

Suggestions for Expert committee to examine the possibility of replacing multiple prior permissions with pre-existing regulatory mechanism and to prepare draft legislation, invites views/suggestions on the proposed legislation

S.No.	Related to	Issues	Existing Govt. Regulations (Give Exact regulation/clause etc)	Suggestions (Specific changes - like change in language, deletion, insertion)	Check Points	Enablers
1	Enforcing contracts	Time consuming and cumbersome process; Lack of finality of orders; Overlapping or lack of clarity in jurisdictions of courts, tribunals		Status should be amended to provide a fixed timelines for resolution of disputes. Mediation/arbitration be encouraged with some financial incentives, like, weighted tax deduction may be given on expenses/fees incurred on mediation/arbitration. Proceedings of the courts/tribunals should be conducted using technology to the maximum extent, e.g., appearance be done through video conferencing. Infrastructure and records of courts should be digitised and automated and e-service of documents/notice, etc., be resorted to. Jurisdiction of courts and tribunal under a particular law should be described clearly so that overlapping in this respect can	Digitization and updation of Courts for faster results.	Policy
		Litigation Procedure for enforcing contracts in India: • Delay in disposal of cases • Cost involved; and Complexity in the procedure	• Sections 9-25 of the Specific Relief Act, 1963. • Section 44 A of the Code of Civil Procedure, 1908 • Arbitration and Conciliation Act, 1996	• Establishing Special Courts/Tribunals in accordance with Chapter XXVIII of the Companies Act, 2013. • Alternative Dispute Redressal procedures should adhere to specified timelines. • Entering into International Treaties to facilitate enforcement of Foreign Judgments. • Implementation of an Electronic Case Management System (e-court systems). Special Courts/Tribunals can be constituted as per Section 435 of the Companies Act, 2013 provided it has been notified in the Official Gazette. This is primarily for the purpose of resolving commercial disputes involving having a subject matter above Rs. 1/2/3/5 crores. A pecuniary limit needs to be set for referring such disputes to the special tribunals. Eg. Economic Offences Wing as in cases of economic related criminal cases. This will reduce the burden of the court and also result in speedy disposal of the cases.	Special Courts for speedy disposal of cases pertaining to enforcement of contracts.	Policy
		Domestic Arbitration has failed to serve its purpose	The objects and basis of the Arbitration and conciliation Act is to speedy disposal with least court intervention.	• Arbitration and Conciliation (Amendment) Bill has been introduced in the Parliament which has suggested changes and prescribed a time limit of nine months for completing an arbitration proceeding and has also sought to bring a cap on the Arbitration Fees. This needs to be implemented for speedy disposal of cases and also to reduce the financial burden on the corporate.	Implementation of Arbitration and Conciliation (Amendment) Bill	Policy
		Lack of professional and technical knowledge of arbitrators and judges.	Section 10(1) and 11 of The Arbitration and Conciliation Act'1996 provides for the qualifications of appointment of arbitrators	There should be appointment of specialized group of judges and professional arbitrators, who are well versed with the technical knowledge pertaining to the subject matter in dispute. They should be given proper training to make them up to date with the regular changes in the domestic as well as international legal arena. In case of technical subject matters involvement, the same should be mandatory referred to the respective professionals of that field	Appointment of Specialized Judges and professional arbitrators.	Policy

				Subject to certain restrictions in law, a foreign judgment can be enforced by courts in India only if the said judgment is of a court in a 'reciprocal territory'. The number of 'reciprocal territories' with which India presently has such treaties is minimal (12 countries). India should sign treaties with many more countries with which it does business regularly. This will be particularly helpful if the parties to the contract have submitted themselves to foreign jurisdictions	More international treaties to be signed with trading countries. Process of enforcement of Foreign judgement to be streamlined.	Policy
		After final decision is given, separate enforcement proceeding is required to be initiated.	Section 36 of Arbitration Act and order XXI and section 36 of CPC (execution of decree)	Enforcement shall also be done in the same proceeding instead of initiating a separate proceeding		
		Transfer of case from one court to another when more than one court has jurisdiction leads to hindrance in justice delivery	section 22 of civil Procedure code '1908	This particular section shall be removed because in order to delay the process the defendant seeks court permission to transfer the case.		Policy
		Recourse to court defeats the objective of arbitration	Section 34 of Arbitration Act	Hierarchy within arbitral tribunal shall be made so that in presence of arbitration agreement only these tribunals shall have jurisdiction.		
		A Major Problem that leads to delay in enforcement of contract is getting permission/approval from various regulatory authority	Depending upon the type of contract permission from electricity department, RBI, CCI etc. is required	Introduction of single window clearance systems with time bound decision making for business approvals and implementation of the same from authorities like CCI, FIPB. Single window will not only reduce time but there will also be proper track of documents	Single window to reduce time and better implementation	Policy
		Tracking status of cases is only possible if the advocates are present in the court. In order to know the next hearing date it becomes necessary to personally be present	Supreme court and high Court have computerised management system but not all lower court have this facility	E-court systems can be implemented by introducing an <i>Electronic Case Management System</i> to increase efficiency and be user-friendly. This will result in substantial savings due to the reduction in the use of paper, time spent in court, low transportation costs, easy archiving of documents, and payment of fees. This will also facilitate clients to monitor the cases online.	Electronic Case Management System	Policy
	Implementation of E Courts			Use electronic features to streamline court processes and launching electronic case management		Policy
				Electronic case filing system will enable electronic submission, registration, service notification, access to court documents and easier for Civil Case to start with.		Technology/Policy
				To totally modernise India's Information Technology Infrastructure and amend laws and regulations to adopt a paperless regime		Technology/Policy
				Implementation of E Court systems results in substantial savings for use of papers, time spent in court, cheaper service of process, low transportation costs, easy archiving of documents and payment of fees. Above all the tremendous transparency and faith in Indian Judicial System for International Community on Ease of Doing Business		Technology/Policy

				IT intensive productivity improvement programmes can be implemented in courts at all the levels , including district courts . Though the process of e- filing of proceedings has been initiated in some high courts , this could be the norm instead of an exception . The process of e-court service of proceedings has been initiated by the Supreme Court , however , it has yet to permeate to courts at all levels		Technology/Policy
				The pace of Contract Enforcement is very high in economies that have e- filing facilities at all levels		
	Increase in the Number of Courts/Judges and Tribunals			The number of Judges / Presiding Officers should be increased and they have to be provided with adequate infrastructure and manpower to facilitate effective functioning .		
	Alternative Dispute Resolution			The process on ADR definitely needs further streamlining and they should adhere to the specified timelines as far as possible.		Policy
	Antiquated Laws to be Updated			Updating certain antiquated laws viz Indian Contract Act 1872 , Transfer of Property Act 1882 ,Indian Evidence Act 1872 , Indian Trusts Act 1882, Indian Penal Code 1860 etc to assist on Ease of Doing Business.It has to be done on a war footing by the Government along with relevant Stakeholders		Policy
				Laws pertaining to Intellectual Property Rights should continuously evolve to be in line with International Trends and Standards . Rights and liabilities of licensors and licensees of IP in propriety technology , in technology , in particular need to be defined and appropriately set to enable international commerce to thrive		Policy
				Laws to be made in very simple language so that they can be understood without difficulty and there is no need to issue clarifications regarding their interpretation.Laws should be consistent with Economic Reforms and there should be no conflict of laws on the same issue		Policy