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Soon, judicial impact of all new laws will be assessed

Panel Wants Study Of Workload Legislation Will Put On Judiciary

Akshaya Mukul | TNN

New Delhi: Judicial Impact Assessment is soon going to be an integral part of every legislation that the Centre and states bring. Simply explained, every new law will have to calculate the increase in workload of courts in implementing new legislation and also provide financial support to the judiciary.

This is part of the recommendations made by the taskforce on Judicial Impact Assessment set up last year as per the Supreme Court order in the Salem Advocate case. It was headed by Justice M Jagannadha Rao, retired SC judge and former chairperson, Law Commission. The report, given to the law ministry, will be presented to the apex court on July 11. JIA has been in practice in the US for 25 years. India will be the second country to implement this concept.

N R Madhava Menon, member of the taskforce, said the panel has also held that the Centre was constitutionally bound to implement laws passed by Parliament. "The committee has cited Article 247 of the Constitution that warrants the Centre to set up additional courts to



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N R Madhava Menon | MEMBER OF SUPREME COURT-APPOINTED PANEL

implement laws passed by Parliament or of existing laws with respect to a matter in the Union list," Menon said.

The taskforce has asked for the creation of a judicial impact office in the department of justice. It would be headed by an SC judge while the administrative head would be a secretary-level officer. There would be one office in Delhi and one each in cities where there is a high court. In states, the judicial impact office

would assess laws made by states. It would be headed by an HC judge with a secretary-level officer to take care of the administration. The administration side would have experts of law, economy, statistics and management to help in assessment, Menon said. Other recommendations include the need for the Finance Commission and the Planning Commission to provide funds to the judiciary under plan heads. The taskforce has also demanded that budgeting of the judiciary should be based on solid database.

Menon said ideally every government department should consult the judicial impact office before finalising a law but they could also do it themselves. "Three things will have to be kept in mind. How much money is needed, how many more judicial appointments and more courts would be needed to implement the law," he said. As for the methodology of making the judicial impact assessment, Menon said standardisation would take time. Even in the US, it took 20 years.

The taskforce got two studies done by T Krishna Kumar of IIM-B and Subhasis Gangopadhyay, advisor, finance ministry, to finetune the methodology.