

**A Brief Report submitted by Anil Kumar Gulati, Joint Secretary,
Department of Justice on his participation in the International
Conference on Court Excellence at Singapore**

An International Conference on Court Excellence was organized by the State Courts of Singapore on 28-29 January, 2016. The theme of the Conference was 'Judiciary of the Future'. The Conference was attended by 190 participants from 18 countries including two from India. The participants and speakers included judges, judicial officers, court administrators, policy makers and experts from related fields. They shared their perspectives on the latest trends and developments in court administration and deliberated upon the challenges that the judiciaries may face in time to come. The Conference was inaugurated by Shri Sundaresh Menon, Chief Justice of Singapore.

2. The key note address at the Conference was delivered by Chief Justice Marilyn Warren AC of Supreme Court of Victoria, Australia. According to her, the International Framework for Court Excellence has provided the means for court accountability through self assessment and self improvement without compromising on judicial independence. The foundation of the Framework is the clear statement of the fundamental values to which the courts must adhere to. Simultaneously, she emphasized that Judicial Wellbeing is an equally important area and should not be lost sight of in pursuit of court performance indicators. She was of the view that judicial decisions have enormous impact on the happiness and wellbeing of the community at large and judicial stress can have adverse effect on the quality of decision making. In her opinion meaningful discussion on court excellence, court performance and judicial governance cannot occur without the inclusion of robust discussion on judicial health.

3. The theme of the first session on day one was leadership for the future. The session was taken by the Justice Chao Hick Tin, Judge of Appeal, Supreme Court, Singapore. He started with the proposition that 21st Century belongs to Asia. With the focus on Rule of Law as a fundamental tenet and efficiency in judicial administration, Singapore has emerged as a global centre for international dispute resolution. He dwelt on the role of the present and former Chief Justices of Singapore who provided exemplary judicial leadership to the country. He gave an account of jurisdictional and procedural reforms which enabled the Singapore judiciary to liquidate the backlog of cases. Case management and pre-trial conference were the main elements of procedural reforms which were undertaken through appropriate amendments of court rules to improve the efficiency of the courts. A new office of the Chief Executive has been created in the Supreme Court to look after the administrative and policy aspects of judicial administration and office of the Registrar now focuses on management of cases.

4. He gave a detailed account of institutional reforms such as establishment of Singapore International Commercial Court as a division of the Supreme Court merging

arbitration with judicial process. The objective of making Singapore a hub for Judicial Education is sought to be achieved through establishment of Singapore Judicial College, Sentencing Council and Asian Business Law Institute. He concluded his presentation by making a statement that there is no standard 'silver bullet' for judicial reforms and each country has to find its own solution for the unique challenges which come in the way of an efficient and responsive judicial administration.

5. Chief Justice Chris Kourakis, Supreme Court of South Australia was of the view that there should be a dialogue among judges of the court to avoid biases and to work for social coherence and harmony. The Principal Judge of the court should lead this dialogue. In his opinion the judiciary should have frequent media interactions to make the general public aware of the judicial process. Justice Brian J Preston, Chief Justice and Ms. Jonne Gray, Registrar, Land and Environment Court of New South Wales thereafter made a presentation on the need for a collaborative approach on the part of the judiciary with all stakeholders. They advocated the use of court surveys to measure the trust and confidence of the public at large on the judicial process. They also emphasized on the need for periodic publication of judicial news letter for continuing education and building trust and confidence among the people. An effective grievance redressal mechanism and data base for judicial research and policy formulation were among other measures suggested for strengthening the collaborative approach. They also dwelt upon the need for collaboration of courts with government departments for the purpose of creating an appropriate policy and legislative framework in fields requiring specific expertise such as land and environment.

6. The session two of day one began with the presentation of Justice Lee Seiu Kin, Supreme Court of Singapore. The theme of his presentation was 'Courts of the Future'. He began his presentation by putting the judiciary's technological landscape in its historical perspective from Lawnet in 1990 to e-Litigation in 2013. He attributed technological advancement in judicial decision making to increasingly informed and well educated citizenry as well as new opportunities and challenges brought about by information technology. He informed that a task force was appointed to conceptualize the 'Courts of the Future' after obtaining the inputs from the stakeholders. The new initiatives proposed include artificial intelligence and natural language technology in supporting the decision making process, online dispute resolution, e-plead guilty and e-judiciary portal for one stop e-services for lawyers, litigants and general public. A Vision Statement has been prepared for courts in the year 2020. Judge Michael Jorrett, Federal Circuit of Australia spoke on non technology based solutions in family court cases such as counseling, mediation and involvement of community based service providers for amicable settlement of family disputes.

