

SHRI JESUDASU SEELAM: Sir, this question is relating to Andhra Pradesh.
...(Interruptions)...

MR. CHAIRMAN: Please. ...(Interruptions)... Please resume your place. ...(Interruptions)...
Question No.305.

संविधान की समीक्षा

†*305. श्री श्रीगोपाल व्यास : क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि:

(क) संविधान की समीक्षा हेतु अब तक किए गए प्रयासों की क्या स्थिति है;

(ख) क्या संविधान में संशोधन हेतु प्रस्तुत किए जाने वाले विधेयकों की संख्या में हो रही निरन्तर वृद्धि से इस बात का संकेत मिलता है कि इस प्रकार की समीक्षा की आवश्यकता है;

(ग) क्या कोई व्यक्ति/समूह इस मामले का अध्ययन कर रहा है और मंत्रालय को सलाह दे रहा है; और

(घ) यदि हां, तो तत्संबंधी ब्यौरा क्या है?

विधि और न्याय मंत्री (श्री एम. वीरप्पा मोइली): (क) से (घ) एक विवरण सदन के पटल पर रख दिया गया है।

विवरण

(क) संविधान के कार्यकरण की समीक्षा करने की दृष्टि से, भारत सरकार ने, अपने संकल्प तारीख 22 फरवरी, 2000 के माध्यम से, न्यायमूर्ति एम.एन. वेकटांचलैया (भारत के सेवानिवृत्त मुख्य न्यायमूर्ति) की अध्यक्षता में राष्ट्रीय संविधान कार्यकरण समीक्षा आयोग की स्थापना की थी। समिति ने 31 मार्च, 2002 को अपनी रिपोर्ट सौंप दी थी। रिपोर्ट में की गई सिफारिशों पर कार्यवाई, भारत सरकार के उन विभिन्न मंत्रालयों/विभागों में निहित होती है, जिनका प्रशासनिक रूप से संबंध सिफारिशों की विषय-वस्तु से है। रिपोर्ट की प्रतियां, भारत सरकार के संबंधित मंत्रालयों/विभागों भेज को दी गई थीं जिससे कि उनकी जांच की जा सके और सिफारिशों की प्रक्रिया की जा सके।

(ख) से (घ) उन्हें देश में वर्तमान आर्थिक, सामाजिक और राजनैतिक स्थिति के अनुरूप लाने की दृष्टि से, भारत के संविधान का पुनर्विलोकन एक सतत प्रक्रिया है जिसे प्रसामान्यतः केन्द्रीय मंत्रालयों/विभागों द्वारा अपने कार्य के एक भाग के रूप किया जाता है। यह कार्य केन्द्रीय सरकार के विभिन्न नोडल मंत्रालयों/विभागों द्वारा अपनी-अपनी विधियों को प्रशासित करके आरंभ किया जाता है।

Review of the Constitution

†* 305. SHRI SHREEGOPAL VYAS: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the status of the efforts made so far to review the Constitution;
- (b) whether the constant increase in the number of Bills being moved to amend the Constitution indicates the need for such a review;
- (c) whether any person /group is studying this matter and advising the Ministry; and
- (d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (d) A statement is laid on the Table of the House.

Statement

(a) With a view to reviewing the working of the Constitution, the Government of India, through its Resolution dated 22nd February, 2000, set-up The National Commission to Review the Working of the Constitution, under the Chairmanship of Justice M.N. Venkatachaliah (Retired Chief Justice of India). The Commission submitted its report on 31st March,2002. Action on the recommendations made in the Report lies with various Ministries/Departments of the Government of India, which are administratively concerned with the subject matter of the recommendations. Copies of the Report were forwarded to the concerned Ministries/Departments of the Government of India, to examine and process the recommendations.

(b) to (d) Review of the Constitution of India, with a view to bring them in harmony with the current economic, social and political situation in the country, is a continuous process normally done by the Central Ministries/Departments as part of their business. This task is undertaken by the different nodal Ministries/Departments of the Central Government administering their respective laws.

श्री श्रीगोपाल व्यास: धन्यवाद महोदय, मुझे क्षमा कीजिए मेरा गला खराब है, मैंने माननीय मंत्री जी को लिख कर दिया है, अगर वे उत्तर देंगे तो अच्छी बात है। फिर भी मैं बोलता हूँ।

†Original notice of the question was received in Hindi.

श्री सभापति: देखिए, आप बोल लीजिए, क्योंकि कोई सिस्टम नहीं है रिटन सप्लीमेंट्री का।

श्री श्रीगोपाल व्यास: इनके उत्तर से ऐसा लगता है कि संविधान समीक्षा की रिपोर्ट सदन को नहीं दी गई है? यदि नहीं दी गई है तो कृपया बताइए कि संविधान समीक्षा की रिपोर्ट सदन में कब रखी जाएगी?

SHRI M. VEERAPPA MOILY: Sir, in fact, after this report was considered by the Cabinet in the year 2002, it was noticed that the Commission had made a total of 239 recommendations. Of these, 58 recommendations relate to amendment to the Constitution; 86 relate to legislative measures and the remaining relate to executive action. That is how a decision was taken by the Cabinet in 2002. All these recommendations have been sent to various administrative Ministries. In fact, the Department of Justice is concerned with the recommendation Nos. 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134 and 138. Of course, no attempts have been made to tabulate and follow up these recommendations. In fact, it is the duty of the respective administrative Departments to follow it up. Now I have written to all the Departments/Ministries to let us know the position. In fact, a number of actions have been taken both on the legislative side and the governance side, including the constitutional side. So we are not in a position to tabulate it. Maybe, some day, I will tabulate it and circulate to all the Members of the House so that everybody could know the exact status of the implementation of these recommendations.

