

MR DEPUTY-SPEAKER When it is not moved, how can he understand the rationale of it?

SHRI CHITTA BASU In the matter of division of resources would he bear in mind the rationale which I have introduced in the form of my amendment?

MR DEPUTY-SPEAKER There is no amendment. Let us be very clear about it. If you are proposing some idea on which you want the re-act of the Member, that is a different matter. But if you are talking of a non-existent amendment because it has not been moved, there is no point in doing so.

SHRI CHITTA BASU Let us for the time being forget that there was an amendment. In the matter of division of resources, will the proportion of 75 per cent by the States and 25 per cent by the Centre be taken into consideration? May I have this assurance from him?

SHRI SIKANDAR BAKSHI I can not at all agree to such a positive division of resources.

MR DEPUTY SPEAKER The question is

That the Bill be passed.

The motion was adopted.

15 30 hrs

ADVOCATES (AMENDMENT) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) I beg to move

That the Bill further to amend the Advocates Act 1961 be taken into consideration.

The Bill is a very simple one. There are three matters that the Bill purports to deal with.

One is in regard to the Chairman and Vice-Chairman of the various Bar Councils of the States as well as the

Bar Council of India. Prior to 1976, before the amendment made in 1976, it was open to the members of each Bar Council, whether it was the Bar Council of a State or the Bar Council of India to elect their own Chairman and Vice-Chairman. It was only by an amendment Act passed in 1976 that this autonomous character of the Bar Councils was interfered with and their right to elect their own Chairman and Vice-Chairman was taken away. On the other hand this was substituted by an ex officio Chairman and an ex officio Vice-Chairman. One of the provisions in this Bill is that the old position, namely that of an elected Chairman and an elected Vice-Chairman should be restored so that the autonomy and the independence of the Bar may be restored. As the House knows the Bar Council has a very important role to play in a democracy. It has been playing an important role in our democracy. It had always been expected and in fact it was one of the objects of the Advocates Act to give autonomy to the Bar in its own functioning. Therefore it was considered that the Bar was a very responsible body should control its own affairs. The Chairman and the Vice-Chairman have a crucial role to play in the affairs of the Bar Council and therefore it should be for the Bars through their elected representatives who are the members of the Bar Council to elect their own Chairman and Vice-Chairman to discharge their function. That is the rationale behind these provisions of this Bill.

The other important matter, which is a subject matter of the Bill is the term of the Bar Council. Earlier the term of the Bar Council was four years. The Constitution has provided that the term of the Legislative Assemblies and the Lok Sabha would be five years. So it is proposed by this Bill to increase the term of the Bar Council also from four to five years. The reason would be that because elections are an expensive process and at the same time they have to take place periodically, the same pattern of five years as laid down for the Lok

Sabha and the Assemblies may also apply to these elected Bar Councils. Therefore, by this Bill it is sought to be provided that the term of an elected Bar Council shall also be five years instead of four years.

The third important matter that this Bill deals with is the problem of attorneys in the Calcutta High Court. A single category of advocates was sought to be provided for by the Advocates Act but before the amendment of 1976 there was a special provision for these attorneys who had not obtained a degree of Bachelor of Laws. They had to pass the preliminary, intermediate and final examinations which were conducted by the High Courts and after that they were enrolled as attorneys. By the 1976 Amendment Act this special category of attorneys was sought to be done away with. These attorneys existed in the Bombay and Calcutta High Courts. So far as the Bombay High Court was concerned they did not present any problem because before a person could be admitted to take the examination of attorneyship he had to be a law graduate and therefore they were entitled to enrol themselves as advocates and they got themselves enrolled. There was no problem.

