

APPENDIX 10

LAW COMMISSION OF INDIA

Early Beginnings

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 Commissions.

Post-Independence Developments

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 Though the Constitution stipulated the continuation of pre-Constitution Laws (Article 372) till they are amended or repealed, there had been demands in Parliament and outside for establishing a Central Law Commission to recommend revision and updating of the inherited laws to serve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 favourably 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:-

First Law Commission

(Chairman Mr. M. C. Setalvad 1955-1958)

No. of the Report	Subject	Year of Submission
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

No. of the Report	Subject	Year of Submission
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
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
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No. of the Report	Subject	Year of Submission
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

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

No. of the Report	Subject	Year of Submission
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

No. of the Report	Subject	Year of Submission
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

No. of the Report	Subject	Year of Submission
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

No. of the Report	Subject	Year of Submission
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

No. of the Report	Subject	Year of Submission
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
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No. of the Report	Subject	Year of Submission
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	Reform of the Electoral Laws	1999
171	The Biodiversity Bill, 2000	2000
172	Review of Rape Laws	2000
173	Prevention of Terrorism Bill, 2000	2000
174	Property Rights of Women: 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

No. of the Report	Subject	Year of Submission
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 Prosecutor's Appointments.	2006
198	Witness Identity Protection and Witness Protection Programmes	2006
199	Unfair (Procedural and Substantive) 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

No. of the Report	Subject	Year of Submission
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 Magisterial 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

No. of the Report	Subject	Year of Submission
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
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

Nineteenth Law Commission

(Chairman Mr. Justice P. V. Reddi, 2009-2012)

235	Conversion/reconversion to another religion - mode of proof	2010
236	Court-fees in Supreme Court vis-à-vis Corporate Litigation	2010
237	Compounding of (IPC) Offences	2011
238	Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied Provisions	2011