

File No. N-17/145/2019-NM-Part(1)

E-FILE NO.- 3959

Government of India

Ministry of Law & Justice

Department of Justice

Jaisalmer House, 26-Mansingh Road,

New Delhi – 110011

Dated: 23rd December, 2020.

MEETING NOTICE

Subject: Action points of the Eleventh Meeting of the Task Force constituted for improving India's ranking in the World Bank's Doing Business Report on the parameter of "Enforcing Contracts" on 18.12.2020 at 4:30 P.M.- Regarding

Please find enclosed herewith the Action Points of **the Eleventh Meeting of the Task Force** held on **18.12.2020 at 4:30 P.M.** under the Chairmanship of Secretary (Justice) to discuss the steps taken/to be taken by concerned Departments/Courts for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator for your kind information, record and necessary action.


23/12/2020

(R.C. Ahuja)

Under Secretary to the Government of India

Tele No. 011-23381680

Email:- rc.ahuja@nic.in

To,

1. Shri Shailendra Singh, Additional Secretary, Department for Promotion of Industry and Internal Trade.
2. Shri K. Biswal, Additional Secretary, Legislative Department, Ministry of Law and Justice.

3. Ms V Radha, Joint Secretary, Department for Promotion of Industry and Internal Trade.
4. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice.
5. Shri Pravash Prashun Pandey, Joint Secretary, Department of Justice, New Delhi.
6. The Registrar General, High Court of Delhi, New Delhi.
7. The Registrar General, High Court of Bombay, Mumbai.
8. The Registrar General, High Court of Karnataka, Bengaluru.
9. The Registrar General (Commercial), High Court of Calcutta, Kolkata.
10. The Secretary (Law), Government of NCT of Delhi, New Delhi.
11. The Principal Secretary (Law), Government of Maharashtra, Mumbai.
12. The Principal Secretary (Law, Justice and Human Rights), Government of Karnataka, Bengaluru.
13. The Secretary (Judicial), Government of West Bengal, Calcutta.
14. Shri S S Rathi, Officer on Special Duty-cum-Registrar, Delhi High Court.
15. Ms. Supriya Devasthali, Director, DPIIT.
16. Shri Atul Kurehkar, Member, e-Committee, Supreme Court of India.

Copy for kind information and necessary action please:

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

Copy to:

1. PPS to Secretary (Justice)
2. PPS to Joint Secretary (GRR)

Action points of the Eleventh meeting of Task Force held on 18.12.2020 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".

The Eleventh Meeting of the Task Force constituted for improving India's ranking in World Bank Doing Business Report for "Enforcing Contracts" indicator was held under the Chairmanship of Secretary (Justice) on 18.12.2020 at 4:30 P.M. through video conferencing. The list of participants is attached as herewith as **Annexure**.

1. At the outset Shri Barun Mitra, Secretary (J), welcomed the members of the Task Force and acknowledged the steps taken by all the concerned Departments and Courts for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator. Thereafter, he asked Shri G. R. Raghavender, Joint Secretary (NM), to initiate the proceedings.
2. The Joint Secretary (NM) made a presentation on the reforms implemented on various issues relating to "Ease of Doing Business" on parameter of "Enforcing Contracts". He emphasized on the developments in Delhi, Mumbai, Bengaluru and Kolkata regarding establishment and functioning of Dedicated Commercial Courts, random and automatic allocation of cases, case management hearings (pre-trial conferences), pre-institution mediation and settlement of commercial disputes, status of e-filing and e-Summons, status of implementation of three adjournment rule, use of electronic case management tools for Judicial Officers and Lawyers, etc.
3. After the conclusion of the presentation a point-wise discussion on actionable items was held and following decisions were taken:

Action Points- All four High Courts

- i. Delhi, Bombay and Calcutta HCs to review the reason behind less number of case management hearings (pre-trial conferences) taking place in commercial cases.
- ii. To take active steps like holding meetings with members from the Bar and training them to improve the overall functioning of the Commercial Courts.

Action Points- Delhi High Court

- i. To review the reason behind less number of case management hearings (pre-trial conferences) taking place in commercial cases.
- ii. To share the blue print and developments related to the digital paperless courts under Negotiable Instruments Act in Delhi with the e-Committee for launch of digital/paperless courts on pilot basis in Bombay, Delhi, Karnataka and Madhya Pradesh High Courts.
- iii. The training calendar of Delhi Judicial Academy for the year 2020-21 is not yet finalized but the Academy intends to conduct the training programmes on Commercial Courts on every alternative month in the year 2021, subject to the approval of Hon'ble Judicial Education and Training Programme Committee, High Court of Delhi.
- iv. Delhi HC has formed a sub-committee for reduction of time taken between trial and judgment in commercial cases. The committee has identified 18 parameters and will soon update about the developments.

