

## REPORT OF THE DRAFTING AND EDITORIAL COMMITTEE

15 February, 2002

From:  
Dr. Subhash C. Kashyap  
Chairman,  
Drafting and Editorial Committee

To  
Shri M.N. Venkatachaliah  
Hon'ble Chairperson,  
National Commission to Review the  
Working of the Constitution

Dear Mr. Chairperson,

It is with pleasure and some sense of satisfaction that I present to you, on behalf of the Drafting and Editorial Committee, the **Draft** of the Report of the National Commission to Review the Working of the Constitution.

2. In September, 2001 the Commission appointed an Editorial Committee consisting of myself, Shri K. Parasaran and Dr. Abid Hussain to edit the chapters as finalised by the Members in charge and approved by the Commission. Later, in December 2001, the Committee was renamed Drafting and Editorial Committee in the light of decisions by the Commission. Under your endearing persuasion, the Committee accepted the responsibility with a sense of humility. Shri Gopi K. Arora served as the Consultant to the Committee.

3. The Committee worked out the chapterisation, layout and rules of format and style of presentation of the Report in two volumes - the first volume containing the main report and the second volume (divided in books 1, 2 and 3) containing data and documents. The main report, in draft form, as finalised by the Committee for the consideration of the Commission, consists of 11 chapters.

4. Chapter 1 follows the outline approved by the Commission and narrates the genesis of the Commission, its terms of reference, earlier attempts at review, methodology and procedure adopted by the Commission, interaction with the public and eliciting responses through questionnaires and seminars, deliberations of the Commission, etc.

5. Chapter 2 on the Basic Approach and Perspective is based on your own perceptive and seminal manuscript.

6. Chapters 3 to 9 review the working of the constitution in the most crucial areas of fundamental rights, elections, Executive, Legislature, Judiciary, Union-State Relations, Decentralization, etc.

7. A new chapter on "Pace of Socio-Economic Change" based on the draft prepared by the Member-in-Charge has been added as chapter 10. The draft has been reproduced in full as a Background Paper with minor editorial changes. The last Chapter (chapter 11) contains a summary of recommendations.

8. The Committee had hardly one month's time for the task assigned to it. The Committee Members divided the chapters of the report among themselves for purposes of drafting and editing. In case of almost every chapter several drafts had to be prepared and discussed. Each draft chapter was scrutinized by the Committee before it was finalised to form part of the Draft Report.

9. The attempt of the Committee has been to present a draft that is precise, to the point, thematically coherent and couched in simple and clear language. In case of differences of opinion, the endeavour has been to reflect the views and to integrate and synthesise them. The Commission will, of course, finally consider and decide. Detailed background and arguments in support of recommendations were already given in the Consultation and Background Papers have not been reproduced in the main report.

10. In preparing the Draft, the Committee has naturally followed the decisions taken by the Commission. Where such decisions were not available, the Committee has tried to seek help and guidance from the members in charge and from the consultation papers and responses thereto. There were, however, some matters where the Committee found it necessary and advisable to suggest some modification or to make additional recommendations.

11. The Drafting and Editorial Committee held 15 sessions - some of them lasting for more than one day. Every sitting of the Committee was attended by all the three Members, the Consultant Shri Gopi K. Arora and the Secretary to the Commission Dr. Raghbir Singh. Because of the short time available to the Committee and in its anxiety to adhere to the time-schedule, besides the Committee meetings, I am proud to say, every member of the team, day after day, inevitably worked for long nocturnal hours.

12. I feel happy and privileged to have had the honour of working closely with such distinguished colleagues so committed to the nation. The research team of Shri N.K. Nampoothiry, Shri K. Shankar, and Shri D. Bhardwaj extended full support and willingly put long hours of hard work. The Committee would like to place on record its appreciation for their dedication.

13. I am glad to be able to hereby submit the full Draft Report (Volumes I and II) today the 15<sup>th</sup> day of February, 2002 thereby adhering to the deadline. But, I cannot do so without once again placing on record the fullest admiration of the Committee for the remarkable spirit of mutual cooperation, trust and dedication with which the entire team worked. It is, however, for the Commission to judge whether we have done a reasonably good and generally acceptable job. The Committee is confident of the understanding and generosity of the members of the Commission.

14. With profound regards to you, for your trust and indulgence and to other members of the Commission for their consideration.

Yours sincerely,

Sd/-

(Subhash C. Kashyap)