

CHAPTER 1

INTRODUCTION

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CHAPTER 1

INTRODUCTION

Genesis of the Commission

1.1.1 Pursuant to the President's address to the two Houses of Parliament assembled together at the commencement of the first session after the thirteenth general election to Lok Sabha, the Government of India, Ministry of Law, Justice and Company Affairs (Department of Legal Affairs), *vide* its Resolution, dated the 22 February, 2000 resolved to constitute "the National Commission to Review the Working the Constitution" to make suitable recommendations. The said resolution was subsequently modified by the Government *vide* its notifications dated 17 March, 2000 and 27 March, 2000 (Gazette Notifications are reproduced in Volume II).

1.1.2 The Resolution stipulated that the Commission shall consist of a whole-time Chairperson who shall be a person of distinction with knowledge and expertise of constitutional issues and in the working of the democratic institutions of the nation. It was further stipulated that besides the Chairperson, the Commission shall have not more than ten other Members who shall be selected on the basis of their proven expertise and knowledge in the field of constitutional law, economics, politics, law, sociology, political science and other relevant subjects. The Commission shall have a Secretary of the status of a Secretary to the Government of India to assist the Commission.

1.1.3 Accordingly, on 23 February 2000, the President of India appointed Justice Shri M.N. Venkatachaliah, former Chief Justice of India as the Chairperson of the Commission and the following persons as the other Members of the Commission:

1. Justice Shri B.P. Jeevan Reddy, Chairman, Law Commission of India
2. Justice Shri R.S. Sarkaria, former Judge, Supreme Court of India
3. Justice Shri Kottapalli Punnayya, former Judge, Andhra Pradesh High Court
4. Shri P.A.Sangma, former Speaker, Lok Sabha; and Member of Parliament
5. Shri Soli J. Sorabjee, Attorney General for India
6. Shri K. Parasaran, Senior Advocate and former Attorney General for India
7. Dr.Subhash C. Kashyap, former Secretary General, Lok Sabha
8. Shri C.R. Irani, Chief Editor and Managing Director, *The Statesman*
9. Dr. Abid Hussain, former Ambassador of India in the USA
10. Smt. Sumitra G. Kulkarni, former Member of Parliament, (Rajya Sabha)

Dr. Raghbir Singh, Secretary to the Government of India in the Ministry of Law, Justice and Company Affairs (Legislative Department) was asked to look after the work of the Secretary to the Commission immediately and on his superannuation, he was appointed as the Secretary to the Commission with effect from 1 April 2000.

Tenure of the Commission

1.2 In its Resolution of 22 February 2000, Government stipulated that the Commission shall complete its work and make its recommendations within one year. Government of India in the

Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) *vide* its Amending Notifications of 20 February 2001, 30 October 2001 and 26 February 2002 successively extended the tenure of the Commission upto 31 October 2001, 28 February 2002 and 31 March 2002 (Gazette Notifications are reproduced in Volume II).

Terms of Reference

1.3.1 The Resolution of the Government of India, Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) of 22 February 2000 stipulated the following as the terms of reference of the Commission :-

“The Commission shall examine, in the light of the experience of the past 50 years, as to how best the Constitution can respond to the changing needs of efficient, smooth and effective system of governance and socio-economic development of modern India within the framework of parliamentary democracy and to recommend changes, if any, that are required in the provisions of the Constitution without interfering with its basic structure or features.”

1.3.2 The Government authorized the Commission to decide its own procedure and hear and entertain all persons, representations and communications which in the opinion of the Commission shall facilitate its work and final recommendation.

Earlier efforts to review the Constitution

1.4.1 There was nothing entirely new in the effort at reviewing the working of our Constitution. The debate had continued right from the first decade of the life of the Constitution. Also, every amendment had been an occasion for review. But, in the half-a-century and more since the Constitution came into force, whereas as many as eighty-five amendments have been instituted, there has been (till the setting up of the National Commission to Review the Working

of the Constitution) no comprehensive and transparent official exercise to review the working of the Constitution in its entirety with a view to evaluating its achievements and failures in fulfilling the objectives of the Constitution in the context of experience gained, and for future requirements perceived.

