Syllabus subtopic: Structure, Organization and Functioning of the Executive and the Judiciary

Prelims and Mains focus: about the commission: composition and functions

News: The Union Cabinet gave its approval to set up the 22nd Law Commission. The Law Ministry will now notify the new panel, which will have a three-year term.

Background

- In 2015, a proposal was mooted to make the law panel into a permanent body either through an Act of Parliament or an executive order (resolution of the Union Cabinet).

- The move was shelved after the Prime Minister’s Office preferred the existing system to continue. In 2010, the then UPA government had prepared a draft Cabinet note to give statutory status to the commission but the idea did not take off.

About Law Commission of India

- Law Commission of India is a non-statutory body constituted by the Government from time to time.

- Originally formed in 1955, the commission is reconstituted every three years and so far, 277 reports have been submitted to the government. The tenure of the twenty-first Law Commission ended in August 2018.

Composition:

- Chairperson: A retired Supreme Court judge or Chief Justice of a High Court.
• Apart from a **full-time chairperson**, the commission will have **four full-time members**, including a **member-secretary**.

• The **Law and Legislative Secretaries in the Law Ministry** will be **ex-officio members** of the commission.

• It will also have **not more than five part-time members**.

**Functions**

• The Law Commission **advises the government on complex legal issues**.

• The Law Commission shall, **on a reference made to it by the Central Government or suo motu**, undertake **research in law and review of existing laws in India** for making reforms and enacting new legislation.

• It shall also undertake studies and research for bringing **reforms in the justice delivery systems** for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation, etc..

**21st Law Commission**

• The previous Law Commission, under Justice B.S. Chauhan (retd.), had submitted reports and working papers on key issues such as **simultaneous elections to the Lok Sabha and the Assemblies** and a **uniform civil code**.

• While it supported simultaneous elections, the commission had said the **time for a common code was not yet ripe**.