

Fourteenth Lok Sabha**Session : 11****Date : 30-04-2007****Participants : [Francis George Shri K.](#), [Patil Shri Shivraj V.](#), [Radhakrishnan Shri Varkala](#)**

Title: Regarding reported constitution of a Commission by Central Government to review the Centre-State relationship.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I rise to raise an important constitutional matter. It has been reported in the Press that the Government of India had recently appointed a Commission with the former Chief Justice as its Chairman and Shri Madhav Menon as its Secretary, for reviewing certain issues concerning the functioning of the Constitution. It has been specifically ruled in the Keshavanand Bharti case that federalism and separation of powers are the basic features of the Constitution. This decision has been upheld by the Nine-Member Bench recently also. That decision has even constrained the position of Parliament.

MR. SPEAKER: What is your point?

SHRI VARKALA RADHAKRISHNAN : That being so, can the Executive appoint a Commission to review the basic features of the Constitution? It has been decided that the Central Paramilitary forces can be sent to any State without its consent. This is clearly a law and order matter and it is clearly a State subject.

MR. SPEAKER: But this Committee is to review the Centre-State relations. You are asking questions which are not relevant.

SHRI VARKALA RADHAKRISHNAN : Is the Central Government competent to appoint a Commission to review the matter concerning Centre-State relations? ... (*Interruptions*)

MR. SPEAKER: Shri Krishnadas, please sit down; it has become a bad habit to stand up always.

SHRI VARKALA RADHAKRISHNAN : Sir, it is a federal matter; it is the basic feature of the Constitution. ... (*Interruptions*)

MR. SPEAKER: Okay. You have raised it.

SHRI VARKALA RADHAKRISHNAN : It cannot be reviewed. So, I request the Government to review that decision of the Government. The Government has no power to do it. ... (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA : Sir, it is a very important matter and we should discuss. ... (*Interruptions*)

MR. SPEAKER: I agree with you. Let a proper notice come; certainly we will do it. I have allowed him to raise the matter.

SHRI VARKALA RADHAKRISHNAN : Sir, the Government has no power to interfere with that. ... (*Interruptions*)

SHRI K. FRANCIS GEORGE (IDUKKI): Sir, the Government of India had announced the setting up of a Commission to examine and to re-define the Centre-State relations. In fact, I welcome that step. Why? The first Commission in this regard was headed by Justice Sarkaria, 20 years back. Many developments have taken place in this country after that, politically and economically, and also in matters relating to the internal security. So, it is only a right step that we examine the Centre-State relations. But the point is in the way it was done. There is something lacking there, in the sense that this kind of a Commission should have been set up after proper consultations with the States.

MR. SPEAKER: Very well. You welcome the appointment of the Commission, but you do not like the method.

SHRI K. FRANCIS GEORGE : The terms of reference as reported in the Press is that it adds to the powers of the Centre, which are very vital issues concerning the States. ... (*Interruptions*)

MR. SPEAKER: Please conclude.

SHRI K. FRANCIS GEORGE : Let me conclude.

They are very vital issues concerning the States.

MR. SPEAKER: Everything is vital. Your personal issues are vital; your constituency matters are vital; everything is vital.

SHRI K. FRANCIS GEORGE : There are important matters like sharing the Central assistance, transfer of Centrally-sponsored schemes, etc.

MR. SPEAKER: No, sorry; nothing more will be allowed.

SHRI K. FRANCIS GEORGE : No commitments have been made in the National Common Minimum Programme.

So, I would request the Government to have wider consultations with the Chief Ministers through the forum of NDC and then only finalize it. ... (*Interruptions*)

MR. SPEAKER: Shri Anwar Hussain.

... (*Interruptions*)

MR. SPEAKER: Okay; please sit down. I have called another hon. Member. When I call the next hon. Member, you should sit down. Please sit down. Shri Hussain.

SHRI ANWAR HUSSAIN (DHUBRI): Sir, I thank you for giving me the opportunity to raise a very important matter.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, I want to say something.

MR. SPEAKER: Okay.

SHRI SHIVRAJ V. PATIL: Sir, a very important issue has been raised by the hon. Members in the House. This matter was discussed between the UPA partners and a decision has been taken.

PROF. VIJAY KUMAR MALHOTRA : Sir, it is not the question of UPA partners. The whole House is concerned about this. ... (*Interruptions*)

MR. SPEAKER: Yes, I agree certainly with your suggestion.

PROF. VIJAY KUMAR MALHOTRA : If he wanted to discuss it, he should have discussed it with all the leaders of the House. ... (*Interruptions*)

MR. SPEAKER: I have already agreed to allow a discussion, as you have suggested. Please give a notice and we shall have it.

SHRI SHIVRAJ V. PATIL: It would have been better if a regular notice would have been given and a right opportunity would have been given. But I would like to bring to the notice of the hon. Members of the House that the Sarkaria Commission was appointed; it gave a report. That report was discussed in the Inter-State Council meeting. [[MSOffice22](#)]

The recommendations of the Inter-State Council were discussed in the Cabinet and decisions have been taken. This Committee is going to discuss different issues. Commission is not going to come to any conclusions without discussing with the Chief Ministers and other concerned parties, as mentioned earlier. It will take a long time. The Chief Ministers and Party Leaders will be involved in the discussion. ... (*Interruptions*)

MR. SPEAKER: Interrupting the hon. Minister without the permission of the Chair and without the Minister yielding is a very bad habit. Anything can be done in this House! Please take your seat.

... (*Interruptions*)

SHRI SHIVRAJ V. PATIL: At least hear me what I am saying. As is suggested by the hon. Member, all concerned will be consulted. Then the outside people, the jurists, the judges, the lawyers, administrators and social workers will also be consulted. After that the Report will be given. That Report is not directly going to be the law of the country. It has to be considered, as we did with respect to the Sarkaria Commission in the Inter-State Council. In the Inter-State Council, there are Chief Ministers coming from other States. After that if any decision is taken, it will be considered by the Government. If any change has to be made after that, that can be made only with consultation. This was something which was suggested by many people. In deference to their suggestions this has been done. At this stage, let us not comment on this issue without going into the details because if we comment on this issue without going into the details without referring to the Terms of Reference and other things carefully, misunderstanding may develop which should not develop. I am willing to discuss this issue with the hon. Members privately, in the House or anywhere in detail but please do not make comments on this.... (*Interruptions*)

MR. SPEAKER: I thought it was obvious. For appointment there is no necessity to consult.

... (*Interruptions*)

SHRI SHIVRAJ V. PATIL: This Report will definitely come to the Parliament.... (*Interruptions*)

श्री देवेन्द्र प्रसाद यादव : अध्यक्ष महोदय, हमने भी नोटिस दिया था।

...(व्यवधान)

MR. SPEAKER: What can I do? You have to wait for it. Everybody cannot speak together. I have received notices from 23 hon. Members. Should I call all 23 Members together?