1.4.2 That the Constitution ought to be amenable to change to allow for emerging needs was always recognized. This was emphasized – right from its nascent stage; indeed, even from the time the document was being conceived and tissue, texture and shape was being given to it. The framers of the Constitution themselves had that vision and prescience. Speaking on the Objectives Resolution on 22 January 1947, Jawaharlal Nehru had declared:

“A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, but I do know that it will not consent to be bowed down... This House cannot bind down the next generation or the people who will duly succeed us...”

1.4.3 Nehru was prominent amongst those who had first broached the idea of a Constituent Assembly to draw up a Constitution for a nascent India. As the head of the Interim Government and a prime-mover of the Constitution-making process, he was deeply immersed and dynamically involved in every stage of the framing of the Constitution. Yet Nehru reiterated this view over and over again, on appropriate occasions. Speaking of the Draft Constitution on 8 November 1948, Nehru said:

“The Constitution is after all some kind of legal body given to the ways of Government and the life of the people. A Constitution if it is out of touch with the people’s life, aims and aspirations, becomes rather empty: if it falls behind those aims, it drags the people down. It should be something ahead to keep people’s eyes and minds made up to a certain high mark.... Remember this that while we want this Constitution to be as solid and as permanent a structure as we can make it, ... there should be a certain flexibility. If you make anything rigid and permanent, you stop a nation’s growth, the growth of a living, vital, organic people.”

1.4.4 After the Constitution came into force, within two years, it was required to be amended. In the course of his speech on the Constitution (First Amendment) Bill, 1951, on 2 June 1951 Nehru once again repeated his views as to the need for the Constitution to be amenable to amendment. On this occasion, his words were trenchant and unsparing. He said:

“.. .. we have in India a strange habit of making gods of various things, adding them to our innumerable pantheon, and having given them our theoretical worship, doing exactly the reverse. If we want to kill a thing in this country, we deify it. That is the habit of this country largely. So if you wish to kill this Constitution, make it sacred and sacrosanct – certainly. If you want it to be a dead thing, not a growing thing, a static, unwieldy, unchanging thing, then by all means do so, realizing that that is the best way of stabbing it in the front and in the back... A Constitution which is unchanging and static, it does not matter how good it is, but as a Constitution it is past its use. It is in its old age already and gradually approaching its death. A Constitution to be living must be growing; must be adaptable; must be flexible; must be changeable... Therefore, it is a desirable and a good thing for people to realize that this very fine Constitution that we have fashioned after years of labour, is good in so far as it goes, but as society changes as conditions change, we amend it in the proper way. It is not like the unalterable law of the Medes and Persians that it cannot be changed, although the world around may change.”

1.4.5 Four years later, as an experienced Prime Minister with prolonged first-hand knowledge of the efficacy of the fundamental law of the land, he held the same view. Speaking on the Constitution (Fourth Amendment) Bill, 1955 Nehru said:

“After all, the Constitution is meant to facilitate the working of the Government and the administrative and other structures of this country. It is meant to be not something that is static and which has a static form in a changing world, but something which has something dynamic in it, which takes cognizance of the dynamic nature of modern conditions, modern society.”

1.4.6 In the years that followed the Fourth Amendment, the Constitution has been amended 81 times. The Union and the State Governments and Parliament faced the Supreme Court over fundamental rights issues: freedom of expression *vis-à-vis* national integrity; personal liberty *vis-à-vis* political stability; special treatment for some segments of society *vis-à-vis* abstract equality for all; property rights *vis-à-vis* social revolution needs etc. Questions also arose whether the power of constitutional amendment was complete, unrestrained and unlimited and whether there were limits to the power of judicial review of constitutional amendments.