So far as the Calcutta High Court is concerned the position was different. A person could be admitted for attorneyship without being a law graduate and many persons had got themselves enlisted for this course of attorneyship and many of them had already passed some examinations though not the final examination. The effect of this amendment of 1976 was—it is quite possible that this was a totally unintended effect. This aspect might have been lost sight of—that even those who had spent considerable time in learning all this about the law and so on and who had even passed the preliminary or the intermediate examination but had not passed the final examination before 31st December 1976 became the victims of perhaps an unintended hardship namely that they were not entitled to pass the final examination

The option left to them was to join a law course in a university and spend three years learning the same thing and then become an advocate. It was felt by the Government that this was an undue hardship and, therefore, it is sought to be provided by this Bill that the Calcutta High Court may be authorised to hold these examinations till 31st December 1980, so that all those who had already passed at least the first examination might be given an opportunity to take the final examination before 31st December 1980. So far as they are concerned indefinitely that institution cannot be carried. Therefore a view has been taken that for those who were serious and those who had at least passed the first examination, this authorization to the Calcutta High Court, namely to continue to hold examinations for three more years upto 31st December, 1980 be made so that there is no hardship to them. They may continue to have that course they may pass the intermediate examination as well as the final examination and thereafter there may be the provision for their enrolment as Advocates.

I do hope that so far as all these provisions which are sought to be introduced by the Bill are concerned these would be unanimously acceptable to the whole House because the object of the Bill as the House would appreciate is something which is laudable. It would be the function in a democracy to restore full autonomy to this important institution of the Bar and secondly to have a uniform five-year period which has been the usual term of the elected bodies and in order to save a little expense to apply the principle of five-year term to the elected Bar Councils also and to obviate the hardship in the case of Attorneys in the Calcutta High Court so that those who had taken the course already before the change was made, those who had passed at least one examination out of three examinations may be permitted to pass the other two examinations also. Of course, if they do not work and if they do not pass the final examination by the due date, namely 31st

(Shri Shanti Bhushan)

December, 1980, then they will not be entitled to this concession. If they work hard and pass the examination, there is no reason why they should be subjected to the hardship.

With these words, I commend this Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

DR. V. A. SEYID MUHAMMAD (Calicut): Mr. Deputy-Speaker, Sir, this Bill purports to replace the Ordinance which was promulgated on the 31st October, 1977. That means, the Ordinance was promulgated 14 days before the Parliament was to meet.

As all of us are aware, under article 123, the President has to be satisfied that a situation exists that justifies immediate promulgation of an Ordinance. Here, even the Statement of Objects and Reasons and a paper circulated, namely, the statement explaining the circumstance which necessitated immediate legislation by the Ordinance show that the only reason for promulgating this Ordinance was that the examination to be conducted by the Bar or the High Court, whatever it is, used to be conducted in January and, therefore, if it was not done by an Ordinance immediately there might be some delay. As to which is the date in January, whether it is the beginning of January or middle of January or end of January, we are not given any information. Is it such an important matter that the examination instead of being conducted in the first week of January, if it is conducted after 14 days, the heavens will fall and that he President should exercise the extra ordinary power of promulgating an Ordinance?

I recall, when we were in the Government, in respect of every Ordinance, whether it was 14 days or two months or three months before the Parliament was to meet, there was a

general attack against the Government for resorting to promulgation of Ordinances. In a small matter like this which is not of such dimension, the heavens will not fall if, instead of in the first week of January, the examination is held at the end of January. The Law Minister could have brought this Bill on the first day or the second day of this session. One points accusing fingers at others that the Congress Government was anxious all the time to rule by Ordinances. Take any Ordinance that we had passed. Was there any Ordinance, which we had passed, just for the sake of holding an examination at an early date? And the President is supposed to have been satisfied that such conditions existed that unless he promulgated the Ordinance, the Heavens would fall down. So, let us not have this sort of double talk. That is what I object to. If there was sufficient reason, I would certainly have supported it. Just 14 days before Parliament was to sit—without any disrespect to this Bill and to the matter involved, I say this; I may be forgiven to use this expression—for this absolutely insignificant matter in the whole scheme of the Constitution and the legislations in the country, you came with this Ordinance. You could have waited for 14 days and brought this Bill on the first or second day and got the sanction of the House. So, do not talk about high principles of democracy and attack us saying that we resorted to issuing Ordinances. You should not talk with the tongue in the cheek. That is what I object to.

