

File No. N - 17 / 145 / 2019 - NM (Part)

Government of India
Ministry of Law & Justice
(Department of Justice)

Jaisalmer House,
26-Mansingh Road,
New Delhi – 110011
Dated: 10th June, 2020

OFFICE MEMORANDUM

Subject: Action Points of the Review Meeting held for improving India's ranking in World Bank Report on Doing Business for parameter of "Enforcing Contracts" on 05.06.2020 – Regarding.

Please find enclosed herewith Action Points of the Meeting held on 05.06.2020 in New Delhi to discuss the progress on the action required to be taken by the concerned Departments for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator for your kind information, record and necessary action.

(Ashok Kumar IPS)
Deputy Secretary
Tel. No. 011-23072136

Encl: As above

1. The Registrar General, High Court of Delhi, New Delhi.
2. The Registrar General, High Court of Bombay, Mumbai
3. The Registrar General, High Court of Karnataka, Bengaluru
4. The Registrar General, High Court of Calcutta, Kolkata.
5. The Secretary (Law), Government of NCT of Delhi, New Delhi
6. The Prl. Secretary (Law), Government of Maharashtra, Mumbai.
7. The Principal Secretary (Law), Government of Karnataka, Bengaluru.
8. The Secretary (Law), Government of West Bengal, Calcutta.
9. Shri Ramesh Babu, Member, eCommittee, Supreme Court of India.
10. Smt. V. Radha, Joint Secretary, DPIIT
11. Shri Soumendra Nath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
12. Shri S.B. Singh, DDG, NIC
13. Shri Abhilash Malhotra, Metropolitan Magistrate, Tis Hazari Courts

Copy to:

1. Smt. Supriya Devasthali, Director, DPIIT
2. PPS to Secretary (Justice)
3. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi
4. PPS to Joint Secretary (eCourts), Department of Justice, Jaisalmer House, New Delhi

ACTION POINTS OF THE MEETING HELD ON 05.06.2020 AT 4.30 P.M. IN DEPARTMENT OF JUSTICE TO DISCUSS PROGRESS ON VARIOUS ISSUES RELATING TO “EASE OF DOING BUSINESS” ON PARAMETER OF “ENFORCING CONTRACTS”.

A follow-up meeting was held on 05.06.2020 (Friday) at 4.30 P.M. through video conferencing, to discuss the progress on the reforms to be implemented in respect of “*Enforcing Contracts*” under “*Ease of Doing Business*”. A list of participants is attached as **Annexure**. Smt V.Radha, Joint Secretary, DPIIT mentioned that there would be a meeting with World Bank in the last week of June, 2020 and a preparatory meeting for that meeting in the third week of June, 2020.

The following parameters along with the action points were discussed.

S.No	Parameters	Action Points
1.	Establishment of dedicated Commercial Courts (Reforms of Case-management hearing will be accepted and increase score from 0 to 100 in time taken for trial and judgment)	Kolkata High Court: <ul style="list-style-type: none"> Confirmed that the existing 2 Commercial Courts at Alipur and Rajarhat in Kolkata are dedicated Commercial Courts. The matter of reduction of pecuniary jurisdiction of these courts from Rs 30 lakhs to Rs 3 lakhs is under consideration. Karnataka High Court: <ul style="list-style-type: none"> To send number of pending commercial cases in the proposed 2 more dedicated commercial courts in Bengaluru Rural. DoJ: <ul style="list-style-type: none"> Letter to Government of Karnataka to set up six more dedicated commercial courts in Bengaluru City and 2 more dedicated commercial courts in Bengaluru Rural. Letter to Government of West Bengal to set up the two dedicated commercial courts in Kolkata and reduce pecuniary jurisdiction to 3 lakhs of the commercial court dealing with commercial cases arising in Kolkata.
2.	Implementation of random and automatic allocation of cases to Judges through Case Information System (CIS) 3.0 software but has to be fully implemented.	Kolkata High Court: <ul style="list-style-type: none"> To provide data as per 8 standard formats in excel sheets of cases randomly allocated to judges during the months of January to March 2020 be shared by 10th June, 2020. Delhi and Mumbai High Courts: <ul style="list-style-type: none"> To send details of implementation of random and automatic allocation software after removal of checkbox

	(To Claim 0.5 Point)	<p>and human intervention.</p> <p>eCommittee, SCI & NIC:</p> <ul style="list-style-type: none"> NIC to organize a Demo regarding random and automatic allocation of cases with no human intervention (after removal of checkbox) in the presence of representatives from Delhi and Mumbai Commercial Courts on 10th June, 2020 at 4 pm.
3.	<p>The system of electronic filing of commercial cases (e-filing) in all commercial courts</p> <p>(To Claim 1 point)</p>	<p>Mumbai and Delhi High Courts:</p> <ul style="list-style-type: none"> To send a note on amendment if any required to be made in the Code of Civil Procedure and other laws to enable mandatory electronic filing of commercial cases and to discontinue filing of a physical copy after e-Filing affidavits or written statements. To provide data regarding eFiling as per the 8 standard formats for the months of March to May, 2020. To send a note on the functioning and scope of improvement in existing eFiling software so that the same can be looked into by the eCommittee, SCI. Digital signature facility (both Aadhar based e-KYC and USB-Dongle based digital signature) is available in the e-filing software prepared by the eCommittee. Similar facility may be provided by the High Courts of Delhi and Mumbai, for eFiling of commercial cases in all Commercial courts. <p>eCommittee, Supreme Court of India/NIC:</p> <ul style="list-style-type: none"> It was clarified that High Courts can issue guidelines and practice directions to make eFiling of commercial cases mandatory. The Draft Model Rules for eFiling, pending before the committee formed by the Chairperson, eCommittee will be circulated to all High Courts for adoption soon. eCommittee would also consider issue of letter to RG's of High Courts of Delhi, Mumbai, Kolkata and Bengaluru to make eFiling in respect of commercial cases mandatory. <p>DPIIT: Global Best Practices regarding e-filing remains pending from DPIIT. DPIIT to furnish the same.</p> <p>DoJ: Letters to be written to RGs of High Courts of Delhi, Mumbai, Kolkata and Bengaluru requesting to make eFiling mandatory in commercial cases and dispensing with physical copies whenever eFiling is done.</p>

