

File No. N – 17 / 145 / 2014 - NM (Vol III)  
Government of India  
Ministry of Law and Justice  
(Department of Justice)  
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Jaisalmer House, 26-Mansingh Road,  
New Delhi - 110 011.  
Dated: 27<sup>th</sup> November, 2017.

**Subject: Minutes of the Fourth Meeting of the Task Force constituted for improving India's ranking in World Bank's performance on the parameter of Doing Business "Enforcing Contract" held on 20<sup>th</sup> November, 2017 – Regarding.**

The Fourth Meeting of the Task Force constituted for improving India's ranking in World Bank Report on Doing Business, in respect of the parameter of "Enforcing Contracts" held on 20<sup>th</sup> November, 2017 (Monday) at Jaisalmer House, 26-Mansingh Road, New Delhi. The minutes of the meeting, indicated with the decisions of the Task Force, actions need to be taken and by whom, are circulated to all members of the Task Force and to the officers attended the meeting, for information and necessary action by all concerned.

It is requested that necessary action may please be taken by all concerned for implementing the decisions of the Task Force as per the minutes and submit an Action Taken Report in the matter by 01.12.2017.



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Enclosures: As above.

1. Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
2. Shri Ramayan Yadav, Additional Secretary, Department of Legal Affairs, Shastri Bhavan, New Delhi.
3. Shri Ajay Kumar Lal, Joint Secretary (eCourts), Department of Justice.
4. Shri S. C. Barmma, Joint Secretary, Department of Justice
5. Shri K. R. Saji Kumar, Joint Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhavan, New Delhi.
6. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhavan, New Delhi.
7. Secretary (Law), Government of NCT of Delhi, New Delhi.
8. Secretary (Law), Government of Maharashtra, Mumbai.
9. Registrar General, Bombay High Court, Mumbai.
10. Registrar General, Delhi High Court, New Delhi.
11. Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion.
12. Shri Yashwant Anand Goswami, Member (Project Manager), eCommittee of Supreme Court of India, New Delhi.
13. Shri K.S. Jayachandran, Deputy Secretary, Department of Justice.
14. Ms. Palka Sahni, Deputy Secretary, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
15. Shri Sandeep Sharma, Consultant, Department of Legal Affairs, Shastri Bhawan, New Delhi.

Cc to:

- I. Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhawan, New Delhi.
- II. Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhawan, New Delhi.

Copy to:

- (i) PSO to Secretary (Justice)
- (ii) Joint Secretary (National Mission)



**MINUTES OF FOURTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 20<sup>TH</sup> NOVEMBER, 2017 IN NEW DELHI.**

The Fourth meeting of the Task Force constituted for improving the performance of the 'Enforcing Contracts' parameter of Ease of Doing Business index in India was held on 20<sup>th</sup> November, 2017 under the Chairpersonship of Secretary (Justice). The list of the participants in the meeting is attached as **Annexure I.**

Secretary (Justice) welcomed the members of the Task Force and other officers and desired that the meeting of the Task Force would be held once in a fortnight and the officers of Mumbai could join through video conference. He also suggested that meeting with physical presence would be held once in a month. He asked Joint Secretary (GRR) to initiate the proceedings through power point presentation. The following issues / recommendations were discussed at the meeting:

**Action Point no. 1: Amendment to Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015.**

Regarding amendments to Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015, it was informed by Secretary (Justice) that the matter will be discussed in the meeting to be taken by Hon'ble Minister of Law & Justice later in the day. However, he wanted to know the repercussions for amending the Act for removing proviso in Section 3 and deleting "Specified Value". After detailed discussions with reference to setting up of commercial courts in districts and bringing the commercial dispute within the ambit of district courts for value upto Rs. 1 crore, the amendments suggested by Law Secretary, Maharashtra may be considered in the Act. These will be sent by Department of Justice to Secretary, Department of Legal Affairs and Secretary, Legislative Department.

**(Action: Secretaries, Department of Legal Affairs and Legislative Department)**

Secretary (Justice) also requested Law Secretary, Maharashtra to find out the number of cases under NI Act transferred to commercial courts in the state. Secretary (Justice) also requested Registrar General, Bombay High Court and Registrar General, Delhi High Court to see if amendments are required in Delhi and Bombay High Court Rules. Department of Legal Affairs and Legislative Department may also see other necessary amendments in the Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015 to put up before the Hon'ble Minister of Law and Justice.

**(Action: Secretary, Department of Legal Affairs, Registrars General Delhi & Bombay High Courts.)**

**Action Point no. 2: Assigning New Cases to Judges randomly through an automated system.**

Shri Yashwant Goswami, Member e-Committee informed that the software for the purpose under CIS 3.0.1 is ready for launch by December, 2017. Secretary



(Justice) requested the representatives of Delhi and Bombay High Court to meanwhile take suitable action for issuing necessary directions to district Judges for the purpose.

