



KAMARAJ IAS ACADEMY
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23rd Law Commission

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Why in news?

President Droupadi Murmu has approved the **formation of the 23rd Law Commission of India** for a **three-year term**, effective from 1 September 2024 to 31 August 2027.

- The **22nd Law Commission's term** ended on 31 August 2024.
- It had been functioning without a chairperson for several months, delaying critical reports on issues such as the **Uniform Civil Code and simultaneous elections**.

The previous chairperson: **Justice Ritu Raj Awasthi**.

- He resigned in March 2024 after a 17-month tenure

Law Commission:

- The Law Commission is an **non-statutory body constituted by the GoI**, every **three years**.
- Its major function is to **work for legal reform** and to act as an **advisory body** to the Ministry of Law and Justice.
- The **first Law Commission** was established during the British era in **1834** by the **Charter Act of 1833** and was presided over by **Lord Macaulay**.
- It recommended **codification of the Penal Code** and the **Criminal Procedure Code**.
- The **second, third and fourth Law Commissions** were constituted in **1853, 1861 and 1879** respectively
- **The Indian Code of Civil Procedure, the Indian Contract Act, the Indian Evidence Act, the Transfer of Property Act** etc. are products of **the first four Law Commissions**.
- However, the first Law Commission of Independent India was constituted in **1955** with **M. C. Setalvad**, as its Chairman.
- It has so far submitted **277 reports**.

A law commission is **created when the Union government passes a resolution for the formation a new commission after the expiry of the last one**.

- After the resolution is passed, and the **President gives assent to it**, the government has the liberty to choose the chairperson for the new commission.

Composition

- **A full-time Chairperson** (usually a **retired SUPREME COURT judge or Chief Justice of a HIGH COURT**);
- **Four full-time Members** (including Member- Secretary)
- **Secretary, Department of Legal Affairs**, as **ex-officio Member**;
- **Secretary, Legislative Department** as **ex-officio Member**; and

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- *Not more than* **five part-time Members**.

Terms of Reference for the 23rd Law Commission

Review and Repeal of Obsolete Laws: Identify laws for repeal, develop a Standard Operating Procedure (SoP) for **periodic reviews**, and suggest necessary amendments.

Law and Poverty: **Examine laws affecting the poor** and conduct **audits of socio-economic legislation**.

Judicial Administration: Address **delays**, reduce **costs**, and simplify **court processes** to enhance case disposal **efficiency**.

Directive Principles and Constitutional Objectives: **Review laws in light of Directive Principles** and suggest improvements to achieve constitutional objectives.

Gender Equality: Review existing laws and suggest **amendments to promote gender equality**.

Revision of Central Acts: Revise significant Central Acts to address anomalies and ambiguities.

Government References: Consider and convey views on law and judicial administration topics referred by the Government.

International Research Assistance: Provide **research assistance to foreign countries** as referred by the Government.

Globalization Impact: Examine the **impact of globalization on food security and unemployment**, and recommend measures to protect marginalized interests.