

File No. N - 17 / 145 / 2019 - NM (Part)
Government of India
Ministry of Law & Justice
(Department of Justice)

Jaisalmer House,
26-Mansingh Road,
New Delhi – 110011
Dated: 7th May, 2020

OFFICE MEMORANDUM

Subject: Action Points of the Review Meeting held for improving India's ranking in World Bank Report on Doing Business for parameter of "Enforcing Contracts" on 01.05.2020 – Regarding.

Please find enclosed herewith Action Points of the Meeting held on 01.05.2020 in New Delhi to discuss the progress on the action required to be taken by the concerned Departments for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator for your kind information, record and necessary action.

(C.K. Reejonia)
Director
Tel. No. 011-23072146

Encl: As above

1. The Registrar General, High Court of Delhi, New Delhi.
2. The Registrar General, High Court of Bombay, Mumbai
3. The Registrar General, High Court of Karnataka, Bengaluru
4. The Registrar General, High Court of Calcutta, Kolkata.
5. The Secretary (Law), Government of NCT of Delhi, New Delhi
6. The Prl. Secretary (Law), Government of Maharashtra, Mumbai.
7. The Principal Secretary (Law), Government of Karnataka, Bengaluru.
8. The Secretary (Law), Government of West Bengal, Calcutta.
9. Shri Surinder S. Rathi, Member (Processes), B Block, 8th floor, Additional Building Complex, Supreme Court of India, New Delhi – 110001.
10. Smt. Supriya Devasthali, Director, DPIIT
11. Shri Soumendra Nath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
12. Shri S.B. Singh, DDG, NIC
13. Shri Abhilash Malhotra, Metropolitan Magistrate, Tis Hazari Courts

Copy to:

1. Shri Ravinder, Joint Secretary, DPIIT
2. PPS to Secretary (Justice)
3. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi
4. PPS to Joint Secretary (eCourts), Department of Justice, Jaisalmer House, New Delhi

ACTION POINTS OF THE MEETING HELD ON 01.05.2020 AT 4.30 P.M. IN DEPARTMENT OF JUSTICE TO DISCUSS PROGRESS ON VARIOUS ISSUES RELATING TO “EASE OF DOING BUSINESS” ON PARAMETER OF “ENFORCING CONTRACTS”.

A follow-up meeting was held on 01.05.2020 (Friday) at 4.30 P.M. through video conferencing, to discuss the progress on the reforms to be implemented in respect of “Enforcing Contracts” under “Ease of Doing Business”. A list of participants is attached as **Annexure**.

The following parameters along with the action points were discussed.

S.No	Parameters	Action Points
1.	Establishment of dedicated Commercial Courts (Reforms of Case-management hearing will be accepted and increase score from 0 to 100 in time taken for trial and judgment)	Delhi: It was noted that out of 22 dedicated commercial courts so far, only 21 are functional. Delhi High Court to intimate by 7th May 2020 the expected date of making the 22nd commercial court functional. Mumbai: Registrar General, Bombay High Court to intimate the status of allocation of a separate building for commercial courts to Department of Justice by 7th May 2020. Bengaluru: Registrar General, High Court of Karnataka to send copy of their letter to Government of Karnataka on establishment of 8 additional dedicated commercial courts (6 for Bengaluru City and 2 for Bengaluru Rural); letter from Government of Karnataka not agreeing to set up 2 more additional dedicated commercial courts in Bengaluru Rural; Gazette notification establishment of 6 additional dedicated commercial courts for Bengaluru City along with creation of posts of judges and support staff for these commercial courts; data on pending commercial cases in 2 more additional dedicated commercial courts in Bengaluru Rural and agreement/MoU signed with BSNL to rent their building for commercial courts in Bengaluru by May 7th, 2020. Kolkata: - Registrar General, High Court of Calcutta to share data on pending commercial cases in Kolkata of Rs 3 lakhs to explore feasibility of setting up of additional commercial court. - Registrar General, High Court of Calcutta to send a copy of orders on the decision of reduction of