**(Action: Member e-committee; Registrars General Delhi & Bombay High Courts)**

**Action Point no. 3: Reducing the total number of days to dispose of a commercial case.**

- i. Additional Secretary, DIPP informed that this is one of the crucial reform for improving the ranking. After detailed discussion on the subject, it was decided to transfer all commercial disputes to specific courts for smooth and efficient trail which may result in reducing the time for disposal of commercial disputes. Secretary (Justice) requested the representative of both the High Courts to examine the suggestion and get the required of authorities before next meeting.
- ii. It was also decided that proposal maybe initiated for sanctioning of adequate number of commercial courts for the purpose. (10 in Mumbai & 6 Delhi).

**(Action: Registrars General, Delhi & Mumbai High Courts; Law Secretaries Government of Delhi and Maharashtra)**

**Action Point no. 4: Introduce Pre-Trial Conference as a part of case management technique.**

Pre-Trial Conference is a matter of discussion which will be discussed during the meeting with Hon'ble Minister for Law & Justice later in the day.

**(Action: Secretary, Department of Legal Affairs)**

**Action Point no. 5: Introduction of Voluntary Mediation to give statutory backing to prelitigation mediation in India.**

Introduction of Voluntary Mediation is a matter of discussion which will be discussed during the meeting with Hon'ble Minister for Law & Justice later in the day.

**(Action: Secretary, Department of Legal Affairs)**

**Action Point no. 6: Ensure implementation of e-Filing in Delhi District Courts as well as Mumbai City Civil Courts.**

Shri Yashwant Goswami, Member e-Committee informed that the necessary software is ready, however, necessary infrastructure/server is required. Sh. A.K. Lal, Joint Secretary, Department of Justice informed that a proposal for Rs. 17 Crores has been received in this regard which will be processed soon.

**(Action: Member e-committee. Secretary Justice)**

**Action Point no. 7: Ensure implementation of e-Summons in Delhi District Courts as well as Mumbai City Civil Courts.**

Shri Yashwant Goswami, Member e-Committee informed that the necessary software is ready, however, necessary infrastructure and networking is required. Sh. A.K. Lal, Joint Secretary, Department of Justice was directed to take



appropriate action in the matter. Secretary (Justice) also requested the representatives of both the High Courts to issue necessary directions to authorities in district courts to use the software when the same is available. The representative of Delhi High Court informed that the draft protocol in the matter is pending with High Court. Secretary (Justice) requested him to share the same with Department of Justice and Bombay High Court.

**(Action: Member e-committee; Joint Secretary (Justice); Registrars General, Delhi and Bombay High Courts.)**

**Action Point no. 8: Create a dedicated section on District Court website containing information on the availability of performance measurement reports and availability of electronic case management tools for judges.**

Secretary (Justice) informed that though the tools are available, they are not being used optimally. He informed that he has met the Chief Justice of Bombay High Court last week and will meet Chief Justice of Delhi High Court during the week and discuss the matter.

**(Action: Secretary Justice, Registrars General, Delhi and Bombay High Courts.)**

**Action Point no. 9: Create a dedicated section on District Court website containing information on the availability of performance measurement reports and availability of electronic case management tools for lawyers.**

In addition to the action being proposed in Point No. 8 above, it was decided that necessary awareness may be spread among Lawyers by holding meetings, workshops and through electronic medium.

**(Action: Registrars General, Delhi and Bombay High Courts.)**

**Action Point no. 10: Adjournments.**

Shri G. R. Raghavender, Joint Secretary, Department of Justice informed that though the provision is available in CPC the same is not being followed resulting in pendency and delay in disposal of cases. The Registrar General, Bombay High Court informed about the practical difficulties in implementation faced by Judges. If a number of commercial cases are lined-up for the day against the name of a Judge, he/she is not in a position to dispose of all cases due to paucity of time. Hence, he/she is forced to grant adjournment. JS(GRR) mention that if action is taken as per decision in point 3(i) it will solve the problem to a great extent. He also requested RG of Delhi & Bombay High Courts to meet the Bar to impress upon the lawyers on the same.

