

RAJYA SABHA

*Saturday, the 9th August, 1975/18 Sravana,
1897 (A<fcr)*

The House met at eleven of the clock, Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

Statement by Minister correcting the replygrWSn in the Rajya Sabha on the 25thJuly,1974 to Unstarred Question 249

THE MINISTER OF STATE IN THE -
fSTRY OF INDUSTRY AND CIVIL
SUPPLIES (SHRI B. P. MAURYA) : Sir. I
bc| to toy on the Table a statemem (in I . gfish
:ind Hindi) correcting the reply given in the
Rajya Sabha on the 25th July. 1974, to
Unstarred Question 249, reg rding foreign
collaboration in cigarette companies. [Placed
in the Uibrary. See No. LT-9941/75]

Statement by Minuter Regarding Integrated Child Development Scheme

THE MINISTER OF EDUCATION, SO-
CIAL WELFARE AND CULTURE (PROF.
S. NURAL HASAN) : Sir. I beg to lay on the
Table a statement (in English and Hindi)
regarding the Integrated Child Development
Scheme. [Placed in Library. See
No. LT-9942./75]

THE CONSTITUTION (FORTY-FIRST AMENDMENT) BILL, 1975

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI H. R.
GOKHALE) : Sir, I beg to move for leave to
introduce a Bill further to amend the
Constitution of India.

33RSS/75—1

*The question was put and the motion was
adopted.*

SHRI H. R. GOKHALE : Sir. I introduce
the Bill.

Mr. Chairman, Sir, I move:

"That the Bill further to amend the
Constitution of India be taken into con-
sideration."

Hon'ble Members are familiar with the
provisions of article 361 of the Constitution
which relates to the protection of President
and Governors from legal proceedings. Clause
(1) of the article provides that the President or
the Governor shall not be answerable to any
court for the exercise and performance of the
powers and duties of his office. This,
however, does not restrict the right of any
person to bring appropriate proceedings
against the Government of India or the
Government of a State.

Under clause (2) of the said article, no
criminal proceeding whatsoever shall be in-
stituted or continued against the President or
the Governor in any court during his *term* of
office and under clause (3). no process for the
arrest or imprisonment of the President or the
Governor can be issued during his term of
office. Clause (4) refers to the civil
proceedings in which relief is claimed against
the President or the Governor and it is
provided that no proceedings can be instituted
until the expiration of two months next after
notice in writing has been delivered to the
President or the Governor, as the case may be.
Under the existing scheme of article 361,
therefore, the President or the Governor is not
answerable in respect of exercise or perfor-
mance of the powers and duties of his office
and is also immune from criminal proceedings
during the term of his office. There is,
however, no immunity in respect of civil
proceedings and the only condition