

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: 28th April, 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 24.04.2020 – Regarding.

Please find enclosed herewith Action Points of the Meeting held on 24.04.2020 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

ACTION POINTS OF THE MEETING HELD ON 24.04.2020 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 24.04.2020 (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*” under the Chairmanship of Shri G.R. Raghavender, Joint Secretary, Department of Justice. A list of participants is attached as **Annexure**.

The following parameters along with the action points were discussed by the Joint Secretary, Department of Justice with participants from Delhi, Mumbai, and Kolkata:

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)	1. Bengaluru: - High Court of Karnataka has been requested that expected date for establishment of 8 additional dedicated commercial courts (6 for Bengaluru City and 2 for Bengaluru Rural) may be sent before the next meeting. 2. Kolkata: - Data regarding number of commercial cases of pecuniary value between 3 lakhs and 30 lakhs is shared. (over 2,000 cases) - High Court of Calcutta has been requested that expected date of reducing pecuniary jurisdiction of commercial courts to Rs. 3 Lakhs for already functioning 2 dedicated commercial courts and establishment of 2 additional dedicated commercial courts in Kolkata city may be by May 15th, 2020. 3. DoJ: - A separate meeting to be held with High Court of Calcutta on establishment of sufficient dedicated commercial courts as per 1,000 commercial cases per court with pecuniary value of 3 lakhs and also issues pertaining to posting of judges, support staff and availability of accommodation for new commercial courts.
2.	The system of random and automatic allocation of cases to Judges has been started through Case Information System	1. Delhi: - Screenshots of Random and Automatic Allocation is shared. 2. Bengaluru and Kolkata: - Action Taken on implementation not shared. The

	(CIS) 3.0 software but has to be fully implemented.(To Claim 0.5 Point)	timeline of implementation may also be indicated. 3. eCommittee, SCI & NIC: - eCommittee, SCI will send a reply to the proposal of DoJ. - NIC has removed the check box option to make allocation of cases automatic.
3.	The system of electronic filing of commercial cases (e-filing) in all commercial courts (To Claim 1 point)	1. Mumbai: - It is requested that outreach activities regarding training lawyers to use the e-filing facility is shared. 2. Bengaluru - It is requested that status of implementation (including training of advocates) and evidence of e-filing is shared. 3. Kolkata - Draft Practice Directions regarding e-filing have been shared. - It is requested that status of implementation (including training of advocates) and evidence of e-filing is shared. 4. eCommittee, Supreme Court of india/NIC: - DoJ to send the proposal to eCommittee for approval for creation of eFiling (without Hard Copy) and Paperless Court working environment for Commercial Courts. - It is requested that suggestions from Delhi, Mumbai, Kolkata and Bengaluru along with DPIIT are sent by April 29th, 2020 on the proposal. - Once approved the High Courts of Delhi and Mumbai may be requested to nominate names of three Commercial Court Judges, each as Members of sub-committee for creation of an executable Blueprint for paperless district commercial courts. - Thereupon, the eCommittee and NIC may be requested to prepare an Action Plan on steps for e-filing and Paperless Court with dedicated roadmap and timelines. 5. DPIIT: It is requested that Global Best Practices regarding e-filing is shared.

4.	The functionality of electronic service of summons (e-summons by email / SMS alert) is ready but is not yet operational. The implementation of the same has to be expedited. (To Claim 1 point)	Kolkata - Draft Practice Directions regarding e-summons are under submission for approval to the High Court Rules Committee. . - It is requested that Status of notification of Rules is shared by 15thMay, 2020. May use the Mumbai template. Bengaluru: - Draft Rules pending before High Court Rules Committee. - It is requested that Status of notification of Rules is shared by 15thMay, 2020. May use the Mumbai template. eCommittee, Supreme Court of India/NIC: - It is requested that NIC, Pune to generate templates on eSummons for commercial cases regarding auto-sending of emails through CIS Software. DPIIT: It is requested that Global Good practices for electronic service of summons is shared.
5.	Pre-Institution Mediation and Settlement (PIMS) Cases	Delhi: - It is requested that Note on PIMS being made more user friendly and reducing / removing the Fee for mediation, to be shared for further discussion with DoLA. High Courts of Delhi and Bombay: - It is requested that Sub-committee of Commercial Court Judges is constituted under High Courts of Bombay and Delhi which may also submit its report on efficacy of fee charge for PIMS. - It was felt that the fee prescribed under the Pre-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 issue, it is requested that views of the State Legal Services Authorities of Delhi and Maharashtra be sought on the same including comparative chart of fee sought in these states for pre-institution mediation and post institution mediation.