**(Action: Registrars General, Delhi and Bombay High Courts.)**

The following actions need to be taken by the authorities/Departments mentioned against each action indicated below:-

S.No.	Reforms to be Implemented/Actionable Points	Concerned Departments
<b>Action Point no. 1: Amendment to Commercial Courts, Commercial Division &amp; Commercial Appellate Division of High Courts Act, 2015.</b>		



1	Amendment to Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015.	Department of Legal Affairs Legislative Department
2	To examine if NI Act cases could be transferred to Commercial Courts.	Law Secretary(Maharashtra) 3
3	To examine if amendments are required in Delhi and Bombay High Court Rules.	Delhi and Bombay High Courts
<b>Action Point no. 2: Assigning New Cases to Judges randomly through an automated system.</b>		
4	Assigning New Cases to Judges randomly through an automated system.	Mr. Yashwant Anand Goswami, Member (Project Manager)
5	Take suitable action for issuing necessary directions to District Judges for the purpose	Delhi and Bombay High Courts
<b>Action Point no. 3: Reducing the total number of days to dispose a commercial case.</b>		
6	To transfer all commercial disputes to specific courts for smooth and efficient trial of commercial disputes	Delhi & Bombay H.C.
7	Prepare proposal for creation of 10 posts in Mumbai & 6 Posts in Delhi for establishment of Commercial Courts	Secretary Law, Delhi & Maharashtra
<b>Action Point no. 4: Introduce Pre-Trial Conference as a part of case management technique.</b>		
8	Introduction of provision for Pre-Trial Conference in CPC	Department of Legal Affairs
<b>Action Point no. 5: Introduction of Voluntary Mediation to give statutory backing to pre-litigation mediation in India.</b>		
9	Introduction of Voluntary Mediation as a standalone legislation.	Department of Legal Affairs
<b>Action Point no. 6: Ensure implementation of e-Filing in Delhi District Courts as well as Mumbai City Civil Courts.</b>		
10	Process proposal received in DoJ for Rs. 17 crore.	JS(AKL), DoJ
<b>Action Point no. 7: Ensure implementation of e-Summons in Delhi District Courts as well as Mumbai City Civil Courts.</b>		
11	Department of Justice to take appropriate action in the matter for providing necessary infrastructure for software	JS(AKL), DoJ
12	Issue necessary directions to District Courts to use the software when the same is available.	Delhi and Bombay High Courts
13	Delhi High Court to share the draft protocol for the same with Department of Justice and Bombay High Court.	Delhi and Bombay High Courts
<b>Action Point no. 8: Create a dedicated section on District Court website containing information on the availability of performance measurement reports and availability of electronic case management tools for judges.</b>		
14	Create a dedicated section on District Court	Mr. Yashwant Anand



	website containing information on the availability of performance measurement reports and availability of electronic case management tools for judges.	Goswami, Member (Project Manager)
<b>Action Point no. 9: Create a dedicated section on District Court website containing information on the availability of performance measurement reports and availability of electronic case management tools for lawyers.</b>		
15	Necessary awareness may be spread among Lawyers by holding meetings	JS(GRR), DoJ, RG, Delhi & Bombay H.C
<b>Action Point no. 10: Adjournments.</b>		
16	To issue necessary directions to District Courts to issue & expedite disposal of Commercial Cases.	Delhi and Bombay High Courts
17	To hold meetings with the Bar to impress upon the lawyers to expedite disposal.	JS(GRR), DoJ

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## Annexure-I

**List of participants of Fourth Meeting of Task Force held on 20th November, 2017 at 11:00 AM in the Secretary (Justice) Room, Jaisalmer House, New Delhi.**

1. Shri Alok Srivastava, Secretary (Justice).
2. Shri (Dr.) G.N. Raju, Secretary, Legislative Department, New Delhi.
3. Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion.
4. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
5. Shri Ajay Kumar Lal, Joint Secretary (eCourts), Department of Justice.
6. Shri S.C. Barmma, Joint Secretary, Department of Justice.
7. Mr. K.R. Saji Kumar, Joint Secretary, Legislative Department, New Delhi.
8. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, New Delhi.
9. Shri Anop Kumar Mehndiratta, Secretary (Law), Government of NCT Delhi.
10. Shri N J Jamadar, Secretary (Law), Government of Maharashtra, Mumbai.
11. Smt. Pushpa V. Ganediwala, Registrar General, High Court of Bombay, Maharashtra.
12. Mr. Sudhansu Kaushik, Delhi High court, New Delhi.
13. Mr. Lavleen, AS (Law), Government of NCT Delhi, Delhi.
14. Shri Yashwant Anand Goswami, Member (Project Manager), eCommittee of Supreme Court of India, New Delhi.
15. Shri C.K. Reejonia, Deputy Secretary, Department of Justice.
16. Ms. Palka Sahni, Deputy Secretary, Department of Industrial Policy and Promotion.
17. Shri Sandeep Sharma, Consultant, Department of Legal Affairs.
18. Mr. Ashwin Madhusudana, KPMG, Delhi.

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