

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:517
ANSWERED ON:08.09.2011
TASK FORCE ON JUDICIAL IMPACT ASSESSMENT
Chauhan Shri Dara Singh

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

- (a) whether the Union Government had constituted any Task Force on Judicial Impact Assessment;
- (b) if so, the details thereof;
- (c) the salient features of the Task Force; and
- (d) the follow-up action taken by the Government to implement the recommendations of the said Task Force?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF LOK SABHA STARRED QUESTION NO.517 FOR ANSWER ON 8.9.2011

The Government had set-up a Task Force vide notification dated 15.02.2007 under the chairpersonship of Shri Justice M. Jagannadha Rao for examining the feasibility of implementing Judicial Impact Assessment in India as follow up action on the directions of the Hon'ble Supreme Court in the case of Salem Advocates Bar Association Vs. Union of India. The Chairman of the Task Force presented the Report on 18.06.2008.

The major recommendations of the Task Force are as under:-

1. Judicial Impact Assessment must be made on scientific basis for estimating the extra case-load on the Courts due to a new Bill or Legislation.
2. The Government must estimate the requirement of funds for adjudication of additional cases due to a new Bill or Legislation and make adequate budgetary provisions for such cases.
3. Such impact assessment must be made in respect of Bills that are introduced in Parliament as well as Bills introduced in the State legislatures.
4. The State Governments should not be made to bear the financial burden of implementing Central laws passed under the Union List or Concurrent List, through the Courts established by the State Governments.
5. The State Governments must likewise make adequate financial provision, at the stage of the Bills, for the implementation of the laws passed by the State Legislature with respect to subjects in the State List and Concurrent List.
6. The Central Government may also consider the various recommendations made by the Commission for review of the Constitution, such as the constitution of Judicial Councils, preparation of budgets and appropriation of the funds for the courts.
7. The Planning Commission and the Finance Commission must, in consultation with the Chief Justice of India, allocate sufficient funds for the Judicial Administration in the Country to realize the basic human right of 'Access to Justice' and 'Speedy Justice'.
8. There must be constituted a Judicial Impact Office at Delhi to deal with the assessment of the probable number of cases and computing probable extra expenditure on courts in respect of the implementation of Central Bills/Legislation on subjects in the Union List and the Concurrent List.
9. There must be Judicial Impact Offices constituted at the level of the States located at the State capitals or at the place of the seat of the High Court, if the High Courts are not located at the State Capitals, to assess the probable number of cases and compute the probable extra expenditure on the Courts in respect of implementation of the Laws made by the State Legislature. In respect of Union Territories which have a separate legislature, the Impact Offices must be located at the place of the seat of the Legislature.

The Report of the Task Force on Judicial Impact Assessment had been forwarded to the concerned Ministries of the Central Government, all State Governments/Union Territories (UTs) and the High Courts for their views on the recommendations of the Task Force. While replies from 20 States/UTs and 14 High Courts have been received, the replies of remaining States/High Courts are awaited.