

## Transform Law Commission into a Permanent Facilitator for New India

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appointment of Chairman and three full-time members and one part-time member of 22nd Law Commission (LC), though very belated, is a good initiative for several reasons. The appointments have been notified through two gazette notifications issued on 9th and 10th November, 2022.

First, the appointments signal the re-start of stalled legal reforms such as recommending uniform civil code (UCC) that were referred to previous LC. Second, LC's revival should make redundant public interest litigation (PIL) on unprecedented delay in appointment of new LC in the Supreme Court. This, of course, would lessen the burden on the Supreme Court and help it take up other urgent cases.

Third, 22nd LC can serve as a beacon for New India in Amrit Kaal if its multi-facet mandate is reckoned. Before elaborating this issue, consider the inordinate delay in making new LC functional.

A glance through formation of 21 LC's shows that the gap between two successive commissions was limited to few or several months. In 22nd LC case, this gap or institutional vacuum, was more than 4 years. The previous 21st LC ceased to exist on 31st August 2018. On 21st February 2020, the Government notified the constitution of 22nd LC with a tenure of three years. It made the appointments now when the Commission is left with only half of its tenure.

To avoid such delays and Cabinet approvals each time, when a new LC is constituted, the Government should make LC a permanent body on lines of numerous other commissions such as election commission.

After all, enacting new laws, weeding out outdated laws are not on-and-off exercises. Neither are resolution of legal complexities arising from poor drafting of bills. Nor are the provision of solutions to different ministries when faced with legal challenges. Good laws and legal reforms are the key to sustaining and strengthening the democracy and all organs of the Government.

Apart from making LC a permanent institution, the Government should consider transforming LC into a statutory commission. This is not to suggest that LC's recommendations should be binding on the Government. It should, however, be obliged to take a decision on LC reports with specified timelines. At present, the Government avoids taking any decision on some LC reports and takes very long time to decide on others.

Grant of statutory status would empower it to improve efficiency of reforms process. It would elevate LC's stature in the institutional and governance framework.

It is here pertinent to recall a little-known fact that UPA regime intended to grant statutory status to LC. The then Law Minister, M. Veerappa Moily, told Lok Sabha on 25th November 2010:

***"A proposal to give statutory status to Law Commission of India is under active consideration. Presently the proposal is at the stage of preparation of Bill for the purpose."***

Whatever be the Government reservations on LC empowerment, no one can deny the fact that LC has made invaluable contribution to Indian polity, society and economy through its reports over the decades.

Turn now to the 22nd LC's mandate. It has 10-point terms of reference (ToR) with few specific jobs listed under each term, making the mandate very exhaustive and serious.

A few vital elements of the mandate need to be cited to underscore the need to transform LC into a permanent institution where vacancies should be allowed to occur.

One key job mentioned in ToR is:

**"Identify laws which are not in harmony with the existing climate of economic liberalisation and need change."**

It also required to identify laws, which otherwise, require changes and accordingly suggest amendments.

Another vital task is to

**"examine the impact of globalization on food security, unemployment and recommend measures for the protection of the interests of the marginalised."**

LC is also entrusted with responsibility to scrutinize laws that affect the poor and carry out post-audit for socio-economic legislations. It's mandate includes examining the existing laws in the light of Constitution's Directive Principles of State Policy. It is required to recommend **"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 mandate calls for LC's suggestions for **"suitable measures for quick redressal of citizens grievances, in the field of law."**

ToR requires LC to revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities, apart from identifying obsolete laws that should be repealed. The mandate, thus implicitly serves as a powerful rationale for making LC a permanent institution for realizing Amrit Kaal vision.

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