		pecuniary jurisdiction to Rs 3 lakhs for commercial courts in Kolkata. High Court of Calcutta to indicate by May 7th, 2020 the expected date of establishment of 2 additional dedicated commercial courts in Kolkata city.
2.	Implementation of random and automatic allocation of cases to Judges through Case Information System (CIS) 3.0 software but has to be fully implemented. (To Claim 0.5 Point)	Bengaluru and Kolkata: - Registrar Generals of Bengaluru and Kolkata High Courts to intimate action taken on implementation of random allocation of cases to judges along with timelines. eCommittee, SCI & NIC: - Member, eCommittee, SCI to share relevant excerpts of eCommittee decision taken on the proposal of DoJ on automatic allocation of cases. DoJ to communicate accordingly to High Courts.
3.	The system of electronic filing of commercial cases (e-filing) in all commercial courts (To Claim 1 point)	Bengaluru: - Registrar General of High Court, Bengaluru to share draft Practice Guidelines regarding e-filing as submitted to the Rules Committee by May 7th, 2020. The expected date of the approval by the Rules Committee may be intimated by the next meeting. Kolkata: - Draft Practice Directions regarding e-filing have been received. Registrar General, High Court of Calcutta to share expected date of notifying Practice Directions as approved by the Rules Committee of High Court of Calcutta by May 7th, 2020. eCommittee, Supreme Court of India/NIC: - Member, eCommittee, SCI to indicate updated status on proposal of eFiling and the policy on Paperless Commercial Courts working environment by May 7th, 2020. - It was agreed that once the above policy is approved by eCommittee, the High Courts of Delhi and Mumbai will nominate three Commercial Court Judges each as Members of Sub-Committee for creation of an executable Blueprint for paperless district commercial courts. - Thereafter, the eCommittee and NIC to prepare an Action Plan on steps for e-filing and Paperless Court

		with roadmap and timelines. • DPIIT: Global Best Practices regarding e-filing remains pending from DPIIT. DPIIT to furnish the same by May 7th, 2020.
4.	Operationalization of electronic service of summons (by email / SMS alert). (To Claim 1 point)	Kolkata: • Registrar General of High Courts Calcutta to share draft Practice Guidelines regarding e-Summons as submitted to the Rules Committee by May 7th, 2020. The expected date of the approval may be intimated by the next meeting. • It is requested that Status of notification of Rules is shared by May 7th, 2020. Bengaluru: • Registrar of General of High Courts Bengaluru to share draft Practice Guidelines regarding e-Summons as submitted to the Rules Committee by May 7th, 2020. The expected date of the approval may be intimated by the next meeting. NIC: • NIC, Pune to indicate timeline by 7th May 2020 about generating templates on eSummons for commercial cases including auto-sending of emails through CIS Software. • DPIIT: Global Best Practices regarding e-filing remains pending from DPIIT. DPIIT to furnish the same by May 7th, 2020.
5.	Pre-Institution Mediation and Settlement Cases (PIMS)	High Courts of Delhi and Bombay: • As and when Sub-committee of Commercial Court Judges is constituted under High Courts of Bombay and Delhi, the Sub-committee may prepare Note on PIMS being made more user friendly and reduction / removal of mediation fee. Thereafter, DoJ may take up this matter with DoLA. • During the discussion members felt that the fee prescribed under the Pr-Institution Mediation and Settlement Rules, 2018 appeared to be on the higher side, and litigants were filing frivolous interim applications to bypass the mechanism of Pre-Institution Mediation. In order to have first-hand information on the subject, it was decided that DoJ will seek the views of the State Legal Services

		Authorities of Delhi and Maharashtra including comparative chart of fee charged in these states for pre-institution mediation and post institution mediation. - Registrar Generals, Delhi and Mumbai High Courts to send Feedback Forms from their respective State Legal Services Authority regarding fee charges for PIMS in commercial courts. Bengaluru & Kolkata: - Registrar Generals, Bengaluru & Kolkata to send by 7th May 2020 PIMS data as per 8 standard formats in excel sheet for the month of January to March 2020 including copies of PIMS settlement awards for this period. eCommittee, Supreme Court of India/NIC: - The Sub-committee of eCommittee on paperless courts to consider reviewing the functioning of PIMS and feasibility introducing online PIMS.
6.	100% implementation of Case Management hearing / pre-trial conference under Order XV-A of the CPC, 1908 for all commercial cases. (To Claim 1 point)	Delhi: - Received CNR Numbers and Cause Lists of the data from Delhi. Kolkata: - To share Data as per 8 standard formats with CNR Numbers in excel sheets of cases listed for case management hearing in the months of January to March 2020 by 7th May 2020. Bengaluru: - Data shared by High Court of Karnataka is incomplete. Registrar General, High Court of Karnataka to share Data as per 8 standard formats with CNR Numbers in excel sheets of cases listed for case management hearing during February and March 2020 by 7th May 2020. - Copies of Cause Lists/<i>Roznamas</i> for cases listed for Case Management Hearing to be shared by Kolkata and Bengaluru by 7th May 2020. eCommittee, Supreme Court of India/NIC: - The Sub-committee of eCommittee on paperless courts to consider to review the functioning of Case

