

Indicator-wise Status of Reforms for Ease of Doing Business (as on 23.2.2017)

1. Enforcing Contracts

Ministry/ Department	Reforms	Timeline	Status Update
Law Department, Delhi and Maharashtra along with High Courts and District Courts of Delhi and Maharashtra	<ul style="list-style-type: none"> • Commercial benches in High Courts should be dedicated for commercial cases. 	<ul style="list-style-type: none"> ▪ Dec'16 	<ul style="list-style-type: none"> • Commercial Divisions and Commercial Appellate Divisions have been constituted in the High Court of Delhi and the High Court of Bombay in terms of the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (Commercial Court Act).
	<ul style="list-style-type: none"> • Operationalize dedicated commercial courts in Delhi District Court and Mumbai City Civil Court - Delete proviso to Section 3 (1) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 that reads: "Provided that no Commercial Court shall be constituted for the territory over which the High Court has ordinary original civil jurisdiction". 	<ul style="list-style-type: none"> ▪ Dec'16 	<ul style="list-style-type: none"> • A Task Force has been constituted by the Department of Justice for improving India's ranking in World Bank's performance on the parameter of Doing Business. • In the first meeting of the Task Force (held on 05/01/2017) the issue of constituting dedicated commercial courts in Delhi District Courts and Mumbai City Civil Courts was discussed and it was concluded that there is a need to amend Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 in order to remove proviso of Section 3 of the Act. • It had been decided in the meeting of the Task Force that necessary legislation shall be brought by Department of Legal Affairs and Legislative Department for amending the Commercial Court Act. • Decision to include representative of the legislative department was taken in the

			Task Force meeting to achieve the desired objectives pursuant to which an Order has been issued by the Department of Justice on 11/01/2017 for including Additional Secretary, Legislative Department as a member of the Task Force.
	<ul style="list-style-type: none"> • Amend the Commercial Courts, Commercial Divisions and Commercial Appellate Division of High Courts Act, 2015 Section 2 (1) (i) to reduce the specified value in relation to the commercial dispute. 	<ul style="list-style-type: none"> ▪ Mar'17 	<ul style="list-style-type: none"> • It was opined in the Meeting of the Task Force that deletion/reducing of “specified value” in the Commercial Court Act may be appropriate. For this purpose the necessary amendments have to be made by the Department of Legal Affairs and the Legislative Department. • Keeping in view the standardized case study of the World Bank probable legislative measure for adjudication of commercial cases of the value between Rs. 3 lakh and Rs. 1 crore were discussed in the meeting. As an interim measure it was decided that five district/city civil courts may be designated as ‘commercial courts’ by the High Court of Delhi and High Court of Bombay respectively for cases related to commercial disputes assigned to them. • The High Court shall examine the modalities of implementing the interim measure and respond in the next meeting of the Task Force.
	<ul style="list-style-type: none"> • Amend the Act to: <ul style="list-style-type: none"> ○ Allow parties with an option of Alternate Dispute Resolution 	<ul style="list-style-type: none"> ▪ Dec'16 	<ul style="list-style-type: none"> • In view of the discussion in the Task Force Meeting regarding the Video Conference held with the World Bank it was intended

	<p>before filing the case</p> <ul style="list-style-type: none"> ○ If parties ask for mediation, the court should allow the same 		<p>that DIPP needs to convince the World Bank that relevant Alternate Dispute Resolution provisions are present in the civil procedure code and Arbitration & Conciliation Act in the country.</p> <ul style="list-style-type: none"> ● It was discussed in the meeting of the Task Force that certain actions points are related to the amendments in the appropriate legislations. As the same falls within the domain of the Legislative Department under the Allocation of Business Rules, a request letter dated 11/01/2017 has issued by the Department of Justice to DIPP to make Legislative Department as the Nodal Agency for Enforcing Contracts for speedy progress of the proposed reforms.
	<ul style="list-style-type: none"> ● Generate any two of the following four performance measurement reports about the competent court: (i) time to disposition report; (ii) clearance rate report; (iii) age of pending cases report; and (iv) single case progress report 		<ul style="list-style-type: none"> ● The Registrar General of Delhi and Mumbai High Court had informed in the meeting that three out of the four reports can be generated i.e. except (i) remaining three reports are available. However, not all the reports are available to the public. ● As decided in the Task Force meeting the officials from e-courts will ensure that the reports will be made publically available. http://ecourts.gov.in/ecourts_home/
	<p>Introduce following electronic case management tools within the Competent Court for use by judges.</p> <ol style="list-style-type: none"> 1. To access laws, regulations and case law 2. To automatically generate a hearing schedule for all cases 		<ul style="list-style-type: none"> ● The Registrar General of Delhi and Mumbai High Court informed during the meeting of the task force that except automatic generation of case schedules and semi-automatic generation of court orders, all the other electronic case management tools are available for

	<p>on their dockets</p> <ol style="list-style-type: none"> 3. To send notifications (for e.g. emails) to lawyers 4. To track the status of a case on the their docket 5. To view and manage case documents 6. To assist in writing judgments 7. To semi-automatically generate court orders; and 8. To view court orders and judgments in a particular case 		<p>Judges.</p> <ul style="list-style-type: none"> • Except for S.No. (2) and (7) remaining electronic case management tools for Judges are available on http://services.ecourts.gov.in/ecourtindia_v5/
	<p>Introduce following electronic case management tools within the Competent Court for use by lawyers</p> <ol style="list-style-type: none"> 1. To access laws, regulations and case laws 2. To receive notifications 3. To access forms to be submitted to the court 4. To track the status of a case 5. To view and manage case documents 6. To file briefs and documents with the court 7. To view court orders and decisions in a particular case 		<ul style="list-style-type: none"> • The Registrar General of Delhi and Mumbai High Court informed that except automatic generation of case schedules and semi-automatic generation of court orders, all the other electronic case management tools are available to lawyers. • Except for S.No. (5) & (6) remaining electronic case management tools for Lawyers are available on http://services.ecourts.gov.in/ecourtindia_v5/