

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 17.04.2020 – Regarding.

Please find enclosed herewith Action Points of the Meeting held on 17.04.2020 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.

(C.K. Reejonia)
Director
Tel. No. 011-23072146

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 Surinder S. Rathi, Member (Processes), B Block, 8th floor, Additional Building Complex, Supreme Court of India, New Delhi – 110001.
10. Smt. Supriya Devasthali, Director, 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. Shri Ravinder, Joint Secretary, DPIIT
2. PPS to Secretary (Justice)
3. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi

ACTION POINTS OF THE MEETING HELD ON 17.04.2020 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 17.04.2020 (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” under the Chairmanship of Shri Barun Mitra, Secretary, Department of Justice. A list of participants is attached as **Annexure**.

The following parameters along with the action points were discussed by the Secretary, Department of Justice with participants from Delhi, Mumbai, Kolkata and Bengaluru:

| S.No | Agenda | Pending Action | Action to be taken by Agency |
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| 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) | <p>1. Bengaluru:</p> <ul style="list-style-type: none"> Accommodation in BSNL Building and establishment of 8 additional dedicated commercial courts (6 for Bengaluru City and 2 for Bengaluru Rural) is pending. <p>2. Kolkata:</p> <ul style="list-style-type: none"> Reducing pecuniary jurisdiction of existing commercial courts to 3 Lakhs is pending. Accommodation and establishment of 2 additional dedicated commercial courts will proceed from 15th May, if lockdown is lifted. Data regarding number of commercial cases of pecuniary value between 3 lakhs and 30 lakhs is not shared. | <p>1. Bengaluru:</p> <ul style="list-style-type: none"> High Court of Karnataka has been requested that expected date for establishment of 8 additional dedicated commercial courts (6 for Bengaluru City and 2 for Bengaluru Rural) may be sent before the next meeting. <p>2. Kolkata:</p> <ul style="list-style-type: none"> High Court of Calcutta has been requested that expected date of reducing pecuniary jurisdiction of commercial courts to Rs. 3 Lakhs for already functioning 2 dedicated commercial courts and establishment of 2 additional dedicated commercial courts in Kolkata city may be indicated. <p>3. All High Courts have been requested to make available data in formats regarding number of commercial cases disposed of.</p> <p>4. DoJ:</p> <ul style="list-style-type: none"> A separate meeting to be held with High Court of Calcutta on establishment of sufficient dedicated commercial courts as per 1,000 commercial cases per court with pecuniary value of 3 lakhs and also issues pertaining to posting of judges, support staff and availability of |

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| | | | accommodation for new commercial courts. |
| 2. | <p>The system of random and automatic allocation of cases to Judges has been started through Case Information System (CIS) 3.0 software but has to be fully implemented.</p> <p>(To Claim 0.5 Point)</p> | <ol style="list-style-type: none"> 1. Delhi: <ul style="list-style-type: none"> • Data for January to February 2020 received in the correct format. 2. Mumbai: <ul style="list-style-type: none"> • Data for the month of March 2020 received in correct format and shared with Delhi, Bengaluru and Kolkata. 3. Bengaluru and Kolkata: <ul style="list-style-type: none"> • Action Taken on implementation not shared. 4. DPIIT: <ul style="list-style-type: none"> • Screenshots for functioning of Automatic and Random Allocation requested and shared by Delhi. 5. eCommittee, SCI & NIC: <ul style="list-style-type: none"> • eCommittee, SCI will forward to all the High Courts to get their views on making allocation of cases automatic. • NIC prepared for removing the check box option to make allocation of cases automatic. | <ol style="list-style-type: none"> 1. Bengaluru and Kolkata: <ul style="list-style-type: none"> • It has been requested that Action Taken on implementation of automatic and random allocation of cases may be shared. The timeline of implementation may also be indicated. 2. eCommittee, SCI & NIC: <ul style="list-style-type: none"> • It is requested that Action Taken on proposal for making allocation of cases automatic is shared. |
| 3. | <p>The system of electronic filing of commercial cases (e-filing) in all commercial courts</p> | <ol style="list-style-type: none"> 1. Delhi: <ul style="list-style-type: none"> • No cases electronically filed since 1.03.2020. • Data for January to February 2020 received in the correct format. | |