Coming to the merits of this Bill, I had the privilege of piloting the Advocates Amendment Bill, 1976. At that time when I moved the Bill concerning the change from elected Chairmen of Bar Councils of States and elected Chairman of the Bar Council of India to the statutory method of appointing the Attorney-General for the Bar Council of India and the respective Advocate-General for the State, I gave the reasons elaborately why this change had to be

made. The reason given was this. In 1961 when the original Act was passed the provision was that the Attorney-General would be the Chairman of the Bar Council of India and the respective Advocate-General would be the Chairman of the respective State Bar Council. It was thought subsequently as the Law Minister has said now on democratic principles and for the autonomy of the Bar Councils it was necessary or advisable to have elected Chairmen instead of the statutory appointment of Attorney-General or the Advocate-General, as the case may be. That worked for a certain number of years. Now the hon. Law Minister has said that representations have been received from the public and the various Bar Associations criticising the change-over or going back to the 1961 provision namely appointing under the statute the Attorney-General/Advocate-General to the Bar Councils. I may tell him that representations galore—representations galore—were received at that time from the Bar Associations throughout the country that this system of election had practically destroyed the efficient and successful working of the Bar Associations when elections were held the Bar was divided money was spent and many of the practices which may correspond to, or be analogous to the corrupt practices in the other elections became a permanent feature of the elections for the Bar Councils. As I said representations galore were received. Consequently we thought that it was necessary to revert back to the 1961 position namely the appointment of the Attorney-General at the Centre and the Advocates-General in the States. When we introduced this provision I distinctly recollect I said certain unfortunate factors have developed and it is in view of those factors that we are making this change. If after some time it is found that things have altered and it becomes necessary and advisable to revert back to the position namely elected Chairmen we will

certainly do so. I recollect, I made that statement almost an assurance. I can understand the present provision if the Law Minister during the course of the last eight months and after the provisions of that Bill came into force has found that the Attorney-General being the Chairman of the Indian Bar Council and the Advocates-General being the Chairmen of the State Bar Council is detrimental to the interests of the Bar Councils and the efficient and successful working of the Councils and it was because of that that they were proposing the change. I say there is nothing of the sort nothing about the efficient working nothing about whether the situation has improved or deteriorated, except a bald statement that there has been criticism about this not stating which Bar Associations which State Bar Associations or which members of the public have voiced the criticism. The question is within these eight months has there been such a universal condemnation of the earlier provision? If so I have no objection in your coming forward with the proposed change. But which are those organizations what was the extent of the criticism what was the volume of voice of that criticism? Nothing has been said about that. There will be some criticism always and there was criticism and I distinctly remember when the Bill was mooted by me I had the occasion to travel throughout the country and going to a number of Bar Associations I found that a large number of the Bar Associations were equally divided on the issue in support of the change and against the change. I found that a majority of the Bar Associations were in favour of the change which we brought about by the 1976 amendment. After considerable thought and weighing the situation at that time we came to certain conclusions and changed the relevant provision and reverted back to 1961 position. Is it the case of the Government that within these eight months things

[Dr V A Seyid Muhammad] have changed so much, and the change-over which we brought about has been found to be absolutely unnecessary and harmful to the best interests of the Bar Association? Has the Government received sufficient representations in such a volume, such a magnitude that you want to bring about a change? I cannot quite understand that. If there are sufficient grounds and if the government is convinced, as I was while piloting the Bill at that time that it is necessary and is in the best interests of the Bar that a change should be brought about, certainly you go ahead. But my complaint is that on facts revealed, the change is justified. It is all right to invoke words like 'democracy' and say, We are doing everything in the name of democracy. Well and good. Now personally I have no objection to 5 years or 6 years or 7 years. You say that the elected bodies are always for 5 years. I do not know wherefrom the Minister gets that concept. For Legislative Assemblies and for Parliament yes it is all right, but for all elected bodies under the statute I do not think so. I remember one lawyer friend who is no more and who memory is very dear to many of the members of the Bar was requested by a certain American Bar Association spending some money and taking some trouble to formulate certain general principles of law in India and I was absolutely taken back when I found that one of the general principles formulated was that in the absence of the President, the Vice-President shall preside. That is supposed to be a general principle.

The Law Minister says that the elected bodies are elected for five years. I do not know where he got it from. Parliament—yes. Legislative Assemblies—yes. But for other statutory bodies this 5 year principle is just like that general principle which the lawyer friend formulated. But this sort of argument that elected bodies are generally for 5 years and, there-

fore, it should be 5 years, this sort of reasoning I am not prepared to accept.