1.4.7 In the period 1950 to 1967, Parliament and most State Assemblies had preponderant Congress majorities. General Elections in 1967 were followed by the formation of non-Congress coalitions in a number of States in the northern region of the country. Certain issues pertaining to Union-State relations arose during this period directly from the functioning of mechanisms and processes under the Constitution. An Administrative Reforms Commission was constituted by the Government of India to examine administrative aspects of Union-State relations.

1.4.8 In the period following the fourth General Election, the phenomenon of unprincipled defections for money or ministerships etc. came to the fore: legislators changing their party allegiance again and again in utter disregard of all moral and political proprieties, constituency choice and public opinion. Wide-spread concern about the problem was mirrored in Parliament, and led to a unanimous resolution in the Lok Sabha on 8 December 1967. The resolution read:

“This House is of opinion that a high-level Committee consisting of representatives of political parties and constitutional experts be set up immediately by Government to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects, and make recommendations in this regard.”

1.4.9 Known subsequently as the Y.B. Chavan Committee, after the then Union Home Minister who was the Chairman of the Committee, this body produced a valuable report which addressed a variety of issues germane to the handling of the problem of defections which had

basic implications with reference to the working of constitutional machinery and connected statutory and procedural instrumentalities.

1.4.10 The 25th anniversary of the coming into force of the Constitution of the world's largest democratic republic occurred, ironically, in the year in which the Emergency was clamped on the nation in an atmosphere of burgeoning national unrest. It was in this context that the first concerted initiative towards a review and revision of the Constitution was undertaken in 1975. At the AICC Session in December, 1975 – the 'Kamagata Maru Session' – a resolution on the political situation stated:

“If the misery of the poor and vulnerable sections of our society is to be alleviated, vast and far-reaching changes have to be effected in our socio-economic structure... The Congress urges that our Constitution be thoroughly examined in order to ascertain if the time has not come to make adequate alterations to it so that it may continue as a living document.”

1.4.11 A document titled 'A Fresh Look at Our Constitution – Some Suggestions' surfaced at this time and was circulated but, after the recommendations contained in it had drawn stringent criticism from diverse quarters, it was not pursued. Amidst tenacious advocacy about the need for constitutional change, particularly after the Kamagata Maru Session of the Indian National Congress, the then Congress President, D.K. Borooah appointed, on 26 February 1976, a Committee “to study the question of amendment of the Constitution... in the light of experience.” The twelve-member Committee, headed by Sardar Swaran Singh, submitted 'tentative proposals' to the Congress President in April 1976 and these were then circulated among a select few. The then Chairman of the Law Commission of India, Justice P.B.Gajendragadkar wrote to the Prime Minister that while amendment to the Constitution was necessary to expedite the socio-economic revolution, “ad-hocism is undesirable and adoption of extremist doctrinaire positions is irrelevant and inadvisable”. He advised the Prime Minister “to appoint a high powered committee to research and discuss the problem in depth for a dedicated and comprehensive effort.”

1.4.12 The Swaran Singh Committee Report stated that its recommendations had been made with the background of the tentative proposals circulated earlier to Congress Chief Ministers and Pradesh Congress Committees, the views of Bar Associations of the Supreme Court and all the

High Courts, comments in the Press and in public and memoranda and opinions received from individuals, professional bodies etc. It said:

“.....the Committee has kept before it certain important objectives. Our Constitution has functioned without any serious impediment during the past 26 years or so. While this is so, difficulties have been thrown up from time to time in the interpretation of some of its provisions, more particularly when they concern the right of Parliament to be the most authentic and effective instrument to give expression and content to the sovereign will of the people. Ours is a dynamic, moving and changing society, and the need to quicken the pace of socio-economic progress of our people has never been more urgent. Some of the amendments to the Constitution that we have proposed have been conceived in this spirit. The Committee would like to emphasise that the respect of the people for the three organs of our democracy and their confidence in these organs, have to be sustained and strengthened. An attempt has been made to clarify and define, where possible, with greater precision their respective functions in the light of the experience gained so that our democratic institutions may work smoothly in an atmosphere of complete understanding.”

