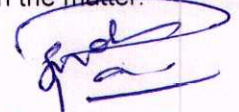


OFFICE MEMORANDUM

Subject: **Minutes of Ninth Meeting of the Task Force for improving India's ranking in World Bank Report on the parameter of Doing Business "Enforcing Contract" at 03.30 P.M. on 04th April, 2019 - Regarding**

The Ninth 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 04th April, 2019 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.



(Giridhar G. Pai)

Director

Tele/Fax: 011-23072145.

Encl: As above

- 1 Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
- 2 Shri K.Biswal, Additional Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhawan, New Delhi.
- 3 Shri Ajay Gupta, Joint Secretary & OSD (IT), Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhawan, New Delhi
- 4 Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi.
- 5 Registrar General, Bombay High Court, Mumbai.
- 6 Registrar General, Delhi High Court, New Delhi.
- 7 Shri Talwant Singh, District Judge (HQ), Tis Hazari Court, Delhi.
- 8 Secretary (Law), Government of NCT of Delhi, New Delhi.
- 9 Secretary (Law), Government of Maharashtra, Mumbai.
- 10 Shri Sadanand Vasant Date, Joint Secretary, Department of Justice, New Delhi.
- 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:-

1. Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhawan, New Delhi.
2. Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhawan, New Delhi.

Copy to:-

1. PSO to Secretary (Justice).
2. PS to Joint Secretary (GRR)

DRAFT MINUTES OF NINTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 04TH APRIL, 2019 IN NEW DELHI

The Ninth 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 04th April, 2019 under the **Chairmanship of Secretary (Justice)**. The list of the participants in the meeting is attached as **Annexure**.

Joint Secretary (NM), Department of Justice (DoJ), welcomed the members of the Task Force and other officers present. The Joint Secretary (NM) gave a presentation on the reforms implemented since May, 2018 especially with reference to setting up of designated Commercial Courts in Delhi and Mumbai, commencement of pre-institution mediation and settlement of commercial disputes, pre-trial conference (case management hearings) in commercial cases, start of e-filing in Bombay High Court and City Civil Courts, start of random allocation of cases in Delhi District Courts and Bombay City Civil Courts, use of electronic case management tools (ECMT) by Judicial Officers in Delhi and Mumbai through the JustIS app and use of ECMT by lawyers. He further informed that several outreach programs for training on the use of JustIS app / ECMT for Judicial Officers and ECMT for lawyers were held in Delhi and Mumbai since October, 2018. As a result, in the World Bank Doing Business Report 2020, it is expected that India may get 1 point for ECMT for Judicial Officers, 1 point for ECMT for lawyers, 1 point for pre-trial conference (case management hearing) and 0.5 point for random allocation of cases. He further informed that as the designated Commercial Courts were notified in Delhi with effect from 07.07.2018 and in Mumbai with effect from 15.12.2018, the time taken for disposal of cases from the date of filing / institution to the date of order [i.e. trial and judgment phase] would have substantially reduced from the present 1095 days. This would need to be substantiated with data from Delhi District Courts and Bombay City Civil Courts.

Secretary (Justice) acknowledged steps taken by the DoJ such as holding sensitization workshops on ECMT for Judicial Officers and lawyers, pursuing implementation of facilities like e-filing, e-payment and NSTEP. He further stressed on the need to collect relevant data to substantiate each reform that is being claimed to have been implemented in order to convince the World Bank.

Thereafter, a point-wise discussion on the Agenda points. The following inputs were provided by the participants:

Agenda Point 1

1. Status of functioning of designated Commercial Courts:

Number of Commercial Courts:

Delhi: 75 courts have been notified as commercial courts in Delhi and 70 courts are functional. Notification designating District Courts in Delhi as Commercial Courts and specifying the pecuniary jurisdiction issued on 7th July, 2018. It was informed that out of 13,299 number of commercial disputes instituted in all district courts in Delhi, 10,258 cases have been disposed of taking on an average 750 days for disposal from the date of institution till the final order. However, representative from Office of District

Judge, Delhi cautioned that the above data must be construed carefully as the disposed of cases include contested as well as non contested disputes.

