

CHAPTER 5

LAW COMMISSION OF INDIA REPORTS

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Law Reform has been a continuing process particularly during the last 300 years or more in Indian history. In the ancient period, when religious and customary law occupied the field, reform process had been ad hoc and not institutionalized through duly constituted law reform agencies. However, since the third decade of the nineteenth century, Law Commissions were constituted by the Government from time to time and were empowered to recommend legislative reforms with a view to clarify, consolidate and codify particular branches of law where the Government felt the necessity for it. The first such Commission was established in 1834 under the Charter Act of 1833 under the Chairmanship of Lord Macaulay which recommended codification of the Penal Code, the Criminal Procedure Code and a few other matters. Thereafter, the second, third and fourth Law Commissions were constituted in 1853, 1861 and 1879 respectively which, during a span of fifty years contributed a great deal to enrich the Indian Statute Book with a large variety of legislations on the pattern of the then prevailing English Laws adapted to Indian conditions. The Indian Code of Civil Procedure, the Indian Contract Act, the Indian Evidence Act, the Transfer of Property Act. etc. are products of the labour of the first four Law Commissions¹.

After independence, the Constitution of India with its Fundamental Rights and Directive Principles of State Policy gave a new direction to law reform geared to the needs of a democratic legal order in a plural society. Though the Constitution stipulated the continuation of pre-Constitution Laws (Article 372) till they are amended or repealed, there had been demands in Parliament and outside for establishing a Central Law Commission to recommend revision and updating of the inherited laws to serve the changing needs of the country. The Government of India reacted favorably and established the First Law Commission of Independent India in 1955 with the then Attorney-General of India, Mr. M. C. Setalvad, as its Chairman. This Commission produced the following reports:-

1. http://www.lawcommissionofindia.nic.in/main.htm#First_Law_Commission.

FIRST LAW COMMISSION (Chairman Mr. M. C. Setalvad 1955-1958)

1.	Liability of the State in Torts.	1956
2.	Parliamentary Legislation relating to Sales Tax.	1956
3.	Limitation Act, 1908	1956
4.	On the proposal that High Courts should sit in Benches at different places in a State.	1956
5.	British Statutes applicable to India.	1957
6.	Registration Act, 1908	1957
7.	Partnership Act, 1932	1957
8.	Sale of Goods Act, 1930	1958
9.	Specific Relief Act, 1877	1958
10.	Law of Acquisition and Requisitioning of Land.	1958
11.	Negotiable Instruments Act, 1881	1958
12.	Income Tax Act, 1922	1958
13.	Contract Act, 1872	1958
14.	Reform of Judicial Administration.	1958

SECOND LAW COMMISSION (Chairman Mr. Justice T. L. Venkatrama Aiyar 1958-1961)

15.	Law relating to Marriage and Divorce amongst Christians in India.	1960
16.	Official Trustees Act, 1913.	1960
17.	Report on Trusts Act, 1882.	1961
18.	Converts' Marriage Dissolution Act, 1866.	1961
19.	The Administrator-General's Act, 1913.	1961
20.	The Law of Hire-Purchase	1961
21.	Marine Insurance	1961
22.	Christian Marriage and Matrimonial Causes Bill, 1961	1961

THIRD LAW COMMISSION (Chairman Mr. Justice J. L. Kapur 1961-1964)

23.	Law of Foreign Marriages.	1962
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24.	The Commission of Inquiry Act, 1952	1962.
25.	Evidence of Officers about forged stamps, currency notes, etc. Section 509-A Cr.P.C. as proposed.	1963
26.	Insolvency Laws	1964
27.	The Code of Civil Procedure, 1908.	1964
28.	The Indian Oaths Act, 1873.	1964

FOURTH LAW COMMISSION (Chairman Mr. Justice J. L. Kapur 1964-1968)

29.	Proposal to include certain Social and Economic Offences in the Indian Penal Code	1966
30.	Section 5 of the Central Sales Tax Act, 1956, taxation by the States of Sales in the course of import.	1967
31.	Section 30(2) of the Indian Registration Act, 1908-Extension to Delhi.	1967
32.	Section 9 of the Code of Criminal Procedure, 1898-Appointment of Sessions Judges, Additional Session Judges and Assistant Sessions Judges.	1967
33.	Section 44, Code of Criminal Procedure, 1898.	1967
34.	Indian Registration Act, 1908.	1967
35.	Capital Punishment.	1967
36.	Sections 497, 498 and 499 of the Code of Criminal Procedure, 1898-Grant of bail with condition.	1967
37.	The Code of Criminal Procedure, 1898 (Sections 1 to 176).	1967
38.	Indian Post Office Act, 1898.	1968

