

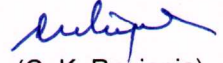
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Government of India
Ministry of Law and Justice
(Department of Justice)

Jaisalmer House, 26-Mansingh Road,
New Delhi -110 011.
Dated: 12.01.2018

Subject: Minutes of the Fifth Meeting of the Task Force for improving India's ranking in World Bank report on the parameter of Doing Business "Enforcing Contract" held on 29th December, 2017 in New Delhi - Regarding.

The fifth 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 29th Decemebr,2017 (Friday) 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 25th January,2018.



(C. K. Reejonia)

Deputy Secretary to the Government of India
Tel./Fax: 011 - 23072146

Enclosures: As above.

1. Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
2. Shri Ajay Kumar Lal, Joint Secretary (eCourts), Department of Justice.
3. Shri S. C. Barmma, Joint Secretary, Department of Justice
4. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Shavan, New Delhi.
5. Secretary (Law), Government of NCT of Delhi, New Delhi.
6. Shri N.J. Jamadar, Secretary (Law), Government of Maharashtra, Mumbai.
7. Registrar General, Bombay High Court, Mumbai.
8. Shri S.B. Agrawal, Registrar General, Delhi High Court, New Delhi.
9. Shri Reetesh Singh, Joint Registrar, Delhi High Court.
10. Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion.
11. Shri Yashwant Anand Goswami, Member (Project Manager), eCommittee of Supreme Court of India, New Delhi.
12. Shri K.S. Jayachandran, Deputy Secretary, Department of Justice.
13. Shri Sunil Sehgal, Deputy Secretay (Law), Government of NCT of Delhi, New Delhi
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 Shawan, 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 FIFTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 29th DECEMBER, 2017 IN NEW DELHI

The Fifth 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 29th December 2017 under the Chairpersonship of Secretary (Justice). The list of the participants in the meeting is attached as **Annexure**.

Secretary (Justice) welcomed the members of the Task Force and other officers and asked Joint Secretary (GRR) to initiate the proceedings. The Action Points of the Action Plan were discussed in the meeting as indicated below:

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, Secretary (Justice) asked Joint Secretary, Department of Legal Affairs to give a copy of the amendments being proposed by them so that the same could be shared with RGs of High Courts of Delhi and Bombay for obtaining their views on jurisdiction and related matters. It was informed by JS, DoLA that the draft is being finalised and the same would be shared with Department of Justice for obtaining their views. Law Secretary, Maharashtra stated that recovery cases under NI Act of only specified value are being assigned to Commercial Courts. The RG of Bombay High Court assured that pending amendments to the Commercial Courts Act, the High Court will itself identify commercial cases and transfer to specialized courts. He also informed that they have already done the ground work in this regard. Further, he said that they will set up about 12-13 courts to deal with such cases. Additional Secretary, DIPP appreciated the effort made by the Bombay High Court, and he said that this would enable DIPP to show to the World Bank that special courts are dealing with commercial disputes exclusively. The issue of pecuniary jurisdiction was also clarified by the RG that cases from Re. 1.00 to Rs. 1.00 crore are dealt with by the Bombay City Civil Courts manned by District Judge and appeal cases go to High Court. He also stated that in case of amendments to the specified value in the Commercial Courts Act, the cases from Rs. 3 lakh to Rs. 2 crore will be dealt with by District courts, and the appeal will go to the High Court. Regarding amendments to the High Court Rules, the RGs informed that it is not possible to say anything without seeing the blue print of proposed amendments.

(Action: Department of Legal Affairs, Delhi & Bombay High Courts)

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

Shri Goswami, Member, the Supreme Court eCommittee informed that the software is ready and will be deployed at all district and subordinate courts by

31.01.2018 in the whole country. Secretary (Justice) requested the representatives of Delhi and Bombay High Court to 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.

The representatives of High Courts expressed that designated Commercial Courts after amendment in the Commercial Courts Act the commercial disputes will be exclusively dealt with by specialized courts which would lead to reducing delay in disposal of Commercial cases. However, even without amendment in the Commercial Courts Act directions could be given for dealing the commercial cases as per the special provision available in the Commercial Courts Act. RG, Bombay High Court informed that they have already identified 13 Bombay City Civil Courts and assigned commercial cases to them. Joint Registrar of Delhi High Court stated that they have started the process of separating commercial cases from civil cases and soon completing this task. Secretary (Justice) appreciated this and requested Delhi High Court to follow the Bombay High Court model and identify 5 District Courts and assign commercial cases to them. He also requested the representatives of Delhi and Bombay High Court to send a letter of confirmation in compliance on transfer of commercial cases to identified district courts. Regarding the creation of posts, Secretary (Justice) requested to both the Law Secretaries of Delhi and Maharashtra to move the proposal in anticipation of the amendments to the Commercial Courts Act. The representatives of Bombay High Court expressed their difficulty regarding the unavailability of infrastructure for new positions.

