

Government of India
Ministry of Law and Justice
(Department of Justice)

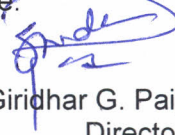
Jaisalmer House, 26 – Mansingh Road,
New Delhi – 110 011.

Dated: 03rd August, 2018.

OFFICE MEMORANDUM

Subject: **Minutes of Seventh Meeting of Task Force constituted for Improving India's ranking in World Bank's Doing Business Report on the parameters of "Enforcing Contracts" held on 26th July, 2018 at 03.30 P.M. – Regarding.**

The undersigned is directed to enclose minutes of Seventh Meeting of Task Force constituted for Improving India's ranking in World Bank's Doing Business Report on the parameters of "Enforcing Contracts" held on 26th July, 2018 at 03.30 P.M. for kind information and necessary action please.


(Giridhar G. Pai)
Director

Tel. / Fax No. 2307 2145

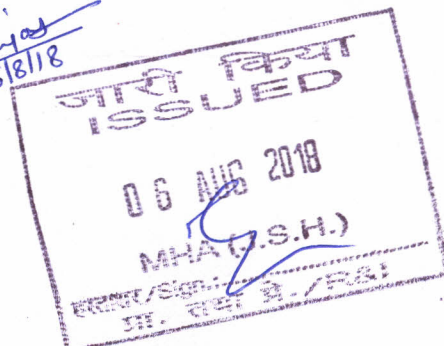
1. ✓ Shri Shailendra Singh, Additional Secretary, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
2. ✓ Shri Ramayan Yadav, Additional Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhavan, New Delhi.
3. ✓ Shri K. Biswal, Additional Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhavan, New Delhi.
4. ✓ Dr. Rajiv Mani, Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhavan, New Delhi.
5. ✓ Shri Ravinder, Joint Secretary, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
6. ✓ Registrar General, Bombay High Court, Mumbai.
7. ✓ Registrar General, Delhi High Court, New Delhi.
8. ✓ Secretary (Law), Government of NCT of Delhi, New Delhi.
9. ✓ Secretary (Law), Government of Maharashtra, New Delhi.
10. ✓ Shri Yashwant Anand Goswami, Member (Project Management), A-313, 3rd Floor, Lok Nayak Bhawan, Khan Market New Delhi – 110 003 (Fax No. 24632074) (Tel No. 24632071 – 72)
11. (11) Dr. K. S. Jayachandran, Deputy Secretary (eCourts), Department of Justice, New Delhi.

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. PSO to Secretary (Justice)
2. PA to Joint Secretary (GRR)



MINUTES OF SEVENTH MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF "ENFORCING CONTRACTS" HELD ON 26TH JULY, 2018 IN NEW DELHI

The Seventh 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 26th July, 2018 under the **Chairpersonship of Secretary (Justice)**. The list of the participants in the meeting is attached as **Annexure**.

Joint Secretary (GRR) welcomed the members of the Task Force and other officers present. The Joint Secretary (GRR) informed the Members and the officers present of the letter received from the Principal Secretary to the Prime Minister on the reforms claimed under the Enforcing Contract Parameter and the nature of feedback received from the World Bank team on their court visits and the interaction with the stakeholders in Delhi & Mumbai. While referring to the views of the World Bank team the Joint Secretary (GRR) initiated the proceedings.

Agenda Point 1: Feedback of the World Bank on the reforms Implemented by the Department of Justice for the doing Business Report 2019

The Joint Secretary (GRR) informed that the World Bank team while presenting their feedback on the visits to Delhi & Mumbai courts has reflected that although being in place the case management tools are not utilized. The Joint Secretary (GRR) apprised the members that the views presented by the World Bank team is for the reason that the Judicial Officers in Delhi submitted to the World Bank team that the electronic management tools are not being utilized by stakeholders. Further the Judicial Officers in Mumbai responded that of the prescribed management tools for lawyers (seven) and judges (eight) by the World Bank only two are being utilized.

The Joint Secretary (GRR) thereafter informed the members of the various workshops organized over the past few months to apprise lawyers and judges of the availability of case management tool.

The Registrar General (Bombay High Court) informed that letters have been issued to all principal judges on the utilization of electronic case management tools and that the High Court is also considering to hold workshops in all districts to promote the use amongst the stakeholders. The Registrar General further informed that the Bombay High Court shall contemplate on the issue to to give weightage to Judicial Officers in their ACR for utilization of electronic case management tools.

The Joint Registrar (Delhi High Court) suggested that sensitization programs shall also be organized for judicial officer in this regard. It was further suggested that Judicial Academies may be approached to organize training programs for sitting judicial officers and a module on electronic case management may also be included as a part of curriculum for newly recruited judicial officers.

The Additional Secretary (DIPP) suggested that the staff members of judiciary and advocate should also be trained as the electronic tools would more often be used by the staff members. It was further suggested that the tools shall be widely promoted amongst the stakeholders and their value addition to the existing system shall be showcased. Furthermore incentives shall be given to the stakeholders to use the electronic system over the traditional methods. Also regular feedback shall be taken by the Department on the utilization of the system.

