E-file No. 4298 Government of India Ministry of Law & Justice Department of Justice

> Jaisalmer House. 26, Man Singh Road, New Delhi-110011 Dated 01.09.2020

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 28.08.2020 - Regarding.

Please find enclosed herewith Action Points of the Meeting held on 28.08.2020 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.

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Encl: As above

To:

- 1. The Registrar General, High Court of Delhi, NewDelhi.
- 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. Shri SoumendraNath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
- 6. Shri AtulKurhekar, Member, E-Committee
- 7. Shri S.B. Singh, DDG,NIC
- 8. Shri Ravi Shankar Jha, Invest India.

Copy to:

- PPS to Secretary(Justice)
- 2. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi

ACTION POINTS OF THE MEETING HELD ON 28.08.2020 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 28.08.2020 (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**.

At the outset Secretary (J) welcomed the participants and mentioned about the meeting of the Committee of Secretaries held on 06.08.2020 chaired by Cabinet Secretary and the actionable points which require immediate attention. The actionable items were discussed and following decisions taken:

S.No	Point	Observations and
	Discussed	Action Points
1.	Action Plan 2022	 Detailed Action Plan for implementation of 20-21 Doin Business reforms to be recirculated to all Stakeholder including E-Committee of the Supreme Court for necessary follow-up. Section 35A of CPC in the context of CC Act is no longer available. Hence reference to this section in future may not be made. DPIIT is making a film on EoDB through NFDC. DoJ has vetted the script. As and when film is ready we may make available to all stakeholders.
		Action plan for 20-21 to be the agenda for discussion in the next review meeting.
2.	Time Taken fo	r Action Points
2.	Disposal	
		Delhi
		 Delhi High Court may undertake a study on how to reductime taken between institution of case and judgment Commercial Cases in light of the disparity in time taken for case disposal by Commercial Courts in Delhi(Average 74 days) and Mumbai (Average 182 days). JS (DoJ) will shall the data of Mumbai courts to Delhi High Court in respect contested commercial cases.
		 It was deliberated that time can be effectively managed cases can be electronically tracked. E-Committee was requested to look into the proposal for paperless and digit commercial courts.
		Bengaluru
		Bengaluru pointed out that the old cases (legacy cases) which

		sent from designated courts to dedicated commercial courts could be taken as the date of institution for such cases. • KHC to arrange to segregate the old cases and the new cases. • KHC to send the report of the legacy cases and those instituted in Commercial Courts as new Commercial Cases separately.
3.	Recovery of Attorney Fee from Unsuccessful Party	 Practice Directions have been prepared and are under review. Delhi High Court Rules provide for recovery of Lawyers' Fee with Capping. The current capping is of Rs. 50000 according to Part B of High Court rules. Delhi to explore if the rules related to capping could be upwardly revised. Copies of decrees received earlier from Delhi High Court of recovery of Lawyers' Fees beyond Rs 50000 be shared with Shri Rathi to clear the confusion over capping limit.
		KHC to send a report of the total decrees issued wherein recovery of advocate's fee has been decreed. KHC will issue practice directions in this regard.
		Mumbai
		 There was zero disposal in June and July 2020. Earlier data has been sent on cost recovery to the Department. Practice directions have been issued already.
4.	Maximum 3	All Courts(Delhi,Mumbai,Kolkata,Bengaluru)
	Adjournment Rule	 Requested to consider issue of Practice Directions with respect tomaximum 3 adjournment rule in at least 50 percent of the cases and ensure compliance. Number of cases where maximum 3 adjournment Rules have been applied in closed commercial cases be provided.
5.	Decrease compliance burden - Simplification of Rules and Forms	All the High Courts to form an internal committee for simplification of rules and forms and send a report by 15 th September 2020. To explore the possibility of standardizing and emerging with common set of forms across the High Courts. Also to see whether theseforms can be uploaded on the portal/ECMT services in English, Hindi and Vernacular languages. E-Committee to consider uploading separate templates for all States.

6.	Registration of Property on the portal of	E-Committee requested to convene a meeting with Dept of
	Department of Land Resources	Land Resources and DoJ to discuss how land dispute cases in civil courts can be segregated for better monitoring of Registering Property parameter preferably by 15 th September 2020.
7.	i. Training Calendar for Judges, Lawyers and Court Staff including the registry staff.	Member (Process) requested to take up with Member (Human Resources) for conduct of training. Training Calendar for Judicial Officers to be prepared for all High Courts in consultation with State Judicial Academies. Trainings can be done in Court premises also for Advocates. These trainings may be followed up with preparation of Master List of Lawyersfor Commercial Courts (Court-wise).
	ii. Master List	 Mumbai, Delhi, Kolkata, Bengaluru To work out integration of the High Courts' Training Calendar with the calendar of the Judicial Academies. Training Calendar of State Judicial Academy may be used to highlight the relevant trainings and be uploaded on the website. Trainings conductedand the number of people trained since April may be uploaded on the website. Tie up with Bar Councils and Bar Associations for training of Advocates. Display Training Calendar in Court Premises. Create a list of Master Trainers of advocates who could train not only in Judicial Academies but also in the Courts, and involve the Citizens and Litigants. Training schedule may be got approved by the respective High Court Committee. Delhi, Kolkata and Bengaluru: To send their training calendar to the Department within a week's time after getting necessary approvals.
8.	Case Management Hearing and Pre-Trial Conference	E-Committee To expeditiously integrate CMH with CIS software to actualize the mandate of Pre-trial Conference/ Case Management Hearing
9.	E-filing by Government Departments/ PSUs	Status to be obtained from Ministries on the number of commercial cases e-filed. DO letter to besent from Secretary(J)to all Secretaries. Information received to be shared with SecyDoLA.

10.	Media Plan	A broad contour of Media Outreach Programme to be prepared by Invest India. This plan could be discussed with Mr.Rathi of Delhi High Court for fine tuning outreach plan.
11.	Third Party Assessment	May be discussed in the next meeting on the modalities of carrying our third party assessment.

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

List of Participants.

- 1. Shri BarunMitra, Secretary, Department of Justice
- 2. Shri G.R. Raghavender, Joint Secretary, Department of Justice
- 3. MsPremLata Kaushik, Deputy Secretary, Department of Justice
- 4. Mr. Ramesh Chand Ahuja, Under Secretary, Department of Justice
- 5. Shri AtulKurhekar, Member E-Committee of Supreme Court
- 6. Shri S SRathi, Delhi High Court
- 7. Shri D.P.Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
- 8. Shri Rajesh Pavaskar, CPC, High Court ofBombay
- Shri SoumendraNath Das, Registrar (Commercial Courts Division), High Court of Calcutta
- 10. Shri T G Shivashankare Gowda, Registrar (Computers), High Court of Karnataka
- 11. Shri S B Singh, DDG, NIC.
- 12. Shri Ravi Shankar Jha, Representative, Invest India