

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**LOK SABHA
STARRED QUESTION NO. *128
TO BE ANSWERED ON 19.12.2018**

CONSTITUTION AMENDMENT

***128. SHRI JAGDAMBIKA PAL:**

Will the Minister LAW AND JUSTICE be pleased to state:

- (a) the reasons as to why Section 3 of the Constitution (44th Amendment) Act, 1978, has not been enforced or notified even after 40 years since the passing of the said Act;
- (b) Whether the Government is proposing to notify Section 3 of the Constitution (44th Amendment) Act, 1978;
- (c) if so, the time by which it is likely to be done; and
- (d) if not, the reasons therefor?

ANSWER

**MINISTER OF LAW & JUSTICE AND ELECTRONICS AND INFORMATION
TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

- (a) to (d) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN RESPECT OF LOK SABHA STARRED QUESTION NO. *128 DATED 19, DECEMBER, 2018.

(a) to (d): The subject matter of the question pertains to Article 22 of the Constitution of India which is the purview of Ministry of Home Affairs. While answering a similar question in Rajya Sabha on 09.08.2000 the Ministry of Home Affairs had said that Section 3 of the Constitution (44th Amendment) Act, 1978 seeks to amend clauses (4) and (7) of the Article 22 of the Constitution of India relating to preventive detention. The sub section (2) of section 1 of the Constitution (44th Amendment) Act provides that the Act shall come into force on a date to be notified by the Central Government in the official gazette and different dates may be appointed for different provisions of the Act. While others provisions have since been implemented the provisions relating to section 3 have not been notified so far. The matter has been considered by the Government in the Ministry of Home Affairs on different occasion and decision in this regard was postponed. No time frame can be given for issuing the notification. Additional inputs are being collected from the Ministry of Home Affairs.