Representative from Office of District Judge, Delhi informed that 55000 Advocates have been registered in Delhi District Courts who are being sent SMS notifications on commercial cases regularly. Secretary (Justice) requested that a list of such Advocates along with their mobile numbers / email ids and data regarding number of sms sent on a weekly basis may be provided.

Bombay: 16 courts have been designated as commercial courts in Mumbai. Notification issued on 15th December, 2018. It was informed that out of 6,061 number of commercial disputes instituted in all City Civil courts in Mumbai, 2,831 cases have been disposed of taking on an average 198 days for disposal from the date of institution till the final order. However, representative from Bombay High Court explained that the above data relates to cases disposed of under the CPC and the Commercial Courts Act, 2015. He further stated that the cases instituted after notification of designated Commercial Courts in December, 2018 will take time to reach the trial stage as the amended provisions of Commercial Courts Act prescribe pre-institution mediation.

Secretary (J) emphasized that in order to have credible data to substantiate the claim of faster disposal of commercial cases in designated Commercial Courts, it is essential that a proper format is devised to bring out the average time taken for disposal. Data may be provided by the Delhi District Courts and the Bombay City Civil Courts in the said format to ensure uniformity. Representative of Department for Promotion of Industry and Internal Trade (DPIIT) informed that the World Bank team would be in Delhi from 10th May onwards. It was, therefore, directed that the collection of data may be completed by 12th April.

Secretary (J) also requested representative from High Courts and State Governments of Maharashtra and Delhi to take necessary steps for setting up dedicated Commercial Courts.

Pre-institution mediation and settlement :

Delhi:

The 1136 number of cases referred and disposed in pre-institution mediation for Commercial Court cases, under the aegis of DLSA and Mediation Centre, 295 cases post institution, out of which only 100 number of cases settled in mediation after institution of case in Commercial Court. Representative from Office of District Judge, Delhi explained why very less number of cases could be referred/settle in mediation. Reasons attributed vary from unwillingness of lawyers, rules governing mediation, mediation fees prescribed for respondents. Secretary (Justice) suggested that all such issues faced in the Delhi District Courts may be listed and a comprehensive proposal may be sent by the Registrar General of the Delhi High Court to Department of Legal Affairs (DoLA) suggesting appropriate amendments in Act / rules.

Bombay:

It was informed that 787 number of cases referred to pre-institution mediation, and in 16 such cases both parties appeared. In 12 cases the proceedings could not start and not a single case settled through pre-institution mediation.

Case Management Hearing :

Delhi:

It was informed that in 56 cases, case management hearing has been held. The representative from Office of District Judge, Delhi assured that he can provide Cause List and order sheets to substantiate the claim regarding number of cases where Case Management Hearings have taken place.

Bombay:

Representative of Bombay High Court was requested to provide the number of cases where case management hearing has been held along with data to substantiate the said claim.

Agenda Point 2

2. **Status of e-filing:** It was informed that e-filing was launched on 14th August, 2018.

Delhi:

Representative from Delhi High Court informed that the draft practice directions / protocol which has been finalised by the Centralised Computer Committee, Delhi District Courts is under consideration / approval by the Delhi High Court and that the same shall be implemented shortly.

Bombay:

It was informed that e-filing facility is operational with effect from 7th March, 2019 in City Civil Court, Mumbai, for Advocates, Litigants and other stakeholders. Representative of Bombay High Court stated that 699 cases have been e-filed in the Bombay high Court, Original Side. However, no e-filing has taken place in Bombay City Civil Courts.

Secretary (J) emphasized and requested that lawyers need to be convinced in every way possible to e-file cases including offering suitable incentives.

Agenda Point 3

3. **Status of electronic issue of processes [NSTEP]:**

It was informed that National Service and Tracking of Electronic Processes (NSTEP) was launched on 14th August, 2018.