The Committee also declared that:

“The Parliamentary system is best suited to our country, and it is unnecessary to abandon it in favour of the Presidential or any other system. In a vast country like India, with the kind of regional diversity as we have, the Parliamentary system preserves best the unity and integrity of the country and ensures greater responsiveness to the voice of the people.”

1.4.13 The Committee made a series of recommendations on a wide range of issues including the Preamble; the Directive Principles; the constituent power of Parliament to amend the Constitution; the power of judicial review; article 276; service matters; industrial and labour disputes; matters relating to revenue, land reform, procurement and distribution of food grains and other essential commodities; Election matters; Article 227; disqualification for membership of a house of Parliament or either house of the State Legislature; article 352 and Union State Coordination. The Committee also

undertook to make separate proposals for the deletion of some provisions of the Constitution which, it observed, had become “obsolete or redundant.”

1.4.14 Reacting to the Swaran Singh Committee and its report as published, Justice P.B. Gajendragadkar, then still the Chairman of the Law Commission, in a letter to Smt. Indira Gandhi, reiterated his view that the amendment to the fundamental law of the land should not have been left to a party committee and that the modality could, advisedly, have been a committee of experts to hear all parties and persons. He said, further, that the Committee appointed by Congress President Borooh had “worked in a hurry, discussed issues in a casual manner and based its recommendations mainly on political considerations.”

1.4.15 When the Forty-Second Amendment Bill was prepared, the Statement of Objects and Reasons echoed some of Jawaharlal Nehru’s words. “A Constitution to be living must be growing”, it declared. “If the impediments to the growth of the Constitution are not removed, the Constitution will suffer virtual atrophy.” The Prime Minister, in her speech in the Lok Sabha on 27 October 1976, said that the purpose of the Bill was “to remedy the anomalies that have long been noticed and to overcome obstacles put up by economic and political vested interests,” and that the Bill was “responsive to the aspirations of the people, and reflects the realities of the present time and the future”. The Bill was passed in the Lok Sabha with 4 votes against it and 366 in favour. All but eight of over 600 amendments had been dropped or defeated. The Rajya Sabha passed it by 190 votes in its favour and none against. Thirteen of 22 State Legislatures having ratified it, the President gave his assent on 18 December 1976.

1.4.16 After the change of Government, following general elections in 1977, the then Prime Minister, Morarji Desai appointed a Committee of Members of Parliament as a forum for considering substantive changes in the amendments brought about during the Emergency. Subsequently, the Prime Minister set up a Sub-Committee of the Cabinet for the same purpose. Issues germane to the 42nd Amendment were subject matter of voluminous expression of opinion by jurists, parliamentarians, editors and professional bodies. But, essentially, the effort focused

on the correction of the imbalance in the Constitution caused by some provisions of the Forty-Second Amendment.

1.4.17 The need was felt for a comprehensive review of Union-State relations following the experience gained in the period after the General Elections of 1977 which had resulted in non-Congress governments at the Centre and in several major States in the north, but governments formed by the Congress in the southern States. In 1983, a Commission was constituted under the chairmanship of Justice R.S. Sarkaria with fairly wide-ranging terms of reference. These included:

“(1) The Commission will examine and review the working of the existing arrangements between the Union and the States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures as may be appropriate;

(2) In examining and reviewing the working of existing arrangements between the Union and States and making recommendations as to changes and measures needed, the Commission will keep in view the social and economic developments that have taken place over the years and have due regard to the scheme and framework of the Constitution which the founding fathers have so sedulously designed to protect the independence and ensure the unity and integrity of the country which is of paramount importance for promoting the welfare of the people.”