FIFTH LAW COMMISSION (Chairman Mr. K. V. K. Sundaram 1968-1971)

39.	Punishment of imprisonment for life under the Indian Penal Code.	1968
40.	Law relating to attendance of Prisoners in Courts.	1969
41.	The Code of Criminal Procedure, 1898.	1969
42.	Indian Penal Code.	1971
43.	Offences against the National Security.	1971

44.	The Appellate jurisdiction of the Supreme Court in Civil Matters.	1971
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SIXTH LAW COMMISSION (Chairman Mr. Justice Dr. P. B. Gajendragadkar 1971-1974)

45.	Civil Appeals to the Supreme Court on a Certificate of Fitness.	1971
46.	The Constitution (Twenty-fifth Amendment) Bill, 1971.	1971
47.	The Trial and Punishment of Social and Economic Offences.	1972
48.	Some questions under the Code of Criminal Procedure Bill, 1970.	1972
49.	The Proposal for inclusion of agricultural income in the total income for the purpose of determining the rate of tax under the Income-tax Act, 1961.	1972
50.	The Proposal to include persons connected with Public examination within the definition of "Public Servant" in the Indian Penal Code.	1972
51.	Compensation for injuries caused by automobiles in hit-and-run cases.	1972
52.	Estate Duty on Property acquired after death.	1972
53.	Effect of the Pensions Act, 1871 on the right to sue for pensions of retired members of the public services.	1972
54.	The Code of Civil Procedure, 1908.	1973
55.	Rate of interest after decree and interest on costs under sections 34 and 35, of the Code of Civil Procedure, 1908.	1973
56.	Statutory Provisions as to Notice of suit other than section 80, Civil Procedure Code.	1973
57.	Benami Transactions.	1973
58.	Structure and Jurisdiction of the Higher Judiciary.	1974
59.	Hindu Marriage Act, 1955 and Special Marriage Act, 1954.	1974
60.	The General Clauses Act, 1897.	1974
61.	Certain problems connected with power of the States to levy a tax on the sale of goods and with the Central Sales Tax Act, 1956.	1974

SEVENTH LAW COMMISSION (Chairman Mr. Justice Dr. P. B. Gajendragadkar 1974-1977)

62.	Workmen's Compensation Act, 1923.	1974
63.	The Interest Act, 1839.	1975
64.	The Suppression of Immoral Traffic in Women and Girls Act, 1956.	1975
65.	Recognition of Foreign Divorces	1976
66.	Married Women's Property Act, 1874.	1976
67.	The Indian Stamp Act, 1899.	1977
68.	The Powers of Attorney Act, 1882	1977
69.	The Indian Evidence Act, 1872.	1977
70.	The Transfer of Property Act, 1882.	1977

EIGHTH LAW COMMISSION (Chairman Mr. Justice H. R. Khanna, 1977-1979)

71.	The Hindu Marriage Act, 1955- Irretrievable breakdown of marriage as a ground of divorce.	1978
72.	Restriction on practice after being a permanent Judge, Article 220 of the Constitution.	1978
73.	Criminal liability for failure by Husband to pay maintenance or permanent alimony granted to the wife By the court under certain enactments or rules of law.	1978
74.	Proposal to amend the Indian Evidence Act, 1872 so as to render Admissible certain statements made By witnesses before Commission of Inquiry and other statutory authorities.	1978
75.	Disciplinary Jurisdiction under the Advocates Act, 1961.	1978
76.	Arbitration Act, 1940.	1978
77.	Delay and arrears in trial courts.	1979
78.	Congestion of under trial prisoners in jails.	1979
79.	Delay and Arrears in High Courts and other Appellate Courts.	1979
80.	Method of Appointment of Judges.	1979

NINTH LAW COMMISSION (Chairman Mr. Justice P. V. Dixit 1979-1980)

81.	Hindu Widows Re-marriage Act, 1856.	1979
82.	Effect of nomination under section 39, Insurance Act, 1938.	1980
83.	The Guardians and Wards Act, 1890 and certain provisions of the Hindu Minority and Guardianship Act, 1956.	1980
84.	Rape and allied offences-some questions of substantive law, procedure and evidence.	1980
85.	Claims for compensation under Chapter 8 of the Motor Vehicles Act, 1939.	1980
86.	The Partition Act, 1893.	1980
87.	Identification of Prisoners Act, 1920.	1980

TENTH LAW COMMISSION (Chairman Mr. Justice K. K. Mathew 1981-1985)

