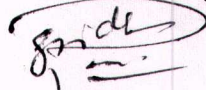


Jaisalmer House, 26-Mansingh Road,  
New Delhi -110 011.  
Dated: 28.03.2018

**Subject: Minutes of the Sixth Meeting of the Task Force for improving India's ranking in World Bank report on the parameter of Doing Business "Enforcing Contract" held on 21<sup>st</sup> March, 2018 in New Delhi - Regarding.**

The Sixth 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 21<sup>st</sup> March, 2018 (Wednesday) 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 15<sup>th</sup> April, 2018.

  
(Giridhar G. Pai)  
Director  
Ph. 2307 2145

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 Lovleen, Additional Secretary, Government of NCT of Delhi, New Delhi
7. Shri N.J. Jamadar, Secretary (Law), Government of Maharashtra, Mumbai.
8. Shri S.B. Agrawal, Registrar General, Bombay High Court, Mumbai.
9. Shri Dinesh Kumar Sharma, Registrar General, Delhi High Court, New Delhi.
10. Shri Sudhanshu Kamal, Joint Registrar, Delhi High Court.
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. Shri Sunil Sehgal, Deputy Secretary (Law), Government of NCT of Delhi, 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 SIXTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 21<sup>ST</sup> MARCH, 2018 IN NEW DELHI**

The Sixth 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 21<sup>st</sup> March, 2018 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 present. The Secretary (Justice) thereafter informed the Members and the officers present of the workshops organised in Delhi & Mumbai to disseminate information of the initiatives undertaken by the Department under the Enforcing Contract Parameter. The facilities / services being made available for Lawyers & Judicial Officers through the eCourts project were also highlighted.

The Joint Secretary (DIPP) apprised that a number of reforms remained unnoticed in the Doing Business 2018 report due to the lack of interaction of the World Bank Team with the Judicial Officers. The Joint Secretary (DIPP) mentioned the issues faced during the previous year visit of the World Bank Team and suggested that interactions with Judicial Officers shall assist in clarifying a number of implemented reforms. The Secretary (Justice) proposed that the interaction shall be routed through the Department of Justice as it would provide a structure to the entire process. It was further requested DIPP shall inform of the time of visit so as to enable the Department of Justice to schedule meetings / interactions with Judicial Officers.

With regard to the visit of the World Bank Team the Secretary (Justice) directed the Joint Secretary (National Mission), Department of Justice, to identify the issue / leading question concerning the questionnaire that are to be raised with the World Bank Team and the same shall be sent to DIPP. The Joint Secretary (National Mission) thereafter initiated 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 the examination of transferring the cases of NI Act cases to Commercial Courts the Registrar General of the High Court of Bombay while referring to the Commercial Court Act stated that the jurisdiction of commercial courts is over matters of civil nature and not criminal. Concerns over the procedure followed in both civil and criminal proceedings were also raised. The Registrar General, High Court of Bombay mentioned that a detailed reply has been forwarded to the Department of Justice in this regard.

With regard to the issue of examining if amendments are required in Delhi and Bombay High Court Rules, the Registrar General of the High Court of Bombay mentioned that a letter has been sent to the Department of Justice on March 20, 2018 in this regard. The



Joint Registrar of the High Court of Delhi submitted that the issue is under consideration and a reply on the same shall be submitted shortly.

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

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

On the issue of assigning new cases to Judges randomly through an automated system the Joint Secretary (National Mission) apprised the Members of the Task force that Shri Yashwant Goswami has informed that the software for random allocation is ready for deployment.

Further the Joint Registrar, High Court of Delhi informed that the software is being made functional on testing basis and is being tested on a dummy servers.

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

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

With regard to transfer of all commercial disputes to specific courts for smooth and efficient trial of commercial disputes the Registrar General of the High Court of Bombay apprised the Members that the courts have been designated in the Mumbai City Civil Courts to specifically deal with cases of commercial natures. It was further informed that on the request received from the Department of Justice on providing details on the functioning of such courts, a detailed reply has been presented.

The Joint Registrar of the High Court of Delhi informed that the courts have been identified in this regard and the issue is pending for approval before the administrative committee. The Secretary (Justice) desired that the Department of Justice shall be informed of the developments in this regard.

For the action required to create of 10 posts in Mumbai & 6 Posts in Delhi for establishment of Commercial Courts the Joint Registrar of the High Court of Delhi informed that the proposal is also pending before the administrative committee. The Registrar General of the High Court of Bombay informed that the proposal has been forwarded to the Government.

(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.

The Joint Secretary (National Mission) informed the issue has been highlighted and discussed with various legal experts, officers of the Ministry & judges and that the general outlook amongst everyone has been that Pre-Trial conference is covered under Order X, XI, XII of the CPC. Furthermore discussions were also carried upon on the concept of case management hearings incorporated in the Schedule 1 of the Commercial Court Act.