1.4.18 There were also some other especially note-worthy studies of particular problems in the political system. Deep concern had been voiced relative to flaws in the electoral process. This had occasioned a Joint Parliamentary Committee on Amendments to Election Law, which submitted its report in 1972. The Committee for Democracy set up by Loknayak Jaya Prakash Narayan had also studied the subject. Various aspects of electoral reforms were reviewed by a Cabinet Sub Committee appointed in 1977 and another in 1982. In 1990, the Government of India constituted a Committee under the Chairmanship of the then Union Law Minister Dinesh Goswami with Members drawn from different political parties. The Report of the Committee

contained a series of recommendations, most of which were accepted for implementation. A Committee to examine issues related to State Funding of Elections was constituted in May 1998, known as the Indrajit Gupta Committee after that outstanding Parliamentarian and leader who was its Chairman. Although the Committee had a relatively limited compass of study, its observations are noteworthy and comprise valuable supplementary material pertaining to the process of elections. Various Reports of the Law Commission of India provide a wealth of insights into the working of the machinery of the Constitution. The 170th Report of the Law Commission, on Reform of Election Laws, presented in May 1999, considers radical approaches seeking to improve the system of elections – the very sheet anchor of Parliamentary Democracy under the Constitution.

1.4.19 A little more than fifty years of national experience has accumulated relative to the working of our Constitution. Many things have changed since India's Independence. There have been impressive achievements in many spheres but so much more is required in qualitative as well as in quantitative terms, if we wish to build a truly just and caring society. Some important long range issues emerging from the prospects of India's participation in a global economic order advise an objective, expert review of our system to safeguard our national interest and our constitutional values and goals.

1.4.20 During the last two decades and more, there was a persistent demand in the civil society – from some NGOs, academics, constitutional scholars and others – that the working of the Constitution be subjected to a comprehensive review. Several books and a large number of articles and research papers devoted to the theme of constitutional review and reforms were published (some of these have been listed in the bibliographies annexed to Consultation Papers and were taken fully into account and used by the Commission in its study and deliberations) and many seminars and conferences organised in different parts of the country. The most significant of these non-political civil society efforts was the seminar organised by 15 national institutions in 1992 and the committee appointed by the India International Centre to review the working of the Constitution. The committee which had the senior Congress leader and former cabinet minister, Dr. Karan Singh as the Chairman and included among its members two of the members

of this Commission, presented its report to the President and others. Concluding recommendation of the committee was that of a Review Commission being appointed.

1.4.21 The National Agenda for Governance issued by the National Democratic Alliance as the NDA Election Manifesto before the last general elections contained a pledge that a Commission would be appointed to review the Constitution in the light of its working for fifty years. The Pledge was affirmed in the President's address to Parliament and was followed by the appointment of this Commission in February 2000.

Methodology and Procedure

1.5.1 The Commission held its first meeting at New Delhi on 23 March 2000. Taking note of its terms of reference, the Commission realised that it was not required to "re-write" the Constitution, as indeed the name of the Commission itself indicated, its function was to review the working of the Constitution and to examine how best it could respond to the changing needs of good governance and socio-economic development of modern India. The Commission felt concerned that the constitutional aspirations of raising the living conditions of the poor and the deprived and ensuring them an adequate means of livelihood had not been realised fully. It was decided to examine the working of the present provisions of the Constitution and the applicable laws and practices to consider how the constitutional objectives in the aforesaid areas could be achieved better.

1.5.2 Before considering the methodology and procedure of reviewing the working of the Constitution to be adopted by it, the Commission considered it appropriate to identify the main areas of concern which appeared to it to be most relevant to realising the values and vision of the founding fathers and the objectives and aims enshrined in the Constitution. These were found to be as follows :

- I. Strengthening of the institutions of parliamentary democracy; (Working of the Legislature, the Executive and the Judiciary; their accountability; problems of administrative, social and economic cost of political instability; exploring the possibilities of stability within the discipline of parliamentary democracy).
- II. Electoral reforms; standards in political life.
- III. Pace of socio-economic change and development under the Constitution (assurance of social and economic rights: how fair? how fast? how equal ?) .
- IV. Promoting literacy; generating employment; ensuring social security; alleviation of poverty.
- V. Union-State relations.
- VI. Decentralization and devolution; empowerment and strengthening of Panchayati Raj Institutions.
- VII. Enlargement of Fundamental Rights.
- VIII. Effectuation of Fundamental Duties.
- IX. Effectuation of Directive Principles and achievement of the Preambular objectives of the Constitution.
- X. Legal control of fiscal and monetary policies; public audit mechanism.
- XI. 'Administrative system' and 'standards in public life'.