88.	Governmental Privilege in Evidence: Sections 123-124 and 162, Indian Evidence Act, 1872 and Articles 74 and 163 of the Constitution.	1983
89.	The Limitation Act, 1963.	1983
90.	The Grounds of Divorce amongst Christians in India: section 10, of the Indian Divorce Act, 1869.	1983
91.	Dowry deaths and law reform: Amending the Hindu Marriage Act, 1955, the Indian Penal Code, 1860 and the Indian Evidence Act, 1872.	1983
92.	Damages in applications for Judicial Review Recommendations for legislation.	1983
93.	Disclosure of sources of information by mass media.	1983
94.	Evidence obtained illegally or improperly: proposed section 166A, Indian Evidence Act, 1872.	1983
95.	Constitutional Division within the Supreme Court- A proposal for.	1984
96.	Repeal of certain obsolete Central Acts.	1984
97.	Section 28, Indian Contract Act, 1872: prescriptive clauses in contracts.	1984
98.	Sections 24 to 26, Hindu Marriage Act, 1955: Orders for interim maintenance and orders for the maintenance of children in matrimonial proceedings.	1984
99.	Oral and written arguments in the Higher courts.	1984

100.	Litigation by and against the Government: some recommendations for reform.	1984
101.	Freedom of Speech and Expression under Article 19 of the Constitution: recommendation to extend it to Indian Corporations.	1984
102.	Section 122(1) of the Code of Criminal Procedure, 1973: imprisonment for breach of bond for keeping the peace with sureties.	1984
103.	Unfair Terms in Contract.	1984
104.	The Judicial Officers' Protection Act, 1850.	1984
105.	Quality Control and Inspection of consumer goods.	1984
106.	Section 103A, Motor Vehicles Act, 1939: effect of Transfer of a Motor Vehicle on Insurance.	1984
107.	Law of Citizenship.	1984
108.	Promissory Estoppel.	1984
109.	Obscene and Indecent advertisements and Displays: sections 292-293, Indian Penal Code.	1985
110.	The Indian Succession Act, 1925.	1985
111.	The Fatal Accidents Act, 1855.	1985
112.	Section 45 of the Insurance Act, 1938.	1985
113.	Injuries in Police Custody- Suggested section 114B, Evidence Act.	1985

ELEVENTH LAW COMMISSION (Chairman Mr. Justice D. A. Desai 1985-1988)

114.	Gram Nyayalaya.	1986
115.	Tax Courts.	1986
116.	Formation of an All India Judicial Service.	1986
117.	Training of Judicial Officers.	1986
118.	Method of appointment to subordinate courts/ subordinate judiciary.	1986
119.	Access to Exclusive Forum for Victims of Motor Accidents under Motor Vehicles Act, 1939.	1987
120.	Manpower Planning in Judiciary: A Blueprint	1987
121.	A New Forum for Judicial Appointments.	1987
122.	Forum for National Uniformity in Labour Adjudication.	1987
123.	Decentralisation of Administration of Justice: Disputes Involving Centres of Higher Education.	1988
124.	The High Court Arrears- A Fresh Look.	1988

125.	The Supreme Court- A Fresh Look.	1988
126.	Government and Public Sector Undertaking Litigation Policy and Strategies.	1988
127.	Resource Allocation for Infra-structural Services in Judicial Administration (A continuum of the Report on Manpower Planning in Judiciary: A Blueprint).	
128.	Cost of Litigation.	1988
129.	Urban Litigation – Mediation as alternative to Adjudication.	1988
130.	Benami Transactions: A Continuum.	1988
131.	Role of legal profession in Administration of Justice.	1988

TWELFTH LAW COMMISSION (Chairman Mr. Justice M. P. Thakkar 1988-1991)

132.	Need for Amendment of the Provisions of the Chapter IX of the Code of Criminal Procedure, 1973 in order to ameliorate the hardship and mitigate the distress of Neglected Women, Children and Parents.	1989
133.	Removal of Discrimination against Women in matters relating to Guardianship and Custody of Minor Children and Elaboration of the Welfare Principle.	1989
134.	Removing Deficiencies in certain Provisions of the Workmen's Compensation Act, 1923.	1989
135.	Women in Custody.	1989
136.	Conflicts in High Court Decisions on Central Laws- How to foreclose and how to resolve.	1990
137.	Need for creating office of Ombudsman and for evolving legislative administrative measures inter-alia to relieve hardships caused by inordinate delays in settling Provident Fund claims of beneficiaries.	1990
138.	Legislative Protection for Slum and Pavement Dwellers.	1990
139.	Urgent need to amend Order XXI, Rule 92(2), Code of Civil Procedure to remove an anomaly which nullifies the benevolent intention of the legislature and occasions injustice to judgement-debtors sought to be benefited.	1991

