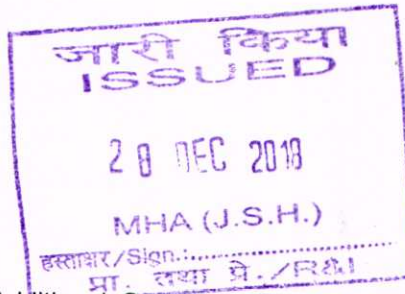


OFFICE MEMORANDUM

Subject: **Minutes of Eighth Meeting of the Task Force for improving India's ranking in World Bank Report on the parameter of Doing Business "Enforcing Contract" at 11.00 A.M. on 28th November, 2018 in - Regarding**

The eighth 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" was held on 28th November, 2018 (Wednesday) at Jaisalmer House, 26-Mansingh Road, New Delhi. The minutes of the meeting are circulated to all members of the Task Force and to the officers who attended the meeting, for kind 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 10th January, 2019.



(Handwritten signature)

(C.K. Reejonia)
Director

Tel. /Fax No. 011-23072146

Encl: As above

- 1 ✓ Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
- 2 ✓ Shri Ramayan Yadav, Additional Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi.
- 3 ✓ Shri K. Biswal, Additional Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhawan, New Delhi.
- 4 ✓ Shri Sadanand Vasant Date, Joint Secretary, Department of Justice, New Delhi.
- 5 ✓ Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi.
- 6 ✓ Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
- 7 ✓ Registrar General, Bombay High Court, Mumbai.
- 8 ✓ Registrar General, Delhi High Court, New Delhi.
- 9 ✓ Secretary (Law), Government of NCT of Delhi, New Delhi.
- 10 ✓ Secretary (Law), Government of Maharashtra, Mumbai.
- 11 ✓ Shri Yashwant Anand Goswami, Member (Project Management), A-313, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110003. (Fax No. 24632074, Tel No. 24632071-72)

Copy for kind information and necessary action please.

✓(I)
✓(II)

Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi.
Secretary, Legislative Department, Shastri Bhawan, New Delhi.

Copy to:-

- 1 PSO to Secretary (Justice) - *Scylog 28/12/18*
- 2 PA to JS (GRR)

(Handwritten signature)
28/12/18

o/c

MINUTES OF EIGHTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 28TH NOVEMBER, 2018 IN NEW DELHI

The Eighth 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 28th November, 2018 under the **Chairmanship of Secretary (Justice)**. The list of the participants in the meeting is attached as **Annexure**.

Joint Secretary (NM) welcomed the members of the Task Force and other officers present. The Joint Secretary (NM) informed the Members and the officers present about the Ease of Doing Business Report 2019 and the dismal improvement in the enforcing contract parameter where the rank went up by only 1 point.

Secretary (Justice) opened the meeting by informing the gathering that steps have been taken by the Ministry such as introducing necessary amendments to the Commercial Courts Act, 2015, launching of ePayment, NSTEP and eFiling etc. However, implementation and adaptations of these provisions of the ground level are slow. He highlighted that World Bank in its survey looks at two things i) average time taken for disposal and ii) proper arrangement for case and court management, their usability, functionality etc. It is a fact that electronic court management tools are present, however, whether judicial officers and lawyers are using it is what is measured. He requested the members present to share of their views on steps that have been taken to improve the system and what support Department of Justice can provide to facilitate the same. He also stated that Pre-Institution Mediation has been made mandatory after the 2018 amendments in Commercial Courts Act and NALSA is in the process of drafting guidelines for the same. He suggested that DoJ could assist the courts by providing IT Assistants/Technical Assistant for each Judicial Officers in the designated Commercial Courts to assist the Judicial Officers in using the electronic court and case management tools.

The following inputs were provided by the participants:

Registrar General, High Court of Bombay:

- 16 Courts have been designated as Commercial Courts in Bombay City Civil (10) and Sub-Urban (6) districts, however, no notification has been made in this regard. As per information provided the file is pending with ADM committee of the High Court.
- 15,000 commercial cases have been segregated and distributed among the 16 Commercial Courts. However, these courts are not hearing commercial matters exclusively; they hear regular civil cases as well.
- All 16 Commercial Courts are functional and 1430 cases have been disposed off in the last 4 months.
- Proceedings are taking place as per procedure provided in the Commercial Courts Act, 2015 through summary proceedings.
- Pre-Institution Mediation has not been introduced yet, infrastructure is also not available for the same.

