

**Bill No. XXXVIII of 2017**

THE JUDICIAL STATISTICS BILL, 2017

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BILL

*to provide for the constitution of judicial statistical authorities for collection  
and publication of judicial statistics and for matters connected  
therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Judicial Statistics Act, 2017.

Short title and  
extent.

5 (2) It extends to the whole of India, except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “District Authority” means the District Judicial Statistics Authority constituted under sub-section (1) of section 7;

(b) “National Authority” means the National Judicial Statistics Authority established under sub-section (1) of section 3;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “State Authority” means the State Judicial Statistics Authority constituted under sub-section (1) of section 5. 5

## CHAPTER II

### NATIONAL AUTHORITY FOR JUDICIAL STATISTICS

Constitution  
of National  
Judicial  
Statistics  
Authority:

**3. (1) The Central Government shall constitute an authority to be called the National Authority for Judicial Statistics to exercise the powers and perform the functions conferred on it under this Act.** 10

**(2) The National Authority shall consist of,—**

**(a) the Chief Justice of India who shall be the Patron-in-Chief;**

**(b) a serving or a retired Judge of the Supreme Court to be nominated by the President in consultation with the Chief Justice of India who shall be the Executive Chairman;** 15

**(c) Presiding Officers of the Tribunals established under various Acts of Parliament;**

**(d) Registrar-General of the Supreme Court who shall be Member Secretary *ex officio*;**

**(e) Such number of other members possessing such experience and qualifications as may be prescribed by the Central Government.** 20

Duties of the  
National  
Authority.

**4. (1) It shall be the duty of the National Authority to collect or cause to be collected statistics about the cases, appeals, petitions and other matters filed in the Supreme Court and in other Tribunals established under any Act of Parliament.**

**(2) Without prejudice to the provisions of sub-section (1), the National Authority shall collect or cause to be collected the following facts and particulars, namely:—** 25

**(a) the legal nature of the dispute;**

**(b) outcome of dispute;**

**(c) in case of appeal whether the decision of the High Court was upheld or reversed;** 30

**(d) the names of the judges who heard them;**

**(e) the Act and the section under which the cause of action is invoked by the litigants;**

**(f) the number of hours taken;**

**(g) adjournments granted;** 35

**(h) the lawyers who appeared for the parties;**

**(i) interval between filing of cases and their hearing by the court;**

**(j) date of final disposal of the case;**

**(k) time taken for delivery of judgements after conclusion of hearing; and**

**(l) such other details as may be prescribed by the Central Government.** 40

CHAPTER III

STATE AUTHORITY FOR JUDICIAL STATISTICS

5. (1) Every State Government shall constitute for the purposes of this Act, an authority for the State to be known as the (.....) Authority for Judicial Statistics to exercise the powers and perform the functions conferred on it under this Act.

Constitution of State Judicial Statistics Authority.

(2) The State Authority shall consist of—

(a) the Chief Justice of the High Court who shall be the Patron-in-Chief;

(b) a serving or a retired Judge of the High Court to be nominated by the Governor in consultation with the Chief Justice of the High Court who shall be the Executive Chairman;

(c) Presiding Officers of the Tribunals established under any Act of the State Legislature;

(d) Registrar of the High Court who shall be Member Secretary *ex officio*; and

(e) such number of other members possessing such experience and qualifications as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

6. (1) It shall be the duty of the State Authority to collect or cause to be collected statistics about the cases, appeals, petitions and other matters filed in the High Court and in other Tribunals established under any Act of the State Legislature.

Duties of the State Authority.

(2) Without prejudice to the provisions of sub-section (1), the State Authority shall collect or cause to be collected the following facts and particulars, namely:—

(a) the legal nature of the dispute;

(b) outcome of dispute;

(c) in case of appeal whether the decision of the lower Court was upheld or reversed;

(d) the names of the judges who heard them;

(e) the Act and the section under which the cause of action is invoked by the litigants;

(f) the number of hours taken;

(g) adjournments granted;

(h) the lawyers who appeared for the parties;

(i) interval between filing of cases and their hearing by the court;

(j) date of final disposal of the case;

(k) time taken for delivery of judgments after conclusion of hearings; and

(l) such other details as may be prescribed by the State Government.

CHAPTER IV

DISTRICT AUTHORITY FOR JUDICIAL STATISTICS

7. (1) The State Government shall in consultation with the Chief Justice of the High Court constitute for the purposes of this Act an authority for each district to be known as the (.....) Authority for Judicial Statistics to exercise the powers and perform the functions conferred on it under this Act.

Constitution of District Judicial Statistics Authority.

(2) The District Authority shall consist of,—

(a) the District Judge who shall be the Patron-in-Chief;

(b) such number of other members possessing such experience and qualifications as may be prescribed by State Government.

Duties of the District Authority.

**8. (1)** It shall be the duty of the District Authority to collect or cause to be collected statistics about the cases, appeals, petitions and other matters filed in the District Court and in other courts subordinate to it. 5

(2) Without prejudice to the provisions of sub-section (1) the District Authority shall collect or cause to be collected the following facts and particulars, namely:—

(a) the legal nature of the dispute; 10

(b) outcome of dispute;

(c) in case of appeal whether the decision of the lower Court was upheld or reversed;

(d) the names of the judges who heard them;

(e) the Act and the section under which the cause of action is invoked by the litigants; 15

(f) the number of hours taken;

(g) adjournments granted;

(h) the lawyers who appeared for the parties;

(i) interval between filing of case's and their hearing by the court; 20

(j) date of final disposal of the case;

(k) time taken for delivery of judgments after conclusion of hearings; and

(l) such other details as may be prescribed.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT 25

Grants by Central Government.

**9. (1)** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the National Authority, by way of grants, such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

National Judicial Statistics Fund.

**10. (1)** The National Authority shall establish a fund to be called the National Judicial Statistics Fund and there shall be credited thereto:— 30

(a) all sums of money given as grants by the Central Government under section 9;

(b) any grants or donations that may be made to the National Authority by any person for the purposes of this Act; and

(c) any amount received by the National Authority under the orders of any court or from any other source. 35

(2) The National Judicial Statistics Fund shall be applied for meeting—

(a) the cost of collecting judicial statistics under this Act including grants made to State Authorities;

(b) the cost of services provided by any service provider for collecting statistics under this Act; and 40

(c) any other expenses which are required to be met by the National Authority.

11. (1) A State Authority shall establish a fund to be called the State Judicial Statistics Fund and there shall be credited thereto,—

State Judicial Statistics Fund.

(a) all sums of money paid to it or any grants made by the National Authority for the purposes of this Act;

5 (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act; and

(c) any other amount received by the State Authority from any other source.

(2) A State Judicial Statistics Fund shall be applied for meeting,—

(a) the cost of collecting judicial statistics under section 6;

10 (b) the cost of services provided by any service provider for collecting statistics under section 6; and

(c) any other expenses for collection of statistics under this Act which are required to be met by the State Authority.

15 12. (1) Every District Authority shall establish a fund to be called the District Judicial Statistics Fund and there shall be credited thereto,—

District Judicial Statistics Fund.

(a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

20 (b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act; and

(c) any other amount received by the District Authority from any other sources.

(2) A District Judicial Statistics Fund shall be applied for meeting,—

(a) the cost of collecting judicial statistics under section 8; and

25 (b) any other expenses which are required to be met by the District Authority for collection of statistics under section 8.

30 13. (1) The National Authority, State Authority or the District Authority (hereinafter referred to in this section as the 'Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and Audit.

35 (2) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.