		3. Bengaluru: - It is requested that PIMS data as per 8 standard formats in excel sheet for the month of January to March 2020 is shared. 4. Kolkata: - It is requested that PIMS data as per 8 standard formats in excel sheet for the month of January to March 2020 is shared. 5. It is requested that Copies of PIMS settlement awards is shared by Bengaluru and Kolkata for two months period. 6. It is requested that all High Courts may send Feedback Forms from their respective State Legal Services Authority regarding fee charges for PIMS in commercial courts. 7. eCommittee, Supreme Court of India/NIC: - Proposed Task Force can review the functioning of PIMS and possibility of being made online.
6.	The provision of Case Management hearing / pre-trial conference under Order XV-A of the Code of Civil Procedure, 1908 for commercial cases is implemented only in some cases. It has to be fully implemented for all commercial cases. (To Claim 1 point)	1. Delhi: - It is requested that CNR Numbers of the data provided is shared by 27th April, 2020. 2. Kolkata: - It is requested that 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 is shared. 3. Bengaluru: - Data for February, 2020 not shared. - Data for March, 2020 shared but not as per 8 standard formats with CNR Numbers in excel sheets. - It is requested that Data as per 8 standard formats with CNR Numbers in excel sheets of cases listed for case management hearing in the months of February and March 2020 is shared. 4. It is requested that Copies of Cause Lists for Case Management Hearing is shared by Delhi, Mumbai, Kolkata and Bengaluru.

		5. eCommittee, Supreme Court of India/NIC: It is requested that Status on updating the timelines in CIS Software as per the Commercial Courts Act, 2015 is shared.
7.	Time taken for disposal of cases 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)	1. Kolkata and Bengaluru: - It is requested that Data of contested commercial cases as per 8 standard formats in excel sheet with CNR Numbers /copies of judgments for January to March 2020 is shared. - Mumbai's Data of January to March 2020 shared with Kolkata and Bengaluru.
8.	Training of Commercial lawyers/legal firms and judicial officers posted in the Commercial Courts dealing with commercial cases be prepared for directly communicating with them on the reforms undertaken and for organizing training workshops.	1. Kolkata and Bengaluru: - It is requested that List of lawyers practicing in commercial matters before Bengaluru District Courts and Kolkata District Courts (name, emails and mobile numbers) is shared - Certificate Courses for lawyers to be trained in Commercial Law is pending. - It is requested that updated status of preparation of National Master of practicing Lawyers is shared by eCommittee, SCI.
9.	Publicity of reforms introduced in the Commercial Courts of Delhi, Mumbai, Kolkata and Bengaluru	1. Delhi and Kolkata: It is requested that Action taken on displaying printed material at vantage points in Commercial Court Premises is shared.

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

List of participants.

1. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
2. Shri P.P. Pandey, Joint Secretary, Department of Justice.
3. Shri Rajesh Pavaskar, CPC, High Court of Bombay
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. Smt. Supriya Devasthali, Director, DPIIT
8. Shri Reetesh Singh, OSD Registrar, High Court of Delhi.
9. Shri Abhilash Malhotra, Metropolitan Magistrate, Tis Hazari Courts
10. Shri D.P.Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort, Mumbai
11. Shri Mahendra Chandwani, Principal Judge, City Civil and Sessions Court
12. Shri Bhushan M Amrute, Court Manager, City Civil and Sessions Court, Mumbai
13. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
14. Shri Rituj Chopra, Consultant, National Mission for Justice Delivery and Legal Reforms