(Action: Registrars General, Delhi & Mumbai High Courts; Secretary Law, Delhi & Mumbai)

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

Joint Secretary, Legal Affairs informed that they are working on mediation and informed that pre-trial conference available in the relevant provisions of the CPC. Secretary (Justice) asked him to examine the matter carefully and give comments soon.

(Action: Department of Legal Affairs)

Action Point no. 5: Introduction of Voluntary Mediation to give statutory backing to pre-litigation mediation in India.

Joint Secretary, Legal Affairs informed that they are bringing amendments to the Commercial Courts Act by introducing a provision on for voluntary mediation.

(Action: Department of Legal Affairs)

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

Sh. Yashwant Goswami, Member e-Committee informed that the e-filing in all districts courts in the country will commence after completion of the hardware purchase process. Secretary (Justice) asked him to expedite the matter.

(Action: Member e-Committee)

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

The representatives of High Courts were requested to take suitable actions in the matter. Regarding sharing of draft protocol by Delhi High Court with Bombay High Court, Secretary (Justice) requested representative of Delhi High Court to share the old version as the matter is already delayed. The representative of Delhi High Court promised to do the needful in the matter.

(Action: Registrars Generals Delhi & Bombay High Court)

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.

Shri Goswami informed that the High Courts have to upload the electronic case management tools for judges and lawyers on their website. Secretary (Justice) asked Shri Goswami to provide the necessary tools to the High Courts if they have not requested so far.

(Action: Member e-Committee; Registrars Generals Delhi & Bombay High Court)

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 above, Secretary (Justice) asked the representatives of the High Courts to organise workshops for Judges and Advocates to make them aware of the progress made under the eCourts project. .

(Action: Registrars Generals Delhi & Bombay High Court)

Action Point no. 10: Adjournments.

It was informed that necessary directions have been given by the Bombay High Court to the Subordinate Courts for following the restrictions on adjournment provided under the CPC . Delhi High Court was requested to issue similar directions to the Subordinate Courts.

(Action: Registrars Generals Delhi & Bombay High Court)

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

	Reforms to be Implemented/Actionable Points	Concerned Departments
	Action Point no. 1: Amendment to Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act, 2015.	
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	To examine if amendments are required in Delhi and Bombay High Court Rules.	Delhi and Bombay High Courts
	Action Point no. 2: Assigning New Cases to Judges randomly through an automated system.	
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
	Action Point no. 3: Reducing the total number of days to dispose of a commercial case.	
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
	Action Point no. 4: Introduce Pre-Trial Conference as a part of case management technique.	
8	Introduction of provision for Pre-Trial Conference in CPC	Department of Legal Affairs
	Action Point no. 5: Introduction of Voluntary Mediation to give statutory backing to pre-litigation mediation in India.	
9	Introduction of Voluntary Mediation through amendments to the Arbitration and Conciliation Act, 1996 / the Commercial Courts Act, 2015.	Department of Legal Affairs
	Action Point no. 6: Ensure implementation of e-Filing in Delhi District Courts as well as Mumbai City Civil Courts.	
	Process proposal received in DoJ for Rs.	JS(AKL), DoJ

10	17 crore.	
	Action Point no. 7: Ensure implementation of e-Summons in Delhi District Courts as well as Mumbai City Civil Courts.	
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
	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.	
14	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.	Mr. Yashwant Anand Goswami, Member (Project Manager)
	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.	
15	Necessary awareness may be spread among Lawyers by holding meetings	JS(GRR), DoJ, RG, Delhi & Bombay H.C
	Action Point no. 10: Adjournments.	
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

Annexure

List of participants of Fifth Meeting of Task Force held on 29th December, 2017 at 11:00 AM in the Secretary (Justice) Room, Jaisalmer House, New Delhi.

1. Shri Alok Srivastava, Secretary(Justice), Chairperson.
2. Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion.
3. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
4. Shri Ajay Kumar Lal, Joint Secretary(eCourts), Department of Justice.
5. Shri S.C. Barmma, Joint Secretary, Department of Justice.
6. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, New Delhi.
7. Shri Sunil Sehgal, Deputy Secretary (Law), Government of NCT Delhi
8. Shri N. J. Jamadar, Secretary (Law), Government of Maharashtra.
9. Shri S.B. Agrawal, Registrar General, Bombay High Court.
10. Shri Reetesh Singh, Joint Registrar, Delhi High court, New Delhi
11. Shri Yashwant Anand Goswami, Member (Project Manager), eCommittee
12. Shri C.K. Reejonia, Deputy Secretary, Department of Justice.
13. Shri Sandeep Sharma, Consultant, Department of Legal Affairs.