



What is the Law Commission of India?

An advisory body to the Government of India. It is constituted every three years through an executive order passed by the government.

Key functions



Conducts legal research



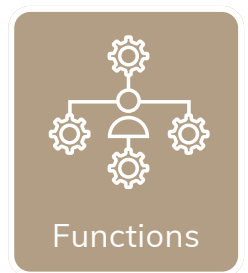
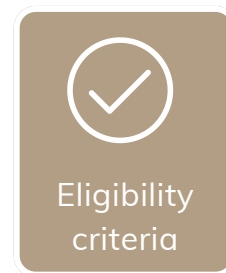
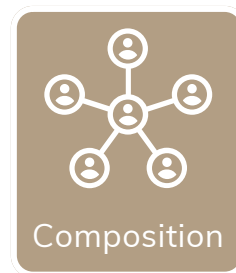
Suggests law reforms



Why does the Law Commission need to be reengineered?

Currently a Non-statutory body

it has no fixed



No clarity on how the government selects matters for the Law Commission's review



Commission has no systematic procedure for reviewing laws/ issues



KEY ISSUES

No Fixed Eligibility Criteria



Appointments are based on political considerations



Lack of social and professional diversity; the body is dominated by legal experts

Limited Funding



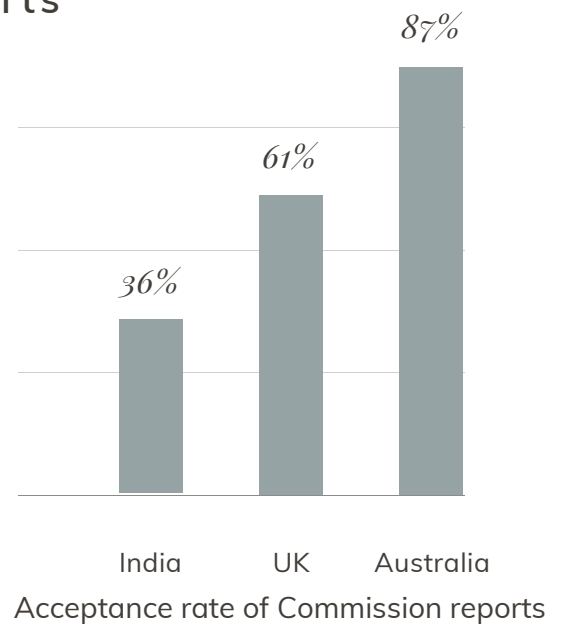
Limited funds affect the incentives of members and the quality of research



Dependence on the Ministry for budgetary allocations and approval slows down operations

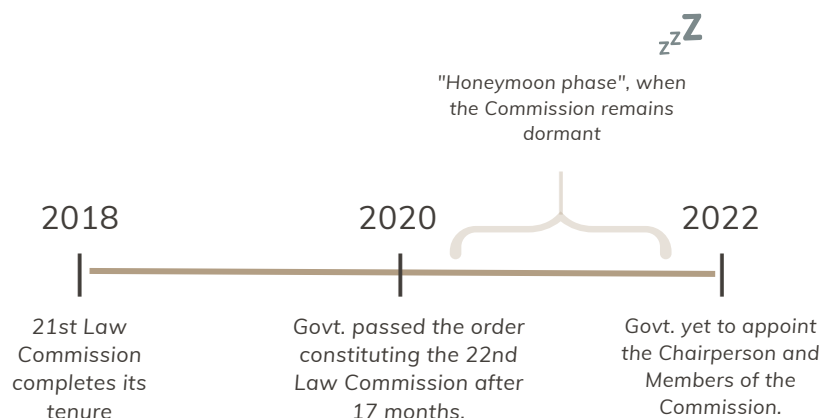
No Procedure for Reviewing the Reports

- No set procedure for assessment of reports
- Reasons for non-implementation are not communicated to the Commission
- Acceptance rate of reports in India is lower than that in other countries which have established the Commission as a statutory body



Delays in Constitution

- The Commission is constituted every 3 years through an order passed by the government
- This process is marked with inconsistencies



OUR PROPOSAL

Grant the Law Commission Statutory Recognition



Enact a legislative framework to govern the Commission

- Clearly outline objectives
- Instil accountability mechanisms
- Rethink composition
- Create better incentive structures

Clearly Specify the Objectives of the Commission

Well-defined objectives help:

- Clearly articulate and communicate the goals and strategies of an executive body to the public.
- Hold the institution and its members accountable.

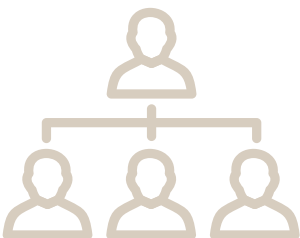


The Commission should check against laws that impose a heavy regulatory burden and increase scope for abuse of power.

Rethink the Composition

Eligibility criteria and tenure of the members must be laid down in the governing legislation. The Commission should:

- Involve ex-officio members in the Commission only as observers
- Appoint members who are experts in allied field like economics, sociology, and political science to promote diversity



Establish Accountability Mechanisms

The Commission must prepare an Annual Report which details the:

- issues it has examined or is currently examining
- number of reports produced and their status
- details on expenditure and donations, and
- pending issues (if any).



This report must be periodically tabled before the Parliament for scrutiny



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