140.	Need to amend Order V, Rule 19A of the Code of Civil Procedure, 1908, relating to service of summons by registered post with a view to foreclose likely injustice.	1991
141.	Need for amending the law as regards power of courts to restore criminal revisional applications and criminal cases dismissed for default in appearance.	1991
142.	Concessional treatment for offenders who on their own initiative choose to plead guilty without any bargaining.	1991
143.	Legislative safeguards for protecting the small depositors from exploitation.	1991

THIRTEENTH LAW COMMISSION (Chairman Mr. Justice K. N. Singh 1991-1994)

144.	Conflicting Judicial decisions pertaining to the Code of Civil Procedure, 1908.	1992
145.	Article 12 of the Constitution and Public Sector Undertakings.	1992
146.	Sale of Women and Children: Proposed Section 373-A, Indian Penal Code.	1993
147.	The Specific Relief Act, 1963.	1993
148.	Repeal of Certain pre-1947 Central Acts.	1993
149.	Removal of certain deficiencies in the Motor Vehicles Act, 1988 (Act No. 59 of 1988).	1994
150.	Suggesting some Amendments to the Code of Civil Procedure (Act No. V of 1908).	1994
151.	Admiralty Jurisdiction.	1994
152.	Custodial Crimes.	1994
153.	Inter-Country Adoption.	1994

FOURTEENTH LAW COMMISSION (Chairman Mr. Justice K. J. Reddy 1995-1997)

154.	The Code of Criminal Procedure, 1973 (Act No. 2 of 1974).	1996
155.	The Narcotics Drugs and Psychotropic Substances Act, 1985(Act No. 61 of 1985).	1997
156.	The Indian Penal Code.	1997

FIFTEENTH LAW COMMISSION (Chairman Mr. Justice B. P. Jeevan Reddy 1997-2000)

157.	Section 52:Transfer of Property Act, 1882 and its Amendment.	1998
158.	The Amendment of the Industries (Development and Regulation) Act, 1951	1998
159.	Repeal and Amendment of Laws: Part I	1998
160.	Amendment to the All India Council for Technical Education Act, 1987 (Act No. 52 of 1987)	1998
161.	Central Vigilance Commission and Allied Bodies.	1998
162.	Review of functioning of Central Administrative Tribunal, Customs, Excise and Gold (Control) Appellate Tribunal and Income-Tax Appellate Tribunal	1998
163.	The Code of Civil Procedure (Amendment) Bill, 1997	1998
164.	The Indian Divorce Act, 1869 (Act IV of 1869)	1998
165.	Free and Compulsory Education for Children	1998
166.	The Corrupt Public Servants (forfeiture of property) Bill.	1999
167.	The Patents (Amendment) Bill, 1998.	1999
168.	The Hire-Purchase Act,1972	1999
169.	Amendment of Army, Navy and Air Force Act.	1999
170.	<u>Reform of the Electoral Laws</u>	1999
171.	<u>The Biodiversity Bill, 2000</u>	2000
172.	<u>Review of Rape Laws</u>	2000
173.	<u>Prevention of Terrorism Bill, 2000</u>	2000
174.	<u>Property Rights of Women:</u> Proposed Reforms Under the Hindu Law	2000

SIXTEENTH LAW COMMISSION (Chairman Mr. Justice B. P. Jeevan Reddy 2000-2001) (Chairman Mr. Justice M. Jagannadha Rao 2002-2003)

175.	The Foreigners (Amendment) Bill, 2000	2000
176.	The Arbitration and conciliation (Amendment) Bill, 2002	2001

177.	Law Relating to Arrest	2001
178.	Recommendations for amending various enactments, both civil and criminal	2001
179.	Public Interest Disclosure and Protection of Informers	2001
180.	Article 20 (3) of the Constitution of India and Right to Silence	2002
181.	Amendment to Section 106 of the Transfer of Property Act, 1882	2002
182.	Amendment of Section 6 of the Land Acquisition Act, 1894.	2002
183.	A Continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statutes.	2002
184.	Legal Education & Professional Training and Proposals for amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956.	2002
185.	Review of the Indian Evidence Act, 1872.	2003

SEVENTEENTH LAW COMMISSION (Chairman Mr. Justice M. Jagannadha Rao 2003-2006)

