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# What is the Law Commission: its role, members, & recommendations

The 23rd Law Commission was notified on September 2. Here is all you need to know.

Written by **Damini Nath**

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6 min read





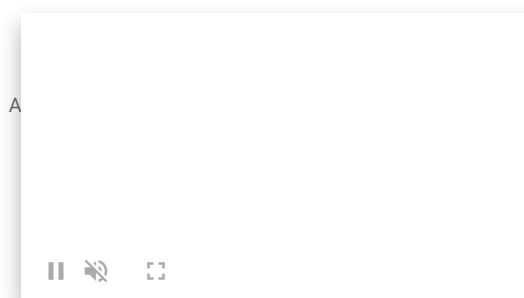
The tenure of the previous Law Commission chaired by former Karnataka High Court Chief Justice Ritu Raj Awasthi ended on August 31. (File Photo/Pixabay)

The Union government has notified the [constitution of the 23rd Law Commission of India](#) with effect from September 1. The commission, which was notified on September 2, will have a three-year term. The tenure of the previous Law Commission chaired by former Karnataka High Court Chief Justice Ritu Raj Awasthi ended on August 31.

The commission has been notified at a time when some key items on the [BJP's](#) agenda, including the implementation of a Uniform Civil Code and holding simultaneous elections to Lok Sabha and state Assemblies, were given a fresh push by Prime Minister [Narendra Modi](#) during his Independence Day address.

### Commission and importance

The Law Commission is a non-statutory commission (not created by a law of Parliament) formed by the Union Ministry of Law and Justice through a gazette notification to help the government review functioning of laws, suggest repealing of obsolete legislation, and make recommendations on matters referred to it by the government.



The commission is usually chaired by a retired judge of the Supreme Court or a High Court, and has legal scholars as members. Serving judges can also be appointed to the commission, according to the notification on the appointment of the new panel.

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The 22 Law Commissions appointed since Independence have submitted a total 289 reports to the government. The government is under no obligation to accept the reports; however, the commissions' recommendations have over the decades led to the enactment of important legislation including the Code of Criminal Procedure, 1973 (CrPC), and the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act).



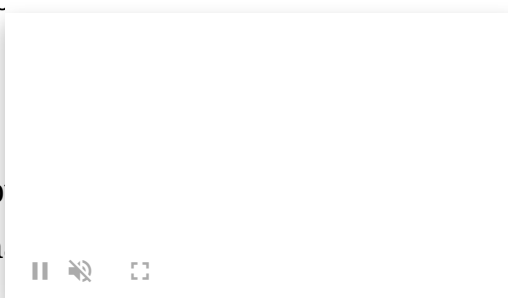
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The process of scrapping more than 1,500 obsolete central laws was taken up by the government after recommendations for their “immediate repeal” in reports submitted by the 20th Law Commissic

### Constitution of the 23rd panel

The September 2 notification issued b says the panel will have a full-time ch

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commission's term will be until August 31, 2027.

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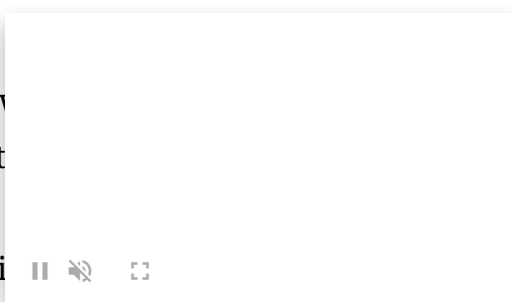
The chairperson and four full-time members can be serving SC or HC judges or "other category of persons", who can in theory be any expert chosen by the government. The notifications of the 2020 (22nd) and 2015 (21st) commissions also said this, but the two commissions were headed by Justice Awasthi and former Supreme Court judge Justice B S Chauhan respectively.

The chairperson and members of the 23rd Law Commission are yet to be named. The decision will be taken by the Appointments Committee of Cabinet chaired by the Prime Minister, government sources said. The chairperson and members of the 22nd Law Commission were named only in November 2022, which was effectively when the commission's work started.

A serving judge, if appointed to the commission, serves until retirement or expiry of the panel's term, whichever is earlier, and gets no additional remuneration apart from the usual judge's salary. In the "other" category, a chairperson is entitled to Rs.2.50 lakh as monthly salary and a member, Rs.2.25 lakh. The member-secretary must be an officer of the Indian Legal Service of the rank of Secretary.

### Terms of reference of panel

The terms of reference of the 23rd Law Commission will be the same as those of the past few commissions. The first set of terms of reference are no longer needed or relevant and can be replaced by a new set. The Operating Procedure (SoP) for periodical



as those which are no Standard for the

not in harmony with the economic needs of the times and require amendments.

Like the 22nd and 21st commissions, the 23rd Law Commission too, has been asked to examine “the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the [Preamble](#) of the Constitution”.

The Prime Minister’s call last month for a “secular civil code” reflects the Directive Principle that the “state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”. The 22nd Law Commission also looked into this question; but, its views are not known — the chairperson assumed office as a member of the Lokpal in March, before the Law Commission could submit its report to the government.

The 23rd Law Commission is also mandated to examine laws that affect the poor, carry out a post-enactment audit for socio-economic legislation, and review judicial administration to make it more responsive to the needs of current times.

### What 22nd panel said

The 22nd Law Commission presented 11 reports, including one in April 2023 that recommended that [Section 124A](#) of the Indian Penal Code, the widely criticised law against [sedition](#), should be retained. The commission cited threats to internal security, including from Maoists, militancy in the Northeast, terrorism in [Jammu & Kashmir](#) and the Khalistan movement to back its recommendation. However, the commission did recommend certain amendments to “bring about greater clarity regarding the usage of the provision”.

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