Delhi:

Joint Secretary (GRR) informed that for implementation of NSTEP in Delhi District Courts, District & Sessions Judge (HQs), Delhi vide letter dated 27.07.2018 has requested Delhi Government to provide 446 + 6 mobile phones for process servers / PROs / APROs. DoJ vide letter dated 01.03.2019 has also requested Chief Secretary to expedite the sanction.

Bombay:

It was informed that Office of Registrar General has placed a bid on the GeM Portal for procurement of Digital Signature Certificate (DSC) Tokens to be used for issuance of Digitally Signed Processes for all the Judicial Officers in the State of Maharashtra. RG Office has moved the Government for sanction of funds to meet financial implications of the recurring and non-recurring expenses for monthly internet charges. The Central Project Coordinator and Four District System Administrators have undergone Training on NSTEP at Delhi Judicial Academy. They will impart training to the Judicial Officers and Staff.

Agenda Point 4**4. Status of use of Electronic Case Management Tools [ECMT]:****Delhi:**

It was discussed that JOs using iphones shall provide the UDID numbers to the e-Committee of the Supreme Court so that they can also use the JustIS app.

Bombay:

It was informed that number of Judicial Officers using ECMT in all City Civil Courts is 65

Secretary (J) emphasized the need to apprise the Judicial Officers/Advocates to use the facility. He further requested the representative from Office of District Judge, Delhi to provide the mobile numbers and email ids of JOs who have downloaded the JustIS app so that they can be sensitized by the DoJ before the World Bank visit.

Agenda Point 5**5. Status of e-payment of Court fees:**

It was informed that e-Payment application through SBI gateway was launched by the Chief Justice of India on 14th August, 2018 [<https://districts.ecourts.gov.in/online-court-fee-3>].

Delhi:

The e-court fee can be paid through e-court fee generated by Stock Holding Corporation of India Ltd. being nominated for such purpose. The draft practice directions / protocol has already been finalised by the Centralised Computer Committee, Delhi District Courts and sent for consideration / approval to Delhi High Court. Representative of Delhi High Court assured that he will ensure early approval.

Bombay:

Facility of e-Payment of Court Fees was available in the City Civil Court, Mumbai and other District and Taluka Courts of Maharashtra. The Court Fees can be paid online through Government Receipts and Accounting system (GRAS) [<https://gras.mahakosh.gov.in>]. Representative of Bombay High Court was requested to send the number of cases where court fees have been paid electronically, month-wise.

Agenda Point 6

6. Random Allocation of Cases:

It was informed that data on number of cases allocated randomly, month-wise since the launch of random allocation of cases may be provided to substantiate the claim before the World Bank.

Agenda Point 7

7. Status of Quality of Judicial Process Index:

Joint Secretary (NM) explained to the participants that in the World Bank Doing Business Report 2020, it is expected that India may get 1 point for ECMT for Judicial Officers, 1 point for ECMT for lawyers, 1 point for pre-trial conference (case management hearing) and 0.5 point for random allocation of cases.

Agenda Point 8

8. Status of training / workshops for Judicial Officers / Lawyers:

Details of outreach programmes by DoJ:

Joint Secretary (NM) explained to the participants regarding sensitization workshops/outreach activities undertaken by Department of Justice. Representative from Office of District Judge Delhi stressed the need for more workshops where the Questionnaire be circulated to the Judicial Officers to sensitise them about what is happening.

Secretary (Justice) directed that details of all such sensitisation programs held along with photographs may be sent to DPIIT.

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

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 Giridhar G Pai, Directo

LEGISLATIVE DEPARTMENT

1. Shri K.Biswal, Additional Secretary.

DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE

1. Ms. Anchal Chaudhary, Consultant.

DELHI HIGH COURT

1. Shri Siddhartha Mathur, Joint Registrar, (Judicial).

BOMBAY HIGH COURT

1. Shri R.S. Pavaskar, CPC.

DELHI GOVERNMENT

1. Shri A.K. Mehendiratta, Law Secretary.
2. Shri M.B. Malhotra, Deputy Secretary.

OFFICE OF DISTRICT JUDGE, DELHI (HQ)

1. Shri Abhilash Malhotra, MM.