		Management hearing/pre-trial conference and feasibility of online Case Management hearing/pre-trial conference.
7.	Disposal of cases to be brought within 800 days in Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru (Increase score from 0 to 100 in time taken for trial and judgment)	Delhi and Mumbai: - Data shared by Delhi, Mumbai is less than 800 days. Kolkata and Bengaluru: - Data of contested commercial cases as per 8 standard formats in excel sheet with CNR Numbers /copies of judgments for January to March 2020 to be shared by 7th May 2020. - Kolkata and Bengaluru to share the above data on the lines of Mumbai's Data for January to March 2020.
8.	Training of Commercial lawyers/legal firms and judicial officers handling and dealing in the Commercial Courts dealing with commercial cases be prepared for directly communicating with them on the reforms undertaken and for organizing training workshops.	Delhi & Mumbai: - To share training calendar for judges and lawyers on Electronic Case Management Tools by 7th May 2020. Kolkata and Bengaluru: - To share List of lawyers practicing in commercial matters before Bengaluru District Courts and Kolkata District Courts (name, emails and mobile numbers) by 7th May 2020. - Letters have been written to NLUs by DoJ on introduction of Certificate Courses for lawyers to be trained in Commercial Law. Their response is awaited. eCommittee, SCI to share updated status of preparation of National Master of practicing Lawyers by 7 May 2020. - CII is hosting a webinar to discuss reforms under Enforcing Contracts Indicator in Delhi and Mumbai with lawyers and other stakeholders on 12.05.2020 at 4:30 pm to 6:00 pm. RGs of Delhi and Mumbai, Member, eCommittee, Shri Abhilash Malhotra, Judicial officer, Delhi and NIC member from Pune to attend the same.
9.	Publicity of reforms introduced in the Commercial Courts of Delhi, Mumbai,	Delhi and Kolkata: Registrar Generals, Delhi and Kolkata to share action taken on displaying printed material at

	Kolkata Bengaluru	and	vantage points in Commercial Court Premises by 7th May 2020.
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The Meeting ended with a vote of thanks to the chair.

Annexure

List of participants.

1. Shri Barun Mitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
3. Shri P.P. Pandey, Joint Secretary, Department of Justice.
4. Shri Sunil Kumar Sharma, Additional Secretary Law, Justice and Legislative Affairs, GNCT, Delhi
5. Shri M.B. Malhotra, Deputy Secretary, Law, GNCT of Delhi.
6. Shri Surinder S. Rathi, Member (Processes), eCommittee, Supreme Court of India
7. Shri Ashish Shiradhonkar, Senior Technical Director, NIC, eCourts.
8. Smt. Supriya Devasthali, Director, DPIIT
9. Shri Reetesh Singh, OSD Registrar, High Court of Delhi.
10. Shri Abhilash Malhotra, Metropolitan Magistrate, Tis Hazari Courts
11. Shri D.P.Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
12. Shri Mahendra Chandwani, Principal Judge, City Civil and Sessions Court
13. Shri Bhushan M Amrute, Court Manager, City Civil and Sessions Court, Mumbai
14. Smt. Rai Chattopahyay, Registrar General, High Court of Calcutta
15. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
16. Shri T G Shivashankare Gowda, Registrar (Computers), High Court of Karnataka
17. Shri Arup Basu, JS, Government of West Bengal
18. Shri Amit Gupta, Sr. Legal Consultant, DPIIT
19. Shri Rituj Chopra, Consultant, National Mission for Justice Delivery and Legal Reforms