The Additional Secretary Law Department of Delhi apprised that in addition to the provision of Order X, XI, XII of the CPC, Judicial Officers are also required to



present the disputing parties an opportunity to resort to ADR processes. The Secretary (Justice) requested the Additional Secretary to bring to the notice of the Department of Justice if circulars have earlier been issued in this regard.

The Joint Secretary (National Mission) informed that the issue of Pre-Trial Conference, and was also discussed by the Secretary (Justice) with the Hon'ble Chief Justice of the High Court of Delhi pursuant to which it was informed that the provisions as stated in the Code of Civil Procedure with regard to Pre-Trial Conference and that it was also mentioned by the Hon'ble Chief Justice that the High Court of Delhi has initiated a practice wherein the daily case cause list specifically mentions that matters are being listed for Pre-Trial Conference.

The Joint Registrar, High Court of Delhi was requested to provide information on the same and was also to issue directions to the District Judge for initiating similar practice in District Court. The Registrar General of the High Court of Bombay also appreciated the initiative of the High Court of Delhi. The Secretary (Justice) requested the Registrar General, High Court of Bombay to implement similar practice in the High Court of Bombay and the Mumbai City Civil Courts.

(Action: Law department, Government of NCT of Delhi, Registrar General of Delhi & Bombay High Courts)

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

It was informed by the Joint Secretary (National Mission) that the Union Cabinet has approved amendments to the amendments to the Commercial Courts Commercial Division and Commercial Appellate Division of the High Court Act, 2015. A new chapter has been introduced for Pre-Institution Mediation of all commercial cases and that the Legal Services Authorities Act, 1987 have been empowered to conduct 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.

The Joint Secretary (National Mission) updated the Members of the Task Force that servers have been procured and installation process in underway. It was further informed that Letter shall be issued to the concerned officer to expedite the process.

(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 Joint Registrar of the High Court of Delhi was requested to share the Draft Protocol with the High Court of Bombay and furnish a copy the Department of Justice. The representatives of High Courts were requested to take suitable actions for its implementation.

(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.

The Joint Secretary (National Mission) requested the representative of the Bombay & Delhi High Courts to give instruction to the subordinate courts to upload information on the availability of case management tools.

(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.

The Joint Secretary (National Mission) requested the representative of the Bombay & Delhi High Courts to give instruction to the subordinate courts to upload information on the availability of case management tools.

With regard to generating awareness amongst Lawyers the Joint Secretary (National Mission) informed that Meetings are being scheduled in the Delhi District Court with the assistance of the Judicial Officers & Bar Associations.

He requested the Registrar General of the Bombay High Court to organize meetings with advocates in the Mumbai City Civil Courts.

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

**Action Point no. 10:** Adjournments

The Registrar General of the High Court of Bombay informed that directions have been given by Bombay High Court to the Subordinate Court Judges for following adjournment provisions. The Registrar General of the High Court of Bombay was requested to provide a copy of the said circular/instructions. The Registrar General of Delhi High Court was also requested to provide a copy of the such circular/instructions, if any, issued by them in this regard.

(Action: Registrars Generals Delhi & Bombay High Court)

The Joint Secretary (DIPP) informed the Secretary (Justice) that a reform memo is required be sent to the World Bank along with evidence to authenticate the reforms implemented. The Secretary (Justice) desired that update on reforms undertaken along with the evidence be acquired by the department concerned and be forwarded to DIPP by 26th March 2018. Secretary (Justice) also requested the representatives of the High Court of Bombay & Delhi to arrange interactions with the World Bank team on their visit.

The meeting ended with a vote of thanks.

List of participants of Sixth Meeting of Task Force held on 21<sup>st</sup> March, 2018 at 03:30 PM in the Conference Room, Jaisalmer House, New Delhi.

1. Shri Alok Srivastava, Secretary (Justice), Chairperson.
2. Shri S.B. Agrawal, Registrar General, Bombay High Court.
3. Shri G. R. Raghavender, Joint Secretary (National Mission)
4. Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion.
5. Dr. Rajiv Mani, Joint Secretary and Legal Adviser, Department of Legal Affairs
6. Shri N. J. Jamadar, Principal Secretary (Law and Justice Department), Government of Maharashtra.
7. Shri Giridhar G. Pai, Director (National Mission)
8. Shri Sudhanshu Kamal, Joint Registrar, Delhi High Court, New Delhi
9. Shri Lovleen, Additional Secretary (Law), Government of NCT Delhi
10. Shri Y. Srinivas Rao, Deputy Legislative Counsel
11. Shri Ashwin Madhusudanan, KPMG for DIPP.