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| <p>(To Claim 1 point)</p> | <ol style="list-style-type: none"> 2. Mumbai: <ul style="list-style-type: none"> • No commercial cases electronically filed. • Scheme of e-filing is being shared with every advocate on their email id. 3. Bengaluru <ul style="list-style-type: none"> • Status of implementation (including training of advocates) and evidence of e-filing not shared. 4. Kolkata <ul style="list-style-type: none"> • Status of implementation (including training of advocates) and evidence of e-filing not shared. 5. eCommittee, Supreme Court of India/NIC: <ul style="list-style-type: none"> • Paperless District Commercial Courts: A proposal to be sent to eCommittee for approval of eFiling (Without Hard Copy) and Paperless Court working environment for Commercial Courts. • Task Force containing members from eCommittee, NIC, DoJ and High Courts of Delhi and Mumbai is to be created to facilitate guidelines for paperless district commercial courts. • Two sub-committees of Commercial Court Judges can be formed to execute the Action Plan for paperless district commercial courts. | <ol style="list-style-type: none"> 1. Mumbai: <ul style="list-style-type: none"> • It is requested that outreach activities regarding training lawyers to use the e-filing facility is shared. 2. Bengaluru: <ul style="list-style-type: none"> • It is requested that status of implementation (including training of advocates) and evidence of e-filing to be shared. 3. Kolkata: <ul style="list-style-type: none"> • It is requested that status of implementation (including training of advocates) and evidence of e-filing to be shared. 4. eCommittee, Supreme Court of India/NIC: <ul style="list-style-type: none"> • DoJ to send the proposal to eCommittee for approval for creation of eFiling and Paperless Court working environment for Commercial Courts. • Once approved the High Courts of Delhi and Mumbai may be requested to nominate names of three Commercial Court Judges, each as Members of sub-committee for creation of an executable Blueprint for paperless district commercial courts. • Thereupon, the eCommittee and NIC may be requested to prepare an Action Plan on steps for e-filing and Paperless Court with dedicated roadmap and timelines. |
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| | | <ul style="list-style-type: none"> eCommittee, SCI has written to Bar Council of India regarding preparation of National Master of practicing Lawyers. <p>6. DPIIT: Global Best Practices regarding e-filing will soon be shared</p> | |
| <p>4. The functionality of electronic service of summons (e-summons by email/sms alert) is ready but is not yet operational. The implementation of the same has to be expedited.</p> <p>(To Claim 1 point)</p> | | <ol style="list-style-type: none"> Delhi <ul style="list-style-type: none"> Data for January to February 2020 received in the correct format. Kolkata <ul style="list-style-type: none"> Draft Rules pending before High Court Committee. Bengaluru: <ul style="list-style-type: none"> Draft Rules pending before High Court Rules Committee. eCommittee, Supreme Court of India/NIC: <ul style="list-style-type: none"> Contribution from Judges dealing with Commercial cases of Delhi and Mumbai in designing templates for commercial cases regarding auto-sending of emails through CIS Software. Summons for all civil cases via email through CIS Software are generated. DPIIT: <ul style="list-style-type: none"> Best practices around the world for electronic service of summons not shared. | <ol style="list-style-type: none"> Kolkata <ul style="list-style-type: none"> It is requested that status of notification of Rules to be shared by 25th April, 2020. May use the Mumbai template. Bengaluru: <ul style="list-style-type: none"> It is requested that status of notification of Rules to be shared by 25th April, 2020. May use the Mumbai template. eCommittee, Supreme Court of India/NIC: <ul style="list-style-type: none"> It is requested that NIC, Pune generate templates on eSummons for commercial cases regarding auto-sending of emails through CIS Software. DPIIT: <ul style="list-style-type: none"> It is requested that Global Good practices for electronic service of summons is shared. |