186.	Proposal to Constitute Environment Courts	2003
187.	Mode of Execution of Death Sentence and Incidental Matters	2003
188.	The Proposals for Constitution of Hi-Tech Fast - Track Commercial Divisions in High Courts.	2003
189.	Revision of Court Fees Structure	2004
190.	The Revision of the Insurance Act, 1938 and the Insurance Regulatory and Development Authority Act, 1999	2004
191.	Regulation of Funds collected for Calamity Relief.	2004
192.	Prevention of vexatious Litigation.	2005
193.	Transnational Litigation, Conflict of Laws, Law of Limitation.	2005
194.	Verification of Stamp Duties and Registration of Arbitral Awards.	2005

195.	The Judges (Inquiry) Bill, 2005	2006
196.	Medical Treatment to Terminally Ill Patients (Protection of Patients and Medical Practitioners)	2006
197.	Public Procecutor's Appointments.	2006
198.	Witness Identity Protection and Witness Protection Programmes	2006
199.	Unfair (Procedural and Substancive) Terms in Contracts	2006
200.	Trial by Media : Free Speech Vs. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)	2006
201.	Medical Treatment after Accidents and During Emergency Medical Condition and Women in Labour	2006

EIGHTEENTH LAW COMMISSION (Chairman Dr. Justice AR. Lakshmanan
2007-2009)

202.	Proposal to Amend Section 304-B of the Indian Penal Code	2007
203.	Section 438 of the Code of Criminal Procedure, 1973 as Amended by the Code of Criminal Procedure (Amendment) Act, 2005 (Anticipatory Bail)	2007
204.	Proposal to Amend the Hindu Succession Act, 1956 as amended by Act 39 of 2005.	2008
205.	Proposal to Amend the Prohibition of Child Marriage Act, 2006 and other allied Laws.	2008
206.	Proposal for enactment of new Coroners Act applicable to the whole of India	2008
207.	Proposal to amend Section 15 of the Hindu Succession Act, 1956 in case a female dies intestate leaving herself acquired property with no heirs.	2008
208.	Proposal for amendment of Explanation to Section 6 of the Hindu Succession Act, 1956 to include oral partition and family arrangement in the definition of "partition"	2008
209.	Proposal for omission of Section 213 from the Indian Succession Act, 1925	2008
210.	Humanization and Decriminalization of Attempt to Suicide.	2008

211.	Laws on Registration of Marriage and Divorce –A Proposal for Consolidation and Reform.	2008
212.	Laws of Civil Marriages in India – A Proposal to Resolve Certain Conflicts	2008
213.	Fast Track Majisterial Courts for Dishonoured Cheque Cases	2008
214.	Proposal for reconsideration of Judges cases I, II and III - SP GUPTA Vs. UOI	2008
215.	L . Chandra Kumar be revisited by Larger bench of Supreme Court of India	2008
216.	Non-Feasibility of Introduction of Hindi as Compulsory Language in the Supreme Court of India	2008
217.	Irretrievable Breakdown of Marriage - Another Ground for Divorce.	2009
218.	Need to accede to the Hague Convention on the Civil Aspects of International Child Abduction (1980).	2009
219.	Need for Family Law Legislations for Non-resident Indians.	2009
220.	Need to fix Maximum Chargeable Court-fees in Subordinate Civil Courts.	2009
221.	Need for Speedy Justice – Some Suggestions.	2009
222.	Need for Justice–dispensation through ADR etc.	2009
223.	Need for Ameliorating the lot of the Have-nots - Supreme Court's Judgments.	2009
224.	Amendment of Section 2 of the Divorce Act 1869 Enabling Non-domiciled Estranged Christian Wives to seek Divorce.	2009
225.	Amendment of Sections 7, 7A, and 7B of Industrial Disputes Act 1947 Making Advocates Eligible to man Labour Courts and Industrial Tribunals. 2009	2009
226.	The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime.	2009

227.	Preventing Bigamy via Conversion to Islam - A Proposal for giving Statutory Effect to Supreme Court Rulings	2009
228.	Need For Legislation to Regulate Assisted Reproductive Technology Clinics as Well as Rights and Obligations of Parties to a Surrogacy	2009
229.	Need for division of the Supreme Court into a Constitution Bench at Delhi and Cassation Benches in four regions at Delhi, Chennai/ Hyderabad, Kolkata and Mumbai	2009
230.	Reforms in the Judiciary – Some suggestions	2009
231.	Amendments in Indian Stamp Act 1899 And Court-Fees Act 1870 Permitting Different Modes of Payment	2009
232.	Retirement Age of Chairpersons and Members of Tribunals – Need for Uniformity	2009
233.	Amendment of Code of Criminal Procedure Enabling Restoration of Complaints	2009
234.	Legal Reforms to Combat Road Accidents	2009