4.	Operationalization of electronic service of summons (by email / SMS alert). (To Claim 1 point)	<p>Mumbai: To implement dual system of service of summons i.e. physically and electronically as in the case of Delhi and send action taken report regarding this.</p> <p>NIC: Available Templates in CIS for generating SMS and eMail provided. Indicating of timeline, by NIC, Pune, about generating templates on eSummons for commercial cases including auto-sending of emails through CIS Software is pending.</p> <p>DPIIT: Global Best Practices regarding e-summons remains pending from DPIIT. DPIIT to furnish the same.</p>
5.	Pre-Institution Mediation and Settlement (PIMS) Cases	<p>Kolkata: To share PIMS Data of commercial cases arising out of Kolkata as per 8 standard formats in excel sheets of cases randomly allocated to judges during the months of January to March 2020.</p> <p>High Courts of Delhi, Bombay, Karnataka and Calcutta to share data relating to PIMS as per the Commercial Courts (Statistical Data) Amendment Rules, 2020 and publish on their respective websites and updated from time to time.</p>
6.	100% implementation of Case Management hearing / pre-trial conference under Order XV-A of the CPC, 1908 for all commercial cases. (To Claim 1 point)	<p>Kolkata: To share Data (of only Kolkata) as per 8 standard formats with CNR Numbers in excel sheets of cases listed for case management hearing in the months of January to March 2020.</p> <p>Cause lists shared by Bengaluru do not mention category of case management hearing. Copies of Cause Lists / <i>Roznamas</i> for cases listed for Case Management Hearing to be shared by Kolkata and Bengaluru.</p> <p>eCommittee, SCI & NIC: To find out feasibility to include Case Management hearing/pre-trial conference along with time lines given in CPC Order XVA in Schedule to the Commercial Courts Act, 2015 in CIS Software.</p>
7.	Disposal of cases to be brought within 800 days in Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru (Increase score from 0 to 100 in time taken for trial and judgment)	<p>Kolkata: Data of contested commercial cases (of only Kolkata) as per 8 standard formats in excel sheet with CNR Numbers /copies of judgments for January to May 2020 to be shared.</p> <p>Bengaluru: Data of May, 2020 to be shared.</p> <p>Delhi and Mumbai: To also submit data/evidence to show reduction in time taken in disposal of cases.</p>
8.	Integration of eCMTs and make them available on one	<p>eCommittee/NIC, Delhi and Mumbai High Courts:</p> <ul style="list-style-type: none"> Enable Integration of Access to Forms to be submitted by lawyers (eCMT) in commercial cases with the CIS

	digital platform	<p>Software. This integration has to be done with eCourt Services portal and eCourt Services App.</p> <ul style="list-style-type: none"> Integration of India Code portal with eCourt Services Portal has been completed but its integration with eCourt Services App needs to be completed.
9.	Training of Commercial lawyers/legal firms and judicial officers handling and dealing in the Commercial Courts dealing with commercial cases be prepared for directly communicating with them on the reforms undertaken and for organizing training workshops.	<p>Delhi: Sharing of training calendar for judges and lawyers on Electronic Case Management Tools is pending.</p> <p>Kolkata: List of lawyers practicing in commercial matters before Alipore Commercial Court (name, emails and mobile numbers) received. It is requested that the List of Lawyers practicing before City Civil Court, Calcutta be also shared.</p> <p>eCommittee, SCI is requested to share updated status on preparation of National Master List of practicing Lawyers.</p>
10.	Publicity of reforms introduced in the Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru	Delhi and Kolkata: Registrar Generals, High Courts of Delhi and Calcutta to share action taken on displaying printed material at vantage points in the District Commercial Court Premises.

The Meeting ended with a vote of thanks to the chair.

Annexure

List of participants.

1. Shri Barun Mitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
3. Shri P.P. Pandey, Joint Secretary, Department of Justice.
4. Smt. V. Radha, Joint Secretary, DPIIT
5. Shri Ramesh Babu, Member, eCommittee, Supreme Court of India
6. Shri Hanumanath Rao, Technical Director, eCourts Division, NIC
7. Smt. Supriya Devasthali, Director, DPIIT
8. Shri D.P.Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
9. Shri Rajesh Pavaskar, CPC, High Court of Bombay
10. Shri Y.H. Ameta, Legal Adviser-cum-Joint Secretary, Law and Judiciary Department, Mantralaya, Mumbai
11. Shri Mahendra Chandwani, Principal Judge, City Civil and Sessions Court
12. Shri Bhushan M Amrute, Court Manager, City Civil and Sessions Court, Mumbai
13. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
14. Shri T G Shivashankare Gowda, Registrar (Computers), High Court of Karnataka
15. Shri N.G. Dinesh, CPC, High Court of Karnataka
16. Shri Sunil Kumar Sharma, Additional Secretary Law, Justice and Legislative Affairs, GNCT, Delhi
17. Shri M.B. Malhotra, Deputy Secretary, Law, GNCT of Delhi.
18. Shri Arup Basu, JS, Government of West Bengal
19. Shri Amit Gupta, Sr. Legal Consultant, DPIIT
20. Shri Rituj Chopra, Consultant, National Mission for Justice Delivery and Legal Reforms