- They have introduced additional (extra) points in the ACR for judicial officers who use electronic court and case management tools as a way to encourage them to use these facilities.
- ePayment MoU has been cleared by the High Court and is presently pending the State Government (Finance Department)
- eFiling has been successfully pilot tested on dummy servers.
- They were in support of the idea of hiring IT Assistants/Technical Assistants to assist Judicial Officers of the 16 Commercial Courts to use the electronic court and case management tools

Actionable Points

- Send a proposal to DoJ regarding additional requirements of infrastructure in terms of furniture, equipments, computer hardware/software etc. within a week.
- Share a schedule of training and awareness raising workshops for judicial officers and lawyers within a week.
- Provide a list of trained mediators available in Bombay.
- Provide number of lawyers/mediators that require training on mediation.
- Provide a copy of the ACR format so that it can be shared and replicated in Delhi.
- Provide links to the 4 court performance reports on the District Court's website for public viewing.
- Provide details commercial case transferred, handling and disposed by Commercial Courts.

Joint Registrar, High Court of Delhi

- All Additional District Judges Courts have been notified as Commercial Courts. A total of 75 Additional District Courts are there in Delhi of which 74 Courts are functional.
- All the courts have only been designated as Commercial Courts, they are not exclusively handling commercial cases.
- 1780 Commercial cases have been disposed off in these courts in the last four month. Procedure prescribed in Commercial Court Act, 2015, however, case management hearings are not taking place.

Actionable Points

- Share the data regarding the details of Additional District Judge's Courts that have been designated as Commercial Courts.
- Share details of commercial cases transferred, handling and disposed off in the designated Commercial Courts.
- Share a schedule of training and awareness raising workshops for judicial officers and lawyers within a week.

Additional Secretary, Department of Industrial Policy and Promotion

- Emphasized the need of creating exclusive courts for commercial cases.
- Sufficient infrastructural and technical support to be provided to the Commercial Courts
- eFiling could be made free to encourage litigants and lawyers to use the facilities.

JS (IT) , Department of Legal Affairs

- Proposed multi-facted solution-firstly to increase awareness generations and training programs and secondly to assess the usage of the tools in place by monitoring user log ins.
- He suggested that usage could be monitored by generating a report at the month of every month as to how many times a judicial officer has logged in to use these facilities. If the number of log in's is not sufficient friendly reminders could be send through email and sms to encourage them to log in and utilize the available resources.
- Similar reminders could be sent to lawyers who have registered for eCourts services.

JS (NM), Department of Justice

- Emphasized the need for regular trainings and awareness raising programs.
- Stated that Court Performance Reports should be made available for public viewing on District Court's websites. As this would also indicate how many judges are using the tools.
- Prepare and share the module for training of Judicial Officers and lawyers along with presentation to be used for training.
- Agreed that a letter for MLJ may be sent to Chief Justices of Bombay and Delhi High Courts.

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

● **Annexure**

LIST OF PARTICIPANTS.

Department of Justice

- 1 Dr. Alok Srivastava, Secretary (Justice)
- 2 Shri G.R. Raghavender, Joint Secretary and Mission Director.
- 3 Shri Sadanand Date, Joint Secretary.
- 4 Shri C.K. Reejonia, Director.
- 5 Shri Girdhar. G. Pai, Director.

Department of Industrial Policy & Promotion

- 1 Shri Shailendra Singh, Additional Secretary.
- 2 Shri Diwakar Uppal,

Department of Legal Affairs

- 1 Shri Ajay Gupta JS& OSD (IT).

Legislative Department

- 1 Shri Y. Srinivasa Rao, Deputy Legislative Council.

Delhi High Court

- 1 Shri M.P. Singh, Delhi High Court.

Bombay High Court

- 1 Shri Surendra Tavade, Registrar General.

Government of Delhi

- 1 Shri M.B. Malhotra. Deputy Secretary.

Government of Maharashtra

- 1 Shri S. S. Adkar, Joint Secretary.