Design Thinking’ which is tailored to deliver effective and empathetic service to the citizens. She closed her session with a briefing on the new State Courts building coming up next to the old building and the State Courts Conference on Court Excellence being organised from 27-29 January 2016. She invited participants to submit papers for the conference on various subjects on the theme “Judiciary of the Future”.

Ms Chan Wai Yin, Senior Director, Criminal Justice Division of State Courts took the participants through specific aspects of IFCE tools and gave an exercise to undertake self-assessment of their respective court systems.

In the afternoon, the participants visited the Law Society of Singapore, the equivalent of the Bar Council of India. Mr Tanguy Lim, Director and Head of *Pro Bono* Service Office assisted by Ms Ambika Rajendram Director and Head of Conduct Department, and Ms. Shawn Toh, Director and Head of Communications and Membership Interests Department gave a presentation on the Law Society. Like our Advocates Act, they too have a Legal Profession Act, 1967 to regulate the legal profession in Singapore. They have various schemes to support their members, apart from a welfare fund. Unlike in India, legal aid in Singapore is serviced by the Ministry of Law and volunteers receive honorarium from the Ministry for providing free legal services. They also run legal clinics in law schools.

Singapore has a strong *pro bono* culture, conducted with voluntary support from the members of the Society. The Society has established a separate Pro Bono Services Office. Each law firm in Singapore pledges a minimum of 25 hours per lawyer per year of *pro bono* service, a pledge which has been inserted in Rules of the Society for mandatory reporting. Although there are no adverse consequences of not completing the mandated hours of *pro bono* service, there is a practical naming and shaming as the details are published by the Society.

#### Lessons of day 4

IFCE is a concept worth studying and emulating in India after necessary adaptation to our situation. While the eCourts project will help in automation of court processes and ease of availability of case data to judges, litigants and lawyers, IFCE can take work as a quality management system designed to help courts improve their performance. While eCourts focuses on operations, IFCE focuses on governance.

The publication of *pro bono* service by lawyers is a good practice of the Law Society of Singapore which the Bar Council of India may like to consider.

## Day 5

District Judge James Leong, Principal Director and Chief Information Officer, Strategic Planning and Technology Division of State Courts, made a presentation on use of technology in courts. It was a basic presentation on definitions and scope of ICT and the way it has resulted in improved performance of State Courts. These issues had also been discussed on the second day in the session on Judicial Governance and on the third day during the visit to the Supreme Court. On our request, the head of the technical team helping State Courts was also present during the session to answer our queries.

The technical team working in the State Courts actually belongs to the Information Technology Department of the Government of Singapore. It is very much like the NIC in India supporting computerisation of courts. The difference is that the programming work is all outsourced; unlike NIC which develops software programmes in-house for the courts (of course, using outsourced developers). State Courts are using Windows based proprietary software in most of their applications. Both the development and maintenance of technological tools is done through global e-procurement tenders. Crimson Logic, the PSU-type Singapore IT firm that had visited MLJ and then gave a presentation to DoJ three months ago has bagged many of the projects. We had discussed with them our need to develop and operate all programmes and applications on free and open source software as per government policy, invited them to see the applications available to the public on [www.ecourts.nic.in](http://www.ecourts.nic.in) and the details of the Policy Document for Phase II of the eCourts project on the Supreme Court website and then discuss any possible further cooperation. They never returned after that.

The last session was an exercise given to the participants divided into four groups again. It was a scenario planning exercise where a 100 year old court system in the country 'Courtland' was to envision their court system in 2020. The presentations showed that the participants had indeed learnt the basics of judicial governance well during the five days.

Justice Ram Mohan Reddy of India was chosen to deliver the thanks giving speech in the presence of senior Judges of Singapore and diplomats from a few countries including the Indian High Commissioner.

## Lessons

The presentation of Judge James Leong was the last of many sessions where the importance of IT and ICT was repeatedly emphasised in improving the justice delivery system in Singapore. Next to a top-led initiative and enterprise towards better governance of courts, ICT was obvious as the key input in making the Singapore court system what it is today. There is much to learn from their system for India in terms of how the eCourts project and the National Court Management System (NCMS) can be better leveraged by our Supreme Court and the Government to further improve the justice delivery system.

The five day programme was very well organised, with sessions taking us deep into the best practices developed by the courts in Singapore. While most of the plans and programmes explained by the presenters are being organised to some extent in India as well, the key

difference was that each programme was commenced by Singapore with firm timelines and executed with full cooperation of all stakeholders within those timelines. For example, while India, through resolutions of CJ Conferences and CM/CJ Conferences has resolved on many similar issues like court development plans and arrears committees to be put in place by High Courts, some of these resolutions have been simply repeated in successive resolutions without any concrete stock taking of results of implementation of the resolutions. The assessment and review undertaken by Singapore seems to be missing in India. In sum, though there were very few new ideas coming out of the Programme so far as India is concerned, the difference lies in the manner in which each decision by the State Courts and the Supreme Court of Singapore is executed in full within planned timelines and with rigorous assessments and reviews resulting in next steps of improvement in judicial governance.

Participants from various countries were quite impressed by the experience of Singapore in making substantive and timely improvements in the justice delivery system. They have shared email addresses amongst them and established an e-mail group to continue to interact and share experiences of various challenges and best experiences in their respective jurisdictions.

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