7. Principal District Judge Ong Hian Sun of Criminal Justice Division, State Courts, Singapore spoke on 'e-volution'. He explained the intricacies of Integrated Criminal Case Filing and Management System (ICMS) and Sentencing Information and Research Repository. In the words of Chief Justice Sundaresh Menon, the ICMS will transform the Criminal Justice Landscape from the paper based process to an

electronic one. This will facilitate the expeditious management of criminal matters with the courts being linked to other institutions involved in the administration of the criminal justice system. Under the above system, the criminal proceedings from their commencement at a police station through the process of investigation, prosecution, judicial determination, sentencing and appeal are integrated in a seamless electronic format obviating the use of paper at any stage. Chief Magistrate Steven Heath, Magistrate Court spoke about the computerization of criminal justice system in Western Australia.

8. Session three day one started with the presentation of Chief Justice Robert J. Torres, Supreme Court of Guam on 'Evaluating your court's performance.' He was of the opinion that measurement of performance is a means of judicial accountability whereby the courts come to know how well they are achieving their basic objectives. The ten CourTool performance measures designed by the National Centre for State Courts help in measuring the performance of trial courts in the United States of America. These tools inter-alia measure access and fairness, clearance rates, time of disposition, age of active pending caseload, trial date certainty, reliability and integrity of case files and cost per case.

9. Mr. Laurie Glanfield, Deputy President, Australian Institute of Judicial Administration spoke on International Framework for Judicial Support Excellence. The framework provides broad support services and specific services such as research, education, technology, finance etc., through judicial support organizations. The primary clients of the framework are judicial officers and court administrators. The goals of International Framework for Judicial Support Excellence are closely aligned with the International Framework for Court Excellence which enables a shared journey to excellence with courts.

10. Daniel J. Hall, Vice President, National Centre for State Courts, USA gave a presentation of High Performance Court Framework, a road map of improving management of courts. This framework measures effectiveness, efficiency, procedural satisfaction and productivity of courts. It makes use of organizational capital, human capital, technological capital and information capital available within the judicial system. It strengthens the role of courts in the society by improving public trust and confidence and ensuring adequate funding from other branches of the government on the basis of measurable court performance. Professor Greg Reinhardt, Chair, International Consortium of Court Excellence gave a brief overview of the activities of the consortium.

11. Session one day two began with the presentation of Keith R. Fisher, Senior Counsel, National Centre for State Courts, USA on Judicial Ethics. In his view the independence of judiciary should be guaranteed by the State. Independence means independence from influence from other branches of the State and not independence from applicable laws and precedents. Independence can also be interpreted as freedom from extraneous influences, inducements, pressures, threats or interference. He covered wide range of topics under judicial ethics which inter-lia included judicial

independence, impartiality, judicial accountability and public confidence. While independence focuses on extrinsic forms of influence, impartiality focuses on internal pre dispositions. Judicial accountability is a sensitive subject. It may beg a question whether courts are subject to external evaluation. In a democracy maintaining public confidence in the judiciary is the only way to ensure that judgments of the courts are respected and obeyed.

12. Justice Valentyna Simonenko, Chair, Council of Judges of Ukraine and Mr. Tomas Venteletnky, Monitoring, Evaluation and Court Performance specialist gave presentations on court performance evaluation system in Ukraine. Ukraine follows the system of judicial self governance. After considering several international models for court performance evaluation in Ukraine, it was found that the International Framework for Court Excellence was the most suitable for the country. Some of the important indicators / criteria of court performance in Ukraine include average number of adjudicated cases per judge, average duration and cost of disposition, number of cases pending for more than one year, percentage of cancelled and changed decisions by higher courts of the total number of decisions, evaluation of court accessibility by court users, evaluation of timelines in providing court services and evaluation of work and conduct of judges and court staff by court users.

13. Mr. Amit Mukherjee, Lead Public Sector Specialist, World Bank spoke on good governance and judicial ethics. In his opinion though it was difficult to quantify good governance yet Rule of Law, government's ability to control corruption, quality of regulatory framework and ease of doing business are some of the indicators which can be used for the purpose. The state of judiciary in a country is reflection of broader society and level of governance. He raised several important questions such as can justice be effectively delivered if the state itself is ineffective, does the judiciary have the leadership it needs, how frequent is turn over in top judicial positions and does the judicial leadership have a vision. In his view the most effective means to improve judicial ethics appears to be through peer support and pressure from other jurisdictions.

14. District Judge May Mesenas and Mr. Chew Kwee San, Vice Chairman, Board of Directors, Community Services gave a presentation on the Community Justice Centre, Singapore. The working of the Centre represents Public-Private-People collaborative approach between State Courts, Ministry of Law, Ministry of Social and Family Development, Law Society and Tan Chin Tuan Foundation of Singapore. It assists Litigants in Person to obtain basic procedural information and refers the needy litigants to other source of assistance. Volunteers from local universities explain the litigants basic court processes and help them in preparing documents. The primary justice project helps in amicable resolution of dispute at pre-litigation stage through mediation. It covers civil claims below SGD60,000/- and divorce matters close to settlement. The guidance for Plea Scheme provides legal advice to certain categories of accused persons which inter-alia include people who do not qualify for Criminal Legal Aid Scheme. Community Justice System links legal information and knowledge of social services.