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| 5. | Pre-Institution Mediation and Settlement (PIMS) Cases | <ol style="list-style-type: none"> 1. Delhi: <ul style="list-style-type: none"> • Data for January to February 2020 received in the correct format. • PIMS settlement Awards have been shared. • Draft Feedback Forms that can be placed at Legal Services Authorities has not received. 2. Bengaluru: <ul style="list-style-type: none"> • Data as per 8 standard formats in excel sheet for the month of January to March 2020 not shared. 3. Kolkata: <ul style="list-style-type: none"> • Data as per 8 standard formats in excel sheet for the month of January to March 2020 not shared. | <ol style="list-style-type: none"> 1. Delhi: <ul style="list-style-type: none"> • It is requested that Delhi prepare a note on PIMS being made more user friendly and reducing / removing the Fee for mediation, is shared for further discussion with DoLA. 2. High Courts of Delhi and Bombay: <ul style="list-style-type: none"> • It is requested that the sub-committee of Commercial Court Judges to be constituted under High Courts of Bombay and Delhi may also submit its report on efficacy of fee charge for PIMS. • It was felt that the fee prescribed under the Pre-Institution Mediation and Settlement Rules, 2018 appeared to be on the higher side, and litigants were filing frivolous interim applications to bypass the mechanism of pre-institution mediation. In order to have first-hand information on the issue, views of the State Legal Services Authorities of Delhi and Maharashtra be sought on the same including comparative chart of fee sought in these states for pre-institution mediation and post institution mediation. 3. Bengaluru: <ul style="list-style-type: none"> • It is requested that PIMS data as per 8 standard formats in excel sheet for the month of January to March 2020 is shared. 4. Kolkata: <ul style="list-style-type: none"> • It is requested that PIMS data as per 8 standard formats in excel sheet for the month of January to March 2020 is shared. |
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| | | <p>4. Copies of PIMS settlement awards not shared by Mumbai, Kolkata and Bengaluru.</p> <p>5. eCommittee, Supreme Court of india/NIC:</p> <ul style="list-style-type: none"> Proposed Task Force can review the functioning of PIMS and possibility of being made online. | <p>5. Copies of PIMS settlement awards to be shared by Mumbai, Bengaluru and Kolkata for two months period.</p> <p>6. It is requested that all High Courts may send Feedback Forms from their respective State Legal Services Authority regarding fee charges for PIMS in commercial courts.</p> |
| 6. | <p>The provision of Case Management hearing / pre-trial conference under Order XV-A of the Code of Civil Procedure, 1908 for commercial cases is implemented only in some cases. It has to be fully implemented for all commercial cases.</p> <p>(To Claim 1 point)</p> | <p>1. Delhi:</p> <ul style="list-style-type: none"> Data for January to February 2020 received in the correct format. <p>2. Kolkata:</p> <ul style="list-style-type: none"> Data as per 8 standard formats with CNR Numbers in excel sheets for January to March 2020 not shared. <p>3. Bengaluru:</p> <ul style="list-style-type: none"> Data for February, 2020 not shared. Data for March, 2020 shared but not as per 8 standard formats with CNR Numbers in excel sheets. <p>4. Copies of Cause Lists for Case Management Hearing not shared by Delhi, Mumbai, Kolkata and Bengaluru.</p> | <p>1. Delhi:</p> <ul style="list-style-type: none"> It is requested that CNR Numbers of the data provided be shared by 25th April, 2020. <p>2. Kolkata:</p> <ul style="list-style-type: none"> It is requested that Data 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 is shared. <p>3. Bengaluru:</p> <ul style="list-style-type: none"> It is requested that Data as per 8 standard formats with CNR Numbers in excel sheets of cases listed for case management hearing in the months of February and March 2020 is shared. <p>4. Copies of Cause Lists for Case Management Hearing to be shared by Delhi, Mumbai, Kolkata and Bengaluru.</p> <p>5. eCommittee, Supreme Court of india/NIC:</p> <ul style="list-style-type: none"> It is requested that status on updating the timelines in CIS Software as per the Commercial Courts Act, 2015 is shared. |