1.5.3 As a first step towards reviewing the working of the Constitution, the Commission in its meeting held on 23 March 2000 decided to invite suggestions from the public in regard to the endeavour of the Commission within its terms of reference. A public notice dated 9 June 2000 was issued through both the print and the electronic media inviting suggestions from public, non-governmental organizations, institutions and others interested, latest by the 31 July 2000. The notice was also put on the website of Commission.

Consultation Papers and Advisory Panels

1.6.1 One of its members, Justice B.P. Jeevan Reddy was nominated as the spokesperson of the Commission to interact with the media. The Commission decided to adopt the methodology of generating public debate and eliciting opinion by way of releasing Consultation Papers and Questionnaires in the main areas of concern identified by it. The Commission also decided to constitute Advisory Panels of experts for each of the areas identified by it. It appointed a Committee consisting of the following Members for identifying the experts, research institutions and resource persons:-

1. Justice Shri B.P. Jeevan Reddy
2. Shri Soli J. Sorabjee
3. Shri K. Parasaran
4. Dr. Abid Hussain
5. Dr. Subhash C. Kashyap
6. Shri C.R. Irani

1.6.2 The Committee was asked also to identify experts or research institutions for preparation of Consultation Papers along with Questionnaires. In regard to the procedure and methodology for evaluating the working of the Constitution in the areas identified, it was decided that Consultation Paper(s) on each of the identified areas along with suitable questionnaires would be formulated in a computer-friendly format so as to enable the Commission to ledgerise and classify the data received in response to the Questionnaires. It was also decided that these Consultation Papers shall be circulated to all Political Parties, Ministries/Departments of Government of India, State Governments/Union Territory Administrations, Constitutional Bodies and Statutory Commissions such as the National Commission for the Scheduled Castes and the Scheduled Tribes, the National Commission for Minorities, the National Commission for Backward Classes, the National Human Rights Commission, the National Commission for Women, Representative Bodies of Trade and Industry, Bar Associations, Central Universities, Academicians and the Media. The Commission resolved to place the Consultation Papers and Questionnaires on the Commission's Website for general access and also to respond to all individual requests for Consultation Papers.

1.6.3 The aforesaid Committee suggested that for each of the Advisory Panels, one of the Members of the Commission may function as "Member-in-charge". It also made recommendations regarding the composition of the expert/advisory panels in respect of the different areas. Each Member-in-charge was authorized to nominate additional Members to the Panels. The Members-in-charge were required to identify research institutions/resource persons to prepare the Consultation Papers. It was also decided that the Secretary to the Commission would function as the Member-Secretary of the various Advisory Panels for close coordination and speedier and effective disposal of matters. Having regard to the importance and significance of the Consultation Papers and Questionnaires, it was decided that they should have authentic research backup.

1.6.4 The Commission constituted eleven Advisory Panels for scrutiny and approval of the various Consultation Papers and Questionnaires before the same could be placed before the Commission. The composition of the various Advisory Panels is given in **Volume-II**.

1.6.5 The Commission identified the following institutions/expert bodies/experts to entrust them with preparation of the Consultation Papers and Questionnaires on the areas identified by it:

- (i) Centre for Policy Research, New Delhi.
- (ii) Institute for Constitutional and Parliamentary Studies, New Delhi.
- (iii) Institute of Social Sciences, New Delhi.
- (iv) All India Institute of Local Self Government, Nagarpalika Network, New Delhi.
- (v) Citizenship Development Society, New Delhi.
- (vi) North East India Social Science Congress, Shillong
- (vii) Omeo Kumar Das Institute of Social Change and Development, Guwahati.
- (viii) Centre for the Study of Developing Societies, Delhi.
- (ix) Institute for Social and Economic Change, Bangalore.
- (x) Indian Institute of Public Administration.