Action Points- Bombay High Court

- iii. To reassess the reason(s) behind the handling of only two types of commercial cases (vis-à-vis 22 types) by Dedicated Commercial Courts of Mumbai. Bombay HC may have a relook in the matter and take suggestions from Karnataka HC regarding handling of various types of commercial cases.
- iv. To review the need for more Dedicated Commercial Courts by March, 2021 instead of June, 2021.
- v. To share with DoJ, the proposal for expediting the construction of building for Dedicated Commercial Courts so that the same can be taken up by DoJ with the Maharashtra Government.
- vi. To take active steps like holding meetings with the Bar Council members, City Civil Judge Commercial Court, etc., to motivate the lawyers and party in person to opt for e-filing.
- vii. To review the reason behind less number of cases being randomly and automatically allocated.
- viii. To review the reason behind less number of case management hearing (pre-trial conferences) taking place in commercial cases.

Action Points- Calcutta High Court

- i. To expedite the construction of the Commercial court building.

- ii. CPC Calcutta HC has finalized the rules for e-filing and e-summons and it is pending for the approval of the concerned Committee.
- iii. To send a formal mail to the e-Committee to allow automated and random allocation of cases for the Commercial Courts at the earliest.
- iv. To take active steps like holding meetings with members from the Bar and training them to improve the overall functioning of the Commercial Courts.
- v. To share with DoJ, the average time taken for disposal of contested commercial cases.

Action Points- Karnataka High Court

- i. To share with Bombay HC, the data related to handling of various types of commercial cases as prescribed by the Commercial Courts Act, 2015.
- ii.
- iii. To share with DoJ, the best practices with respect to the Case Management hearings (pre-trial conference) so that the same can be replicated in Delhi, Mumbai and Kolkata.
- iv. To send a formal mail to the e-Committee to allow automated and random allocation of cases in the Commercial Courts.
- v. To share with DoJ, the average time taken for disposal of contested commercial cases.
- vi. To take active steps like holding meetings with members from the Bar and training them to improve the overall functioning of the Commercial Courts.

Action Points- e-Committee

- i. To coordinate with High Court of Delhi, Bombay, Karnataka and Calcutta to make changes in CIS 3.2 software for creating the National Code for reflecting CIS Purpose Master for Case Management Hearing/PIMS for national database.
- ii. To expedite the launch of digital/paperless courts on pilot basis in Bombay, Delhi, Karnataka and Madhya Pradesh High Courts, which is under approval of the e-Committee. The e-Committee has already formed a sub-committee which is in the process of formulating the SOP regarding the same and after approval it will be rolled out soon. Kolkata may also be made part of the digital/paperless pilot project.
- iii. Allow implementation of automated and random allocation of cases in Commercial Courts of Kolkata and Bengaluru after a formal e-mail is sent by Calcutta HC and Karnataka HC.

Action Points- Department of Legal Affairs (DoLA)

- i. To constitute the Committee for finalizing the drafting of Commercial Court rules comprising of same members as the Committee on Simplification of Forms and Rules. Member Secretary, NALSA may also be made a part of the Committee.
- ii. To review the honorarium paid to the mediators of NALSA Mediation Centres.

Action Points- Department of Justice (DoJ).

- i. To write to e-Committee for expediting the launch of digital/paperless courts on pilot basis in Bombay, Delhi, Karnataka and Madhya Pradesh High Courts, which is under approval of the e-Committee and to make Kolkata also a part of the digital/paperless pilot project.
 - ii. To make members from the Bar also a part of the fortnightly Review meeting to discuss the progress on the reforms to be implemented in respect of "*Enforcing Contracts*" under "*Ease of Doing Business*".
 - iii. To write to Maharashtra Government for expediting the construction of building for Dedicated Commercial Courts in Mumbai.
 - iv. To write to Bombay HC, to reassess the reason(s) behind the handling of only two types of commercial cases (vis-à-vis 22 types) by Dedicated Commercial Courts of Mumbai.
 - v. To write to Delhi, Bombay and Calcutta HCs to review the reason behind less number of case management hearings (pre-trial conferences) taking place in commercial cases.
4. The meeting concluded with vote of thanks.

Annexure

1. Shri Barun Mitra, Secretary, Department of Justice.
2. Shri Shailendra Singh, Additional Secretary, Department for Promotion of Industry and Internal Trade.
3. Shri K. Biswal, Additional Secretary, Legislative Department, Ministry of Law and Justice.
4. Shri G. R. Raghavender, Joint Secretary, Department of Justice.
5. Shri Pravash Prashun Pandey, Joint Secretary, Department of Justice.
6. Ms V Radha, Joint Secretary, Department for Promotion of Industry and Internal Trade.
7. Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice.
8. The Registrar General, High Court of Delhi, New Delhi.
9. The Registrar General, High Court of Bombay, Mumbai.
10. The Registrar General, High Court of Karnataka, Bengaluru.
11. The Registrar General (Commercial), High Court of Calcutta, Kolkata.
12. The Secretary (Law), Government of NCT of Delhi, New Delhi.
13. The Principal Secretary (Law), Government of Maharashtra, Mumbai.
14. The Principal Secretary (Law, Justice and Human Rights), Government of Karnataka, Bengaluru.
15. The Secretary (Judicial), Government of West Bengal, Calcutta.
16. Shri S S Rathi, Officer on Special Duty-cum-Registrar, Delhi High Court.
17. Ms. Supriya Devasthali, Director, DPIIT.
18. Shri Atul Kurehkar, Member, e-Committee, Supreme Court of India.