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| <p>7. Time taken for disposal of cases within 800 days in Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru</p> <p>(Increase score from 0 to 100 in time taken for trial and judgment)</p> | <p>1. Delhi:</p> <ul style="list-style-type: none"> Data for January to February 2020 received in the correct format. Data for March, 2020 cannot be shared. <p>2. Mumbai:</p> <ul style="list-style-type: none"> Data of January to March 2020 provided and shared with Delhi, Kolkata and Bengaluru. <p>3. Kolkata and Bengaluru:</p> <ul style="list-style-type: none"> Data of contested commercial cases as per 8 standard formats in excel sheet with CNR Numbers /copies of judgments for January to March 2020 not shared. | <p>1. Kolkata and Bengaluru:</p> <ul style="list-style-type: none"> It is requested that Data of contested commercial cases as per 8 standard formats in excel sheet with CNR Numbers/copies of judgments for the months of January to March 2020, is shared. |
| <p>8. Integration of ECMT for judges and lawyers through Case Information System (CIS) 3.0 software in one dedicated platform. (To Claim 2 points)</p> | <p>1. DoJ:</p> <ul style="list-style-type: none"> Letter written to Legislative Department requesting to share Application for Programme Interface (API) of India Code with eCommittee, Supreme Court of India/NIC for integration. | |
| <p>9. Training of Commercial lawyers/legal firms and judicial officers posted in the Commercial Courts dealing with commercial cases be prepared for</p> | <p>1. Kolkata and Bengaluru:</p> <ul style="list-style-type: none"> List of lawyers practicing in commercial matters before Bengaluru District Courts and Kolkata District Courts (name, emails and mobile numbers) not shared | <p>1. Kolkata and Bengaluru:</p> <ul style="list-style-type: none"> It is requested that list of lawyers practicing in commercial matters before Bengaluru District Courts and Kolkata District Courts (name, emails and mobile numbers), is prepared and shared. |

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| | directly communicating with them on the reforms undertaken and for organizing training workshops. | 2. Certificate Courses for lawyers to be trained in Commercial Law is pending. | |
| 10. | Publicity of reforms introduced in the Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru | <p>1. Delhi and Kolkata:</p> <ul style="list-style-type: none"> Status of displaying printed material at vantage points in Commercial Court Premises not shared. <p>2. Bengaluru:</p> <ul style="list-style-type: none"> District Courts are in the process of displaying publicity material. <p>3. Letter written to NALSA regarding advertisements of reforms of on TV monitors installed by NALSA in all District Courts and also on legal websites such as Bar and Bench, Live Law, etc.</p> | <p>1. Delhi, Bengaluru and Kolkata:</p> <ul style="list-style-type: none"> It is requested that action taken on displaying printed material at vantage points in Commercial Court Premises is shared. |

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

List of participants.

1. Shri Barun Mitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
3. Shri Surinder S. Rathi, Member (Processes), eCommittee, Supreme Court of India
4. Smt. Supriya Devasthali, Director, DPIIT
5. Shri Ashish Shiradhonkar, Senior Technical Director, NIC, eCourts.
6. Shri Reetesh Singh, OSD Registrar, High Court of Delhi.
7. Shri Abhilash Malhotra, Metropolitan Magistrate, Tis Hazari Courts
8. Shri D.P. Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
9. Shri Mahendra Chandwani, Principal Judge, City Civil and Sessions Court
10. Shri Bhushan M Amrute, Court Manager, City Civil and Sessions Court, Mumbai
11. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
12. Shri Rajendra Badamkar, Registrar General, High Court of Karnataka
13. Shri T G Shivashankare Gowda, Registrar (Computers), High Court of Karnataka
14. Shri Chandrashekar Reddy, Registrar (Infrastructure), High Court of Karnataka
15. Shri Mohammed Ashraf Aris, Personal Secretary to the Hon'ble Chief Justice, High Court of Karnataka
16. Shri Rituj Chopra, Consultant, National Mission for Justice Delivery and Legal Reforms