It was agreed by the members of the Task Force that the lawyers practicing in commercial court and Judges adjudicating over commercial disputes shall be first targeted for sensitization programs. It was decided that a target of 50 lawyers to be trained in 3 months may be adopted. Also, all the judicial officers in Commercial Courts should be trained and should use the case management tools in 3 months time.

Agenda Point 2: Commercial Courts, Commercial Division & Commercial Appellate Division of High courts Act, 2015

The Joint Secretary (DLA) informed that the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Amendment Bill has been introduced in the Parliament on 23rd July 2018 and will be taken up for consultation shortly.

The Joint Registrar (Delhi High Court) apprised the members that as in interim measure the courts of District Judges and Additional District Judges have been notified as commercial courts. Further steps in this regard shall be undertaken after considering the total volume of cases of commercial nature in each district.

The Additional Secretary (DIPP) enquired about the infrastructure of courts to handle cases of commercial nature on which the Joint Secretary (GRR) informed of the ongoing centrally sponsored scheme for development of infrastructure facilities for judiciary. The Joint Registrar (Delhi High Court) apprised the members of the new court complex in Rouse Avenue where in 41 court have been constructed. The **Deputy Secretary (Delhi Law Department) informed that the premises** shall be handed over to the Delhi High Court at the earliest.

The Additional Secretary (DIPP) requested that the Delhi Government shall provide a time line for the same. Further considering the Commercial Courts Ordinance it was also requested that the Delhi Government shall formulate a proposal for establishing 100 more court rooms and forward the same to the Department of Justice.

The Registrar General (Bombay High Court) informed that courts under the Commercial Court Act shall be notified within a short period of time and the copy of the same shall be forwarded to the Department of Justice. The earlier effort of Bombay High Court of designating 12 courts in Mumbai City Civil & Sessions Court as commercial courts was appreciated by the Task Force.

The members of the Task Force requested that the Delhi High Court shall also notify the commercial courts at the earliest.

Agenda Point 3: Implementation of e- filing of cases

The Joint Secretary (GRR) informed that pursuant to the pilot testing of e-filing software in Tis Hazari Court last year the e- filing application has been integrated with CIS 3.0 which is standard application software across all district and subordinate courts of the country.

It was further informed that the eCourts has undertaken the initiative of enabling online payments of court fees. An agreement has been executed with SBI ePay and Bombay High Court in this regard and the same shall be replicated and implemented for the entire country.

Agenda Point 4: Implementation of E- summons

The Joint Secretary (GRR) apprised the members that the NSTEP software for implementation of e-summons is ready and shall be launched/implemented in a couple of months. Further awareness campaigns, user manuals shall also be launched to promote electronic management of cases.

Agenda Point 5: Pre- Institution Mediation

The Joint Secretary (DLA) informed that pursuant to the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts ordinance 2018 the Department of Legal Affairs has notified the Mediation & Settlement Rules on 3rd July, 2018. It was further informed that as per the statutory requirement the rules have been laid in the parliament. Further letters have also been issued to the Registrar General of all High Courts to popularize these rules and processes on their respective website.

The Joint Secretary (DLA) also informed that in accordance to the commercial court legislation the rules to provide data on commercial cases have also been notified.

The Joint Secretary (GRR) thereafter apprised the members of the Task Force that a proposal has been formulated under the Fifteenth Finance Commission to strengthen the pre-institution mediation centers in the country by requesting for financial support.

Agenda Point 6: Create a dedicated section on District court website containing information on the availability of performance measurement reports and available of electronic case management tools for Judge and Lawyers

The Joint Secretary (GRR) requested the Registrar General to coordinate with the computer committees of their High Courts and update the links to show the availability of performance measurement reports and electronic case management tools for Judge and Lawyers.

The meeting ended with a vote of thanks.

Seventh Meeting of Task Force held on 26th July, 2018 at 03.30 PM in the Conference Room, Jaisalmer House, New Delhi

LIST OF PARTICIPANTS.

Department of Justice

1. Shri G.R. Raghavender, Joint Secretary and Mission Director.
2. Shri Girdhar. G. Pai, Director.
3. Dr. K.S. Jayachandran, Deputy Secretary.
4. Shri Z. A. Khan, Under Secretary.

Department of Industrial Policy & Promotion

1. Shri Shailendra Singh, Additional Secretary.

Department of Legal Affairs

1. Dr. Rajiv Mani, Joint Secretary.

Legislative Department

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

Delhi High Court

1. Shri Ritesh Singh, Joint Registrar.

Bombay High Court

1. S. B. Agrawal, Registrar General.

Government of Delhi

1. Shri Ramesh Kumar, Deputy Secretary.

Government of Maharashtra

1. Shri N.J. Jamadar, Principal Secretary, Law.