

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. 2029

TO BE ANSWERED ON WEDNESDAY, THE 03RD JULY, 2019.

Judicial Impact Assessment

2029. DR. SHASHI THAROOR:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government would consider introducing the system of Judicial Impact Assessment (JIA) to determine the effect and impact of new legislations on the work load in courts;**
- (b) if so, the details thereof along with the time frame by which JIA will be adopted; and**
- (c) if not, the reasons therefor?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (c): A Task Force on '*Judicial Impact Assessment*' was constituted by the Government on directions of the Supreme Court of India, in the matter of Salem Advocates Bar Association *versus* Union of India, under the chairmanship of Justice Shri M. Jagannadha Rao (Retd.), former Judge of the Supreme Court and former Chairman, Law Commission of India. The Task Force submitted its report on 15th June, 2008, which was placed before the Supreme Court of India.

The Terms of Reference of the Task Force, *inter-alia*, included suggesting the methodology to assess the likely impact of legislation on the courts and also an appropriate framework so that every Bill introduced in Parliament be accompanied by a Judicial Impact Assessment which makes an assessment of financial requirements. The Task Force had, *inter-alia*, recommended setting up of a Judicial Impact Office at the central level as well as at the state level for estimating the extra case load on the courts and extra expenditure to be met by the Central Government or the State Governments, as the case may be, in respect of their respective legislations. It also recommended that sufficient funds must be allocated for the Judicial Administration in the country, particularly

in regard to the infrastructure, expenditure on judicial officers and staff in the Subordinate Courts and High Courts to realize the objectives of Access to Justice and Speedy Justice. The report is available at [http://doj.gov.in/sites/default/files/judicialimpactassessmentreportvol1%20%201_0.pdf].

The views of the State Governments and High Courts were solicited on the Report of the Task Force. Based on the feedback received from State Governments and High Courts, the matter regarding implementation of the Report of the Task Force was deliberated upon in the meeting of the Advisory Council of National Mission for Justice Delivery and Legal Reforms held in November 2012. It was, *inter-alia*, decided that the methodologies of Judicial Impact Assessment as recommended by the Task Force may be gone into further by a Committee of Experts to assess the practicability of their implementation in the given circumstances. During the Conference of Chief Ministers and Chief Justices held in New Delhi in April, 2013 this matter was included in the Action Taken Report. It was mentioned that expert opinions received so far have expressed practical difficulties in making assessment of the impact of legislation on the workload of judiciary and the practicability of the idea needs to be established before it is implemented. Accordingly, a Committee of Experts was constituted in September, 2013 to examine the issue of implementability of methodologies of Judicial Impact Assessment and suggest further action in this regard. The Committee in its report submitted on 9th January, 2015 concluded that Judicial Impact Assessment was neither feasible nor desirable as a method of proper budgetary planning and allocation of funds for the judiciary.