15. Magistrate Simon Young, Queensland Magistrate Court explained the working of Queensland Civil and Administrative Tribunal. It was created by a legislative enactment and amalgamated 23 former tribunals. Its functioning is based on alternative dispute resolution processes and it avoids adversarial court like proceedings. The key jurisdictions of the tribunal include minor civil disputes, rental issues, guardianship, child protection and professional mis-conduct. In his presentation Mr. Mark Beer, Chief Executive and Registrar of Dubai International Financial Centre gave an account of the functioning of one of the most effective commercial courts in the world. In his view 95% customers satisfaction was one of the most important success indicator of the centre besides 92% settlement rate and settlement of 90% claims under SGD175K in four weeks. This has been achieved by engaging leading judges from around the world and extensive use of information technology. In fact the centre remains online all the time. Judge Dr. Kanok Jullaman, Supreme Court of Thailand highlighted the challenges being faced by the courts in Thailand and gave an account of the steps being taken to improve the trust and confidence of people in Thailand judiciary.

16. Post lunch day two District Judge Tan boon Heng, Executive Director, Singapore Judicial College gave an account of the work of Singapore Judicial College in preparing the judges for the courts of the future. The strategic drivers behind judicial education programme in Singapore were grouped under three broad categories viz., evolving roles of judges for which training programmes have been designed on judicial leadership, equipping judges for emerging trends for which training is imparted on bench skills, social awareness and issues and challenges of the future for which judges were being made aware of the emerging technologies such as artificial intelligence and its implication for judicial decision making. The role of Singapore Judicial College in spearheading the empirical judicial research and its contribution towards developing better judicial education in Singapore in the region as a whole was explained in detail.

17. Justice Robert McDougall, Supreme Court of New South Wales, Australia and Ms. Papinder Kaur, Senior Director, Infrastructure Development State Courts, Singapore spoke on designing 'Court Rooms of the Future'. The thrust of their presentations was that court rooms need to be designed in such a way so as to provide a calm and relaxing environment for all the stakeholders. Courts in the common law countries have historically been designed to reflect the authority of the State and underlined values of its legal system. The focus of court design is now shifting to user experience with emphasis on acoustics, technology, environment protection, transparency, amicable dispute resolution and regard for human dignity. Mr. Ramesh Siva, Transport and ICT Group, World Bank gave a presentation on the perspective of Development Agencies towards 'Court of Future'. He focused on technology driven solutions for modernization of judiciaries across the world. He was of the view that questions need to be asked whether implementation of ICT would improve access with transparency and bring about desired efficiency in judicial processes. In his opinion visionary and committed leadership along with adequate ICT capacity and strong ability

to plan, monitor and implement were the critical success factors for large scale ICT projects in justice sector.

18. In his closing remarks Judicial Commission See Kee Oon, Presiding Judge of the State Courts drew attention to the work of Professor Richard Susskind and flagged the issue whether the court was a service or a place. Referring to Chief Justice Marilyn Warren's paper titled 'Embracing Technology:- The way forward for the Courts', he noted that we may not be that far away from a future court system where the court becomes both 'paperless' and 'people less' to a large extent. Recapping a few key points on effective leadership, innovation in court procedure and practices and the role being played by information and communication technology in the justice sector, he laid emphasis on formulation of sound policies and developing the potential and talent of judicial manpower for achieving the objectives set forth in International Framework for Court Excellence.

19. The Conference afforded an excellent opportunity to the participants from India to interact with the speakers during the question answer sessions as also to network with the judicial administrators and judges of other participating countries for fruitful exchange of views on the matters of common concern. A number of issues deliberated upon in the Conference have direct bearing on judicial reforms in India. The first and foremost being the critical role of the judicial leadership in transforming the slow paced justice delivery system in the country by implementing the much needed procedural reforms including automation of court processes. For this to happen, the Chief Justices of the High Courts should have a reasonably long tenure to enable them to formulate and implement an Action Plan for liquidation of backlog and arrears from our judicial system.

20. One of the key indicators of good governance is the ease with which one can do business in the country. With emphasis on 'Make in India' and policy of initiatives being taken by the government for promoting 'Start Ups', it becomes all the more necessary that a robust framework of dispute resolution exists within the country both in the formal court system as also for out of court settlements. The recent legislative initiatives on Commercial Courts and amendments to Arbitration and Conciliation Act, 1996 are steps in this direction. However, much more needs to be done to boost the confidence of domestic and foreign investors by improving the capacity of our institutional mechanisms for fair, transparent and speedy resolution of disputes.

21. The judicial independence and judicial accountability are the two facets of the same coin. While judicial independence is essential for vibrant democracy at the same time the judiciary needs to adopt universally accepted performance indicators to enhance the public trust and confidence in judicial processes. Keeping this in view the government has approached Hon'ble Chief Justice of India for implementation of measurable performance standards for Indian Courts at all levels making use of the guidelines of the International Framework of Court Excellence.