Besides, the Commission could avail of the services of some experienced persons to assist it by preparing background materials and expert notes. The Commission also undertook in-house preparation of certain Consultation Papers and background materials.

1.6.6 The Commission, from time to time, released the Consultation Papers along with the Questionnaires and Executive Summary to the Press and other media, general public, Ministries/Departments of the Government of India, State Governments and Union Territory Administrations, recognized Political Parties, important institutions/Universities, interest groups, etc. for enabling them to furnish replies to the Questionnaires and submit their comments on the various issues raised in the Consultation Papers.

1.6.7 The Commission, with the assistance of National Informatics Centre, put the Consultation Papers and Questionnaires on the Commission's Website for enabling the public to make on line submission of their responses. The responses to the Questionnaires were collated, compiled and edited and a summary containing gist of replies was placed before the Commission for consideration at the time of finalizing the recommendations on the relevant subject.

1.6.8 The Commission released 22 Consultation Papers. Seven other Papers prepared for the Commission were also utilized by the Commission as Background Papers. All the Consultation Papers and Background Papers have been included in Volume-II.

Projects and Finance Committee

1.7.1 The Commission at its meeting held on the 8 and 9 July 2000 decided to constitute a Committee called the "Projects and Finance Committee" to consider *inter alia* the following matters:-

- (i) Monitoring the quality of the "Consultation Papers" and "Questionnaires" so as to ensure uniformity and eliminate possibilities of duplication or repetition resulting from the overlapping areas in the subjects or topics to which they relate.

- (ii) Lay down broad guidelines and procedures for the passage of the 'Consultation Papers' and 'Questionnaires' through the various stages.

1.7.2 The Committee comprised of the following members :

1. Shri Soli J. Sorabjee (Convener)
2. Justice B.P. Jeevan Reddy
3. Shri P.A. Sangma
4. Dr.Subhash C. Kashyap
5. Dr. Abid Hussain
6. Shri K. Parasaran

Eliciting Public Opinion

1.8.1 The Commission took various steps for having a wide range of consultations and debates on various issues and difficulties experienced in the working of the Constitution for more than 50 years with a view to eliciting public opinion. For the said purpose, besides issuing a public notice and circulating the consultation papers and questionnaires to elicit responses and replies, as and when the various Consultation Papers and Questionnaires were finalised by the Commission, these along with summaries thereof were released to the media at press conferences or otherwise.

1.8.2 Certain Universities/educational institutions in various parts of the country agreed to conduct Seminars/Interactive Sessions on behalf of the Commission to elicit views of the public on various issues of concern. The National Law Schools/Universities/College(s) which conducted seminars and conducted public interactive sessions under the sponsorship of the Commission have been listed in Volume-II.

1.8.3 In response to its Public Notice, the Commission received more than 20,000 letters/communications/Memoranda. The Commission examined all the communications/Memoranda/letters and found that 2350 of them contained certain suggestions/comments relevant to the study of the Commission as per its terms of reference. The rest of the communications were too general in nature. Certain letters questioning the necessity or relevancy of the review work were also received.

1.8.4 The Commission received 212 responses to its various Consultation Papers. Out of these, 131 responses were from organizations / institutions/ associations / universities / State Governments / Union Territory Administrations/Central Ministries/Political Parties and 81 from individuals. A list of individuals/organisations who made representations to the Commission and those who responded to the Consultation Papers and Questionnaires is included in Volume-II.

Process of Interaction

1.9 In order to elicit views of experienced persons on the problem areas, besides sponsoring Seminars, the Commission held wide-ranging interactive sessions with representatives of bodies/institutions which came up with proposals for such interaction. The Commission had also the privilege of Inviting distinguished statesmen and other persons in various fields and hearing their views. They included some of the former Prime Ministers, Governors, Members of Parliament, political leaders and Journalists. The Commission called on the former President of India, Shri R. Venkataraman and had the benefit of his views. A list of bodies / institutions and persons with whom the Commission had direct interactive sessions is included in Volume-II.

Deliberations of the Commission

1.10.1 The deliberations of the Commission were spread over eighteen sessions and 46 days of sittings. The Commission in its initial meetings decided the methodology and procedure required to be adopted by it for carrying out the task before it, identified the problem areas, put one Member in-charge of each area and organized the preparation and circulation of consultation papers on various matters of concern.

1.10.2 The Commission discussed in depth the various issues brought before it by its Members. The Commission also discussed the various Consultation Papers for finalizing them before these were actually issued for eliciting public opinion. Opportunity was availed by the Commission, during these meetings, to hear the views of eminent persons and organizations who came forward on their own or at the request of the Commission to give their suggestions.

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1.10.3 In its thirteenth, fourteenth and fifteenth meetings held in November – December, 2001 and in January, 2002 the Commission held detailed discussions on draft recommendations as contained in the Consultation Papers and the public reactions and comments received thereon alongwith the draft reports on several aspects of matters under review. Each recommendation was thoroughly debated and considered before it was finally adopted by the Commission. The minutes of the meetings of the Commission are reproduced in Volume-II.

1.10.4 Besides the regular meetings, the Commission had opportunity to interact with various persons/ bodies/ institutions for hearing their views. These included Chairman and Members of the Union Public Service Commission, Scientific Advisor to Prime Minister, Dr. A.P. J. Abdul Kalam, Chairman and Members of the Scheduled Castes and Scheduled Tribes Commission, Chairperson and Members of National Commission for Women and others.

1.10.5 The Advisory Panels of the Commission also held several meetings for detailed discussions for finalizing the Consultation Papers and some of the Background Papers.

Drafting and Editorial Committee

1.11.1 In September 2001, the Commission decided to appoint an Editorial Committee to edit the draft chapters as completed by the Members in-charge and approved by the Commission. Later in December the Committee was renamed Drafting and Editorial Committee and entrusted also with the task of drafting the Chapters. Shri Gopi K. Arora was appointed to assist the Committee as Consultant.

1.11.2 The Committee consisted of the following:

1. Dr. Subhash C. Kashyap (Chairman)
2. Shri K. Parasaran
3. Dr. Abid Hussain

1.11.3 The committee held 15 sessions . It worked out the chapterisation, layout and rules of format for presentation of the Report in two volumes. The first volume contained the main report and the second volume (divided in Books 1, 2 and 3) contained data regarding representations etc. and documents like the consultation papers. The main report was to consist of 11 chapters. The committee members divided the chapters of the report among themselves for

purposes of drafting and editing and on completion, each chapter was discussed word by word by the committee before it was finalized to form part of the Draft Report to be placed before the Commission for consideration and approval.

Adoption of the Report

1.12 The Drafting and Editorial Committee of the Commission submitted the complete Draft Report to the Chairperson on 15 February, 2002. The Commission considered the Report at its sixteenth session spread over five days from 25th February to 1st March, 2002 and the Seventeenth session spread over in four days from 6th to 9th March, 2002. The Report was finally adopted and signed on 11 March, 2002. The Commission resolved to present it to the Hon'ble Prime Minister on

(Justice M.N. Venkatachaliah)

Chairperson

(Justice B.P. Jeevan Reddy)

(Justice R.S. Sarkaria)

(Justice Kottapalli Punnayya)

Member

Member

Member

(Soli J. Sorabjee)

Member

(K. Parasaran)

Member

(Dr. Subhash C. Kashyap)

Member

(C.R. Irani)

Member

(Dr. Abid Hussain)

Member

(Smt. Sumitra G. Kulkarni)

Member