40 (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

45 (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

## CHAPTER VI

## JUDICIAL STATISTICS REPORTS

National Judicial Statistics Report.	<p><b>14.</b> (1) The National Authority shall prepare an Annual National Judicial Statistics Report based on the statistics of cases, appeals, petitions and other matters referred to in sub-section (1) of section 4 collected during the previous year.</p> <p>(2) The Report prepared under sub-section (1) shall—</p> <p>(a) describe in detail the criminal, civil constitutional and other business of the Supreme Court and other Tribunals referred to in sub-section (1) of section 3;</p> <p>(b) provide a commentary on the trends revealed by the statistics;</p> <p>(c) contain information about flow of cases; and</p> <p>(d) contain such other matter as may be prescribed by the Central Government.</p>	5          10
State Judicial Statistics Report.	<p><b>15.</b> (1) Every State Authority shall prepare an Annual Judicial Statistics Report based on the statistics of cases, appeals, petitions and other matters referred to in sub-section (1) of section 6 collected during the previous year.</p> <p>(2) The Report prepared under sub-section (1) shall also contain a consolidated statement of statistics collected by the District Authorities under sub-section (1) of section 8 during the previous year.</p> <p>(3) The report prepared under sub-section (1) shall,—</p> <p>(a) describe in detail the criminal, civil, constitutional and other business of the High Court and other Tribunals referred to in sub-section (1) of section 6 and the District and subordinate courts under sub-section (1) of section 8;</p> <p>(b) provide a commentary on the trends revealed by such statistics;</p> <p>(c) contain information about flow of cases; and</p> <p>(d) contain such other matters as maybe prescribed by State Government.</p>	15          20
Publication of Judicial Statistics Reports.	<p><b>16.</b> The Annual National Judicial Statistics Report and the Annual State Judicial Statistics Report shall be published before the reopening of the Supreme Court or the High Court as the case may be, after the summer vacation.</p>	25
Power of Central Government to make Rules.	<p><b>17.</b> (1) The Central Government, in consultation with the Chief Justice of India may, by notification in the official gazette make rules to carry out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the experience and qualifications of members under clause (e) of sub-section (2) of section 3;</p> <p>(b) other details which may be prescribed under clause (1) of sub-section (2) of section 4;</p> <p>(c) other matters which a Report may contain under clause (d) of sub-section (2) of section 14; and</p> <p>(d) any other matter which is to be or required to be prescribed.</p>	30          35
Power of State Government to make Rules.	<p><b>18.</b> (1) The State Government, in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.</p>	40

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the experience and qualifications of members under clause (e) of sub-section (2) of section 5;

5 (b) other details which may be prescribed under clause (l) of sub-section (2) of section 6;

(c) the experience and qualifications of members under clause (b) of sub-section (2) of section 7;

10 (d) other details which may be prescribed under clause (l) of sub-section (2) of section 8;

(e) other matters which a Report may contain under clause (d) of sub-section (3) of section 15; and

(f) any other matter which is to be or required to be prescribed.

15 **19. (1)** Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule or regulation should not be made, the rule shall thereafter  
20 have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of Rules.

(2) Every rule made under this Act by a State Government shall be laid as soon as may be after it is made, before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

Economic reforms cannot succeed unless accompanied by legal and judicial reforms. Law reform has hitherto focused mainly on doctrinal research because of a lack of statistical data, which has hampered law reform agencies like the Law Commission from undertaking law-in-action studies. Pure doctrinal legal research cannot adequately respond to new economic challenges. With the globalization of the economy swift changes are needed in the legal and judicial sector to keep pace with new challenges.

Fortunately new means of collecting empirical data in the legal field are available with the advent of the information technology revolution. The availability of empirical data will help legal scholars to better assess the performance of our judicial institutions. It will also help legal researchers and the law reform agencies like the Law Commission to diagnose accurately the fault lines in the judicial and legal sector. Above all, it will make for greater transparency.

Design of judicial data base and making it available to the public in the form of an Annual Report will facilitate all the stakeholders to understand the legal problems in proper perspective.

The practice of publishing Annual Judicial Statistics report is already in vogue in many countries. In the United Kingdom, the Lord Chancellor publishes an Annual Judicial Statistics Report. In the US, all courts prepare and publish such reports.

Publication of an Annual Judicial Statistics Report will help the general public and other stake holders to assess the performance of the judicial institutions and suggest remedies for judicial backlog. It will go a long way towards demystifying the law and the administration of justice.

The Bill seeks to achieve the above objects.

NARAYAN LAL PANCHARIYA



#### FINANCIAL MEMORANDUM

Clause 3 of the Bill enables the Central Government to constitute a body to be called the National Judicial Statistics Authority and it shall consist of the Chief Justice of India and some other Members. Clause 9 of the Bill empowers the Central Government to pay to the National Authority such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

The grants to be made by the Government and all expenses incurred in connection with the administration of the National Judicial Statistics Authority will be met from the Consolidated Fund of India. The total budgetary requirement is estimated at rupees fifty crore. This includes sums which will be granted to the State Statistics Authorities.

The recurring expenditure of rupees fifty lakh is required for the conduct of meetings and for other supporting staff.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules to carry out the provisions of the proposed legislation. These rules would relate to the matters required to be dealt by the Central Government under the provisions of the Bill. Clause 18 of the Bill empowers the State Government to make rules to carry out the provisions of the proposed legislation. These rules would relate to matters which are required to be dealt by the State Government under the provisions of the Bill.

The matters in respect of which rules may be made by the Central Government and the State Government relates to matters of administrative detail and procedure. The delegated legislative power is therefore of a normal character.

RAJYA SABHA

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*(Shri Narayan Lal Panchariya, M.P.)*