श्री श्रीगोपाल व्यास: महोदय, 2002 में यह रिपोर्ट दी गई है, मैं तो 2006 में आया हूँ। मैं देखता हूँ कि बहुत सारे संविधान संशोधन विधेयक लाए जा रहे हैं और बहुत मूलभूत प्रकार के हैं। उसमें देश का नाम-इंडिया, हटाने का भी है, हमने भी किया है उधर से भी किया है और अनेक ऐसी बातें हैं। तो इन सब का विचार करके, यहां तक भी है कि प्रियम्बल में भी संशोधन किए गए, जो आपातकाल में जबरदस्ती लाए गए थे सोशलिज्म और सेक्युलरिज्म, उसको हटाने के लिए सरकार खुद कब पहल करेगी?

SHRI M. VEERAPPA MOILY: Sir, the Cabinet took a decision on 2nd April, 2002. We cannot say that all recommendations will be put together because they pertain to various administrative Ministries. Practically, it is not done and it is not feasible also. That is why I am saying, to apprise the hon. House of the implementation, we will tabulate and circulate to everyone so that they can know the position as on today. Of course, some far-reaching changes have also been recommended.

Some of the recommendations, I can say by perception, have not been accepted. Some recommendations have been processed. That is why I will not be in a position to give an honest and specific reply as on today, since that kind of a tabulation has not been done.

श्री मोहन सिंह: सभापति महोदय, वेकटांचलैया कमीशन की रिपोर्ट माननीय मंत्री जी के अनुसार विभिन्न मंत्रालयों को सुपुर्द कर दी गई थी। उस रिपोर्ट के बारे में मंत्रालयों ने अपनी क्या राय बनाई, इस पर क्या कोई रिव्यू भारत सरकार ने स्वतः किया और उसकी रोशनी में भारतीय संविधान की विभिन्न धाराओं में परिवर्तन के बारे में अभी भी भारत सरकार का कोई इरादा है या नहीं?

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I am already on record that all these recommendations have been sent to respective Departments/Ministries. I would again like to say that attempts will be made to obtain the tabulation to apprise the House of the details as on today. I may not be in a position to do it because it is for the respective Administrative Departments/Ministries to act upon it. And, it is also not correct to say that none of the recommendations is implemented. A number of recommendations have been implemented in all these sectors.

MR. CHAIRMAN: Prof. S.P. Singh Baghel. ...*(Interruptions)*...

SHRI PRAVEEN RASHTRAPAL: Sir, you are not looking at this side, I was the first one to raise my hand.

प्रो. एस.पी. सिंह बघेल: महोदय, जैसा कि हम सबको मालूम है।...*(व्यवधान)*... करोड़ों लोग गरीब, पिछड़े, दलित, अल्पसंख्यक, डिप्रेस कार्ट के हैं, करोड़ों लोग गरीबी रेखा के नीचे जीवन-यापन करते हैं। समय-समय पर संविधान में संशोधन होते रहे हैं और संविधान की प्रस्तावना में भी संशोधन होते रहे हैं।

श्री सभापति: आप सवाल पूछिए।

प्रो. एस.पी. सिंह बघेल: सभापति महोदय, मेरा प्रश्न यह है कि यद्यपि बाबा साहेब अम्बेडकर जी द्वारा लिखित संविधान की मूल आत्मा नष्ट नहीं होनी चाहिए, लेकिन मैं सरकार से यह जानना चाहता हूँ कि क्या सरकार संविधान की प्रस्तावना में समता मूलक सम्पन्नता राज्य को जोड़ना चाहेगी?

SHRI M. VEERAPPA MOILY: Sir I do appreciate the sentiments expressed by the hon. Member. Of course, there are certain basic features of the Constitution which are not being disturbed, and these have stood the test of law. But, the only question is that our society is dynamic;

democracy is dynamic; and that is why, if my memory is correct, 94 Amendments to the Constitution have come into force so far; that means, we have been amenable to such Amendments, as and when it was necessary. This was done in conformity with the intention and aspiration of Dr. Babasaheb Ambedkar, who said, "if it remains static, then, it may explode somewhere." So, we will not allow that to happen. Aspirations of the people are being fulfilled, and we need to respond to them, either by legislative measures, or, governance measures, or, Constitutional measures.

MR. CHAIRMAN: Shri Praveen Rashtrapal. But please note that agitation in the House is not expected of Members of the Council of States. Now, please go ahead with your supplementary.

SHRI PRAVEEN RASHTRAPAL: Sir, I strongly protest the very suggestion of removing socialism and secularism in the form of a question. Reviewing the Constitution is not a job of a group or a person. In fact, the hon. Minister should come out with a reply that Parliament is supreme and the people...

MR. CHAIRMAN: Is it your supplementary?

SHRI PRAVEEN RASHTRAPAL: Is it true that the Supreme Court and we have agreed that there are certain basic features in the Indian Constitution, that is, the Preamble, the Fundamental Rights and Directive Principles, and that nobody could tinker with them and no review could be done? Is that true? I want a reply from the hon. Minister.

SHRI M. VEERAPPA MOILY: Sir, it is too general a supplementary. I don't think it is a specific thing which I am required to answer.

MR. CHAIRMAN: Question Hour is over. We have a Short Notice Question. ...*(Interruptions)*... Let us complete the Question. ...*(Interruptions)*... I think the Member is not there. Now, Papers to be laid on the Table. आप पेपर्स ले हो जाने दीजिए।...*(व्यवधान)*...

WRITTEN ANSWERS TO STARRED QUESTIONS

Lack of transparency in judicial appointments

*306. DR. GYAN PRAKASH PILANIA: Will the Minister of LAW AND JUSTICE be pleased to state: