

MINUTES OF FIRST MEETING OF THE TASK FORCE FOR IMPROVING INDIA'S RANKING IN WORLD BANK REPORT ON DOING BUSINESS FOR INDICATOR OF 'ENFORCING CONTRACTS' HELD ON 5.1.2017 IN NEW DELHI.

The first 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 5th January, 2017 under the Chairpersonship of Secretary (Justice). The list of the participants in the meeting is attached as **Annexure I**.

Secretary (Justice) welcomed the members of the Task Force and other officers and after introduction requested Joint Secretary (GRR) to initiate the proceedings. JS (GRR) went through the power point presentation and explained about the World Bank report on Doing Business and the ranking process of the World Bank. The deliberations in the meeting revolved around four components of the Report.

It was brought to the notice of all by Secretary (Justice) that for the purpose of study to be conducted by World Bank for ranking the country under the indicator of 'enforcing contracts' the focus area is commercial disputes/cases which fall within the domain of 11 Delhi District Courts and 60 judges of the Mumbai City Civil Courts. Hence, we have to target accordingly. Following decisions were taken after elaborated deliberations.

I. Court Structure and Proceedings:

1. Probable legislative measure for adjudication of commercial cases of the value between Rs. 3 lakh and Rs. 1 crore were discussed in the meeting and it was decided that as an interim measure five district/city civil courts may be designated as 'commercial courts' for cases related to commercial disputes assigned to them. For creation of Commercial Courts at the District level in Delhi and at the city level in Mumbai necessary legislation shall be brought by Department of Legal Affairs and [Legislative Department] for amending the Commercial Courts Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act 2015 (**Commercial Courts Act**). Meanwhile, the focus for these designated courts shall be on implementing the timelines as identified in the Annexure II.

With respect to the amendments required to the Commercial Courts Act, the members of the Task Force deliberated upon the need to amend the Act so as to remove the proviso to Section 3 of the Act which provides that no commercial court shall be established at the District level in case of High Courts having original jurisdiction. The members were also of the opinion that deletion of 'specified value' in the Commercial Courts Act will ensure that the commercial cases between Rs 3 lakhs and Rs 1 crore will fall within the domain of the Act, and hence the relevant case management provisions of the Act will also be applicable to such commercial cases.

2. Assignment of new cases to judges to be done electronically.

II. Case management:

3. Provisions for overall time standards in a civil case, e.g. number of adjournments than can be granted in a case in normal circumstances is already available in the Code of Civil Procedure Code. However, these time standards and the rule on adjournments are not followed in more than 50% of cases and therefore, there is a need to ensure that these time standards as well as the provisions regarding adjournments are followed by the relevant Judges/Judicial Officers in Delhi and Mumbai. It was unanimously accepted that the law of three adjournments shall be strictly followed at least for commercial disputes in the designated 'commercial courts' in Delhi District Court and Mumbai City Civil Courts. Delhi and Bombay High Courts need to give directions to all concerned in the matter.
4. Two of the four reports are available to the public and other two are password protected. This was demonstrated to the World Bank in the video conference held on 7.12.2016. World Bank has to report back in the matter. The Registrar General of Delhi and Mumbai High informed the members that 3 out of the four reports can be generated, however, not all the reports are available to the public. It was decided that officials from e-Courts will ensure that the reports as the requirements of World Bank are made publically available. The link shall also be provided to Department of Justice for uploading on its website.

Further, the High Courts were also requested to provide such information on their websites along with the relevant link. Adequate use of multi-media and print media could also be explored. eCommittee could also take steps to make the password protected reports available to the public. Department of Justice shall hold a video conference with the World Bank to ensure that these reforms are acknowledged and accepted.

5. The next item for discussion was the need to introduce pre-trial conference for commercial cases. As this will require necessary amendments to the CPC, the Legislative Department is requested to take necessary action in this regard.
6. The members then went on to deliberate and discuss the electronic case management tools available for use by lawyers and judges. The Registrar General of the Delhi and Mumbai High Courts informed the members that except automatic generation of case schedules and semi-automatic generation of court orders, all the other electronic case management tools are available for judges and to lawyers as well. Department of Justice need to suitably guide and convince the respondents to get their positive response to the World Bank about the facilities available electronically. Regarding the reports available to lawyers, the eCourts project shall ensure that information is available on the website with the relevant links and that the other respondents are also made aware of the reports.

III. Court Automation:

7. As regard electronic filling and service of processes electronically, the members were informed that Delhi High Court has amended its rules to provide for process service electronically and through fax. The Registrar General of Bombay High Court informed the members that the Bombay High Court Rules are being amended and they should also be able to start electronic process service within three weeks. Delhi and Bombay High Court shall provide electronic filing facilities for commercial cases and ensure that such facility is available to the designated commercial courts in Delhi and Mumbai.

IV. Alternative Dispute Resolution:

8. Voluntary mediation was discussed in the video conference held with World Bank where the incentives available in the form of refund of court fees under Court Fees Act and Legal Service Authority Act was discussed. DIPP needs to convince World Bank about these provisions. Department of Justice need to suitably guide and convince the respondents to get their positive response to the World Bank.

There was also a discussion on the need to draft a standalone law on mediation and conciliation as that would give statutory backing to voluntary mediation initiated by parties.

Other decisions:

9. The Task Force need to include representative from the Legislative Department. Necessary amendment in order of constitution of Task Force may be issued by Department of Justice.

Modalities of actionable points and timelines are provided in the **Annexure II**

Meeting concluded with vote of thanks to the Chairperson.

Annexure I

List of participants of First Meeting of Task Force held on 5th January, 2017 at 11:30 AM in the Secretary (Justice) Room, Jaisalmer House, New Delhi.

1. Smt. Snehlata Shrivastava, Secretary(Justice), Chairperson.
2. Shri Shailendra Singh, Joint Secretary, Department of Industrial Policy and Promotion.
3. Shri Ajay Kumar Lal, Joint Secretary (eCourts), Department of Justice.
4. Shri S.C. Barmma, Joint Secretary, Department of Justice.
5. Shri G.R. Raghavendra, Joint Secretary, Department of Justice.
6. Shri Girish Kathpalia, Registrar General, Delhi High Court, New Delhi.
7. Shri Mangesh S Patil, Registrar General, High Court of Bombay, Maharashtra.
8. Shri Raj Kumar Chauhan, Law Secretary, Government of Delhi, New Delhi.
9. Shri N.J. Jomodas, Principal Secretary and Remembrancer of Legal Affairs, Law and Judiciary Department, Government of Maharashtra.
10. Ms. Reetu Jain, Director, Department of Industrial Policy and Promotion.
11. Shri Mahendra Khandelwal, Additional Legal Adviser, Department of Legal Affairs, New Delhi.
12. Shri Arun Bhardwaj, Member (Processes), eCommittee of Supreme Court of India, New Delhi.
13. Shri Yashwant Anand Goswami, Member (Project Manager), eCommittee of Supreme Court of India, New Delhi.
14. Shri Ajay Gupta, Joint Registrar (Rules), Delhi High Court, New Delhi
15. Shri C.K. Reejonja, Deputy Secretary, Department of Justice.

ANNEXURE II

S. No	Actionable Point	Department/Agency	Timeline
1	Amendment to Commercial Courts Commercial Courts, Commercial Division & Commercial Appellate Division of High Courts Act 2015	Department of Legal Affairs and Legislative Department	January 2017
2	Assignment of new cases to judges electronically	Delhi and Bombay High Courts and eCommittee	February 2017
3	Implementation and enforcement of time standards and rule on adjournments	Delhi and Bombay High Courts	January 2017
4	Publication of the reports online and uploading of relevant links on the DoJ website	DIPP, Department of Justice and eCourts Project	January 15, 2017
5	'clearance report' by judges to be published and generated	eCommittee	February 20, 2017
6	Amendment to CPC for introduction of pre-trial conference	Legislative Department	January 2017
7	Information on available electronic case management for lawyers and judges to be provided to World Bank and link to be provided on the Department of Justice Website	eCourts project	January 15, 2017
8	Amendment to Bombay High Court rules to ensure electronic service of documents	Bombay High Court	January 2017
9	Meeting with World Bank on Alternate Dispute Resolution mechanism	DIPP, Department of Justice , Department of Legal Affairs and Legislative Department	January 2017