

RAJYA SABHA

*Saturday, the 9th August, 1975/18 Sravana,
1897 (Saka)*

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

PAPERS LAID ON THE TABLE

**Statement by Minister correcting the reply
given in the Rajya Sabha on the 25th July,
1974 to Unstarred Question 249**

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRY AND CIVIL
SUPPLIES (SHRI B. P. MAURYA) : Sir,
I beg to lay on the Table a statement (in
English and Hindi) correcting the reply
given in the Rajya Sabha on the 25th
July, 1974, to Unstarred Question 249,
regarding foreign collaboration in cigarette
companies. [Placed in the Library. See
No. LT-9941/75]

**Statement by Minister 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 Develop-
ment 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 in-
troduce 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 Govern-
ment 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) re-
fers to the civil proceedings in which relief
is claimed against the President or the Go-
vernor and it is provided that no proceed-
ings 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