With this observation, if the government is convinced, apart from invoking the word 'democracy' and resorting to this populist slogan-mongering, that in the best interests of the Bar there must be a change-over from the Attorney-General and the Advocate-General being the Chairmen of the respective Bar Councils I certainly support, but if it is only that just because it was done by the previous government and so you are bound to change it, whether it be good, bad or indifferent, if it is in that spirit I certainly cannot support it.

श्री गंगा सिंह (महौ) उपाध्यक्ष
महादय, मैं एडवोकेट्स (एमेडमेंट) बिल 1977 का सतर्क और समर्थन करता हूँ। आपान-स्थिति के दौरान कई काले कानून बनाये गये थे। 1976 में एडवोकेट्स एक्ट में जा एमेडमेंट की गई थी वह भी एक कानून बनाया है। मैं मन्त्रीय दोस्त न करता हूँ कि इस कानून का अर्थ क्या बताया गया। मैं ता मन्त्रीय मित्र यह हाल घबरा-भारी सरकार को प्रयासों के समर्थन का शक्ति था। मन्त्रीय मित्र भी चाहते हैं कि आपान-स्थिति का शोषण तब तक कि गये तब तक कानून, जो कि डेप्युटी के खिलाफ थे और कुछ समय के लिए चलने रहे।

उन्होंने कहा है कि जिन समय उन्होंने यह कानून बनाया था, उस समय बहाने की रिप्रेजेंटेशन-शक्ति आई थी। मैं कहना चाहता हूँ कि उन्होंने जब आपान-स्थिति की घोषणा की थी, तो उस का समर्थन करने के लिए दिल्ली में लोगों को एकत्र किया गया, और सरकारों में कहा गया कि सारा हिन्दुस्तान इमर्जेंसी का समर्थन करता है और उस के लिए हर जगह प्रदर्शन किये गये हैं। 1976 में एक कानून में जो एमेडमेंट की गई उस का समर्थन भी इसी प्रकार का था।

मेरे दोस्त कहते हैं कि इस कानून का क्रिटिसिज्म नहीं हुआ है और इसे बदलने के लिए कोई पब्लिक रिप्रेजेंटेशन नहीं आई है। उस के जवाब में मेरा कहना है कि पिछली सरकार ने डिक्टेटरशिप का जो कोई भी काम किया है, इस सरकार का कर्तव्य है कि वह उसे समाप्त करे। जनता ने ऐसा करने के लिए जनता पार्टी को चुनाव में मैडेट दिया है। जिस प्रकार एक ग्राह पानी में प्रवेश करते ही अपने तन्तु पाशों को सारे तालाब में फैला देता है और तालाब के अंदर जो जीव जंतु स्वच्छ-न्दता से चलते फिरते हैं उन सब को ग्रस लेता है, उसी प्रकार से श्रीमती इंदिरा गांधी और कांग्रेस ने अपनी तानाशाही द्वारा भारत की हर प्रकार की स्वतंत्रता को ग्रस लिया। उन तानाशाही कदमों को समाप्त करने के लिए यह एमेंडमेंट बिल लाया गया है उस का उन पक्ष को भी स्वागत करना चाहिए था। वह जो तानाशाही की जकड़ श्रीमती इंदिरा गांधी और कांग्रेस की थी वह सिर्फ गवर्नमेंट के इदारों तक ही नहीं थी, अखबारों की आजादी तक ही वह नहीं थी, उस ने जूडिशियरी की आजादी को ही समाप्त नहीं किया बल्कि ऐसे स्वतंत्र व्यवसाय जैसे ऐडवोकेटस का व्यवसाय है उस के अंदर भी उन्होंने अपनी तानाशाही को लागू किया। यह कौन सी तुक और तर्क की बात है कि बार कौंसिल के मेम्बर तो एलेक्ट हो कर आएँ और उन एलेक्टेड मेम्बर्स के ऊपर उन का चेयरमैन गवर्नमेंट की तरफ से ही, गवर्नमेंट का आदमी हो? यही बात बार कौंसिल आफ इंडिया में की गई और यही चीज स्टेट बार कौंसिल के लिए की गई। दिल्ली की बार कौंसिल के लिए तो यह प्रावधान था उस का चेयरमैन गवर्नमेंट नामिनेट करेगी। तो इन चीजों को खत्म करने के लिए सरकार ने जो यह कदम उठाया है वह प्रशंसनीय है और उस का सब तरह से समर्थन होना चाहिए।

एक बात मैं मंत्री जी से कहना चाहता हूँ कि स्टेटस को मेन्टेन होना चाहिए लेकिन अब जो चेयरमैन बनेंगे वह वही चेयरमैन नहीं

बनेंगे जो कि पहले थे। 1976 में जब यह एमेंडमेंट लाया गया तो उस समय एलेक्टेड चेयरमैन बार कौंसिल आफ इंडिया के थे और स्टेट कौंसिल के चेयरमैन भी एलेक्टेड थे लेकिन ज्यों ही 1976 का एमेंडमेंट आया एटार्नी जनरल तो बार कौंसिल आफ इंडिया के चेयरमैन बन गए और ऐडवोकेट जनरल स्टेट बार कौंसिल के चेयरमैन बन गए। तो मैं चाहूँगा कि जब यह बिल ऐक्ट की सूरत में आए तो जो चेयरमैन उस समय एलेक्टेड थे वही चेयरमैन फिर से बनाए जायें।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI SASANKASEKHAR SANYAL (Jangipur): My hon. friend the Law Minister has put me in a critical predicament. I was born into the Bar in the year 1926 and before that I was born into politics in the year 1921. All along I have been opposing the Government of the day. But, today, against myself, against the traditions of my past, I have to wholeheartedly support the Bill which has been introduced.

So far as the question of ex-officio or elected Chairmanship is concerned, my hon. friend from the congress benches was very eloquent and he talked in cultivated confidence when he said that no complaint was ever made by anybody against the ex-officio Chairman.

DR. V. A. SEYID MUHAMMAD: I did not say that. I must correct that, I said that in respect of the large number of Bar Associations, the opinion was equally divided.

SHRI SASANKASEKHAR SANYAL: I think I have also understood correctly what you have said.

(Shri Sasankasekhar Sanyal)

15.59 hrs.

[DR. SUSHILA NAYAN in the Chair]

Madam, I have travelled far and wide as a lawyer and a politician from district to district and from State to State. I have had the opportunity of being a member of the Select Committee on the Advocates Bill when Mr. Hathi was the Chairman. On the face of it, in the democratic traditions, putting the Attorney-General or the Advocate-General on the top as a Government nominee is an odious thing in itself and should be removed.

And there had been complaints that they are very busy lawyers and they are poised upon the Bar Council; they have no time to look after their affairs and therefore that proposal of the Bar Council of India had to be negated by various means.

16 hrs.

In West Bengal, to-day the UDF is in power and the C.P.M. is a major party there. The Advocate General is Shri Snehansujiarya who belongs to CPM and even the CPM for the sake of democracy generally try to take advantage of the present law. They welcome the Bill that has been introduced by the Law Minister to-day. We all applaud and welcome that part of the Bill.

But, so far as the term is concerned, the term five year may be all right. But, what really troubles us is this. I would expect the hon. Minister to consider whether or not this is reasonable or possible to see that nobody gets the monopoly of this term. There is a competition even amongst the lawyers because the Members of the Bar Council are going to be the Executive and all that. Therefore, the lawyers who have enjoyed once should not be permitted to run for this contest for the next term. In this way the wheel of democracy can go on.

So far as the problem is concerned, opportunity is being given mainly to persons who have been in the line all

along. They have now to pass an examination. Suppose somebody who has been in this profession for thirty years as an effective lawyer with all the confidence, by some accident, fails—after all the examination is an artificial thing and if I am asked to sit for the examination of three hours' duration and if I am asked to answer six questions, I may fail—what will happen to him.

This aspect of the thing has to be considered by my hon. friend, the Minister. My hon. friend has referred to his profession as a noble one and a democratic one. We are all noble in the democratic society—there is no doubt about it. We have to see one thing that this class when they enter into the profession, enter without any security and, whenever they fail in their examination, they have no security. Suppose you enter into a court. You will find there a sitting judge as a stipendiary and potential pensioner and he is looked after well. But, we the lawyers who have spent their lives at the altar of justice or at least many of us are stranded and they all die unsung and unwept. After all it is a socialistic approach in the socialistic society. In this democracy we all talk of law and order. The wheel of the law is greased by the lawyers. Shri Shanti Bhushan, the Minister and myself as a lawyer have to oil the machine. Though we are humble lawyers we are very strong potentially and we have succeeded by luck and pluck. Shri Shanti Bhushan is a fit person and he seems to be lucky. There are lawyers who have failed and who are neither lucky nor plucky. By and large, there are others a majority of whom are plucky but not lucky.

Therefore I request the hon. Minister a lawyer, having done some good for the cause of the brother lawyers, has to find out ways and means by which they are looked after well by the States.

Every lawyer talks things politics but not a large section of them were activists in politics. They are the

brain trust of society. What about those persons whom the government have not looked after at all? Make some provisions for their permanent benefits, for their contingency benefits, for their old age benefits, make some provision for their death benefits. Because after all the strength of the chain is the strength of the weakest link and the brain trust of the society is the weakest link. Unless the lawyers are given a life of security and serenity, brains will not develop and we shall not be able to race against anti-socialism towards socialism and liberation.

श्री दुर्गा चव (कागडा) सभापति महोदय एडवोकेट प्रमेडमेट बिल जो हाऊस में पेश किया गया है उसकी जितनी सराहना की जाए उतनी कम है। जहाँ तक इस देश में बार काउंसिलो का सम्बन्ध है, मैं समझता हूँ कि शुरु में ब्राजादी की शमा जलाने वाले लोग थे वे इसी बार प्रोफेसन से निकले थे। चाहे वे महात्मा गांधी हों, चाहे पंडित मोतीलाल नेहरू हों चाहे पंडित जवाहर लाल नेहरू हों, डॉ० ब्रम्बेदकर हों, भूलाभाई देसाई हों, मृत्युमूर्ति हों ये सभी लोग इसी प्रोफेसन से प्राये थे। इन्होंने ब्राजादी के दिनों में जो काम किया वह भारत के इतिहास में सुनहरी अधारों में लिखा जाने वाला है। यह प्रोफेसन इतना सेकेड था कि इसमें प्राये लोगों ने जम्हूरियत की शमा को जलाने के लिए भी सबसे प्राये बंदम उठाये।

1961 में एक कानून बना था कि देश में जितनी भी बार काउंसिल्स हैं, चाहे वे स्टेट लेवल की हों, डिस्ट्रिक्ट लेवल की हों, नेशनल लेवल की हों, उनकी बार काउंसिल्स बनायी जाए और वे बार काउंसिल्स इलेक्टिड हों। उनके प्राफिस होल्डर्स भी इलेक्टिड हों। मैं समझता हूँ कि बार के लोगों को इस कानून पर अधिमान था। लेकिन एमर्जेन्सी के दिनों में जिस तरह से प्रीर लिबरटीज को खत्म कर

विषय गया उसी तरह से हमारे इस कानून को भी खत्म कर दिया गया। हमारे मोटरिंग डा० सैयद महमूद साहब ने एमर्जेन्सी कानून को डिफेंड किया। मैं समझता हूँ कि एक भ्रष्टा एडवोकेट हर चीज को डिफेंड कर सकता है, यहाँ तक कि ऐसी चीज को भी जो कि अनडिफेंडबल हो। 1976 में जहाँ हमारी दूसरी लिबरटीज को खत्म किया गया वहाँ हमारे एडवोकेट एक्ट में भी प्रमेडमेट कर दिया गया। जिसके द्वारा सरकार ने लोगों पर हर जगह तानाशाही शासन की कोशिश की। वही चीज बार काउंसिल्स पर भी लादी गयी। कांग्रेस के लोगों और कांग्रेस के भाइयों की तरफ से इस प्रमेडमेट बिल का जो क्रिटिसिज्म किया जा रहा है, मैं नहीं समझता कि वे किस बात का क्रिटिसिज्म कर रहे हैं। उनको करना नहीं चाहिये था। उन्होंने एक बात कही है कि प्राइनेन्स जारी नहीं करना चाहिये था और चौदह दिन के बाद लोक सभा बैठने वाली थी हमारे पास दरखास्ते भ्राई थी हमने एमेड किया। मैं पूछना चाहता हूँ कि प्रापकी सरकार के पास कौन सी दरखास्ते भ्राई थी कि प्रापने एमेड किया जा इलेक्शन में हमें मैडेड मिला है उसको हम पूरा कर रहे हैं। हम इस बात को ले कर चले थे कि एमर्जेन्सी में जो गलत काम हुए हैं उनको यह सरकार खत्म कर देगी। फिर चाहे वह प्राइनेन्स के जरिये खत्म हो या लोक सभा में उन चीज को लाकर खत्म करवाया जाए, उनमें कोई ऐसी बात नहीं है। जो गलत बात है जो गन्दी बात है उसको जल्दी खत्म किया जाए तो उसका स्वागत ही किया जाना चाहिये। प्राप अपने को जम्हूरियत का पासबा समझते हैं। प्रापको तो इस चीज का समर्थन करना चाहिये था। लेकिन प्रापने इस चीज को उलटी शकल दे कर यहाँ पर पेश करने की कोशिश की है। इस तरह से जनता को प्राप गुमराह नहीं कर सकते हैं। माननीय सदस्य भ्रष्टी तरह से भ्रवगत हैं इन बातों से प्रीर भ्रष्टी तरह से जानते हैं कि एमर्जेन्सी के

[श्री दुर्गा प्रन्व]

विशेष के प्रकार के देश के साथ कितना उपहास किया गया, अन्ततः के साथ कितना मजकूर किया गया।

ला मिनिस्टर ने इस बिल में जो गलत बातें थीं उनको खत्म कर दिया है और ऐसा करके उन्होंने प्रच्छा किया है। वार एसोसिएशन से हमारी कुछ ट्रेडीजज जुड़ी हुई हैं। वहा से पोलिटिकल सीडरें निकलते आए हैं, बड़े-बड़े जज निकलते आए हैं, बड़े-बड़े सियासत-दान तथा दूसरे प्रोफेशनलज निकलते आए हैं और उन्होंने देश का नाम रोशन किया है। ऐसी हस्तिया वहा से फिर निकल सकें, यह माहौल अगर हम इन वार एसोसिएशन को कायम करेंगे तो प्रच्छा होगा। कोई कब्जे इस पर नहीं लगनी चाहिये। ऐसा हमने किया तो योग्य पुरुष वहा में निकलेंगे और हमारा प्रजातन्त्र और संविधान हमेशा के लिए चाब रहेगा।

एक और चीज देखने को मिली है। एयर-जेसी के विनो के कुछ बकीलो को परचेज किया गया, कुछ धादधियों को खपने सम्बंध में खारा गया और तरह तरह के हब तब इस्तेमाल किए गए संविधान को डिस्टार्ट करने के लिए। ऐसी ऐसी हस्तिया जोकि हमारे देश को मिली हैं, कास्टीट्यूशन की वडोसत मिली हैं और अन्तर में हस्तिया खत्म हो गईं तो न लोक सभा रहेगी और न वार एसोसिएशन। आज यहां पर हमें बोलने किल्लाने की भाजारी है, कमत का सही हब कह सकते हैं, जो हमारी लज्ज में आता है वह सब न कर सकते हैं, और हमें कोसिल करने चाहिये कि जो बोलने की भाजारी हमें मिली है वह बहाल रहे। वह भाजारी भी दो साल तक काम नें खीन ली थी। दो साल तक वहा बैठे बैठे भाप क्या करते रहे हैं। जो सरकारें इकतबार खेद है जो उनके मन में आता था करते थे और भाप बूँतें बने बैठ रहे, भापके मुँह में खामज तक नहीं

थी और भाप कोई बात नहीं कर सकते थे। उस वक्त कानून और संविधान को डिस्टार्ट करके देश के पब्लिक के साथ खिलवाड़ होती रही और भाप चुपचाप बैठते रहे। यह ठीक नहीं था।

मैं यही महोदय को इस बिल को लाने के लिए मुबारकबाद देता हूँ। यह बहुत प्रच्छा कानून है और मैं चाहता हूँ कि इसको एक मत से पास कर दिया जाए।

*SHRI A MURUGESAN (Chidambaram) Madam Chairman, on behalf of my party, the All India Anna Dravida Munnetra Kazhagam, I rise to say a few words on The Advocates Amendment Bill

Madam, this Bill seeks to undo the classic Emergency Excess perpetrated on the people of India by the former Congress Government at the Centre. The autonomy of the State Bar Councils was appropriated by the then autocratic Central Government during the period of Emergency. It was an irony that this was initiated at the instance of a former Chief Justice of a High Court who happened to be the Law Minister. Though there was opposition all over the country for the amendment of the Advocates Act 1961 in 1976 the voice of dissent was stifled by the fear of consequence of such an opposition during Emergency.

During the General Elections the Janata Party assured the people that if the people voted the Janata to power the pre-emergency position of the Advocates Act would be restored and the amendment passed during the Emergency would be repealed. I am glad that the President issued the Ordinance for this purpose and this Bill is replacing that Ordinance.

I am grateful to the Central Government for having restored the autonomy of the State Bar Councils and

also for extending the tenure of membership of the State Bar Council from four years to five years

Before I conclude, I would request the hon Law Minister that he should bring forth a legislative measure which would permanently prevent any Government in future to make such amendments to the laws of the land

With these words I conclude my speech

डा० रामजी सिंह (भागलपुर) सभा-पति महोदय, मैं तो इस विधेयक के लिये अपने कानून मंत्री श्री शान्ति भूषण को क्रांति भूषण कहना चाहता था और उन के अभिनन्दन के लिये ही उपस्थित हुआ था कि उन्होंने तानाशाही के बाले घब्बे को मिटाने के लिए एक बहुत ही सराहनीय कदम है। लेकिन जब दूसरे पक्ष के बड़े अनुभवी मित्र की टिप्पणी सुनी तो मैं अवाक रह गया कि आज भी जब सचमुच में परतलता की बेड़ी खत्म हो गई है फिर भी आज ऐसे कानूनों के समर्थन के लिये लोग खड़े हो जाते हैं जो हमारे और आप के दोनों के माथे पर कलक है। अभी माननीय सदस्य ने बताया कि ससद शुरू होने के 14 दिन पहले यह बिल पेश किया गया था और यह उन को बड़ा अक्रान्तिकारी काम लगा अजनतांत्रिक काम लगा। लेकिन सचमुच में स्वतंत्रता अंगर 14 दिन पहले ही आ जाती है तो वह कितनी अच्छी बात होती है। अंगर भारत 15 अगस्त के बखले 1 अगस्त को आजाद हो जाता तो माननीय सदस्य को कितनी खुशी होती। इस लिये बार काउन्सिल पर जो परतलता का घब्बा लगा हुआ था अंगर हमारे कानून मंत्री जो उसको 14 दिन पहले अध्यादेश जारी कर के समाप्त कर देते तो उन को खुशी जाहिर कलगी चाहिये। उनको इस का विरोध था कि अन्दोलन में मनोवयन की अज्ञानता लक्ष्य कर के अखण्डिक परम्परा

शुरू की। हमारे माननीय सदस्य को भाव्यम होना चाहिये कि जनता सरकार के समय में जनतंत्र का समय है और अब तानाशाही खत्म हो गई है। जनतंत्र के किसी भी सिद्धान्त में मनोवयन का सिद्धान्त नहीं आता। इसलिये मुझे ताज्जुब हुआ कि हमारे माननीय विधि वेत्ता सदस्य होकर भी जनतांत्रिक प्रणाली पर इतनी चोट क्यों करते हैं। माननीय जार्ज फर्नेन्डीज बंटे हुए हैं उन्होंने दो दिन पहले बयान दिया कि इस देश में अभी भी ऐसे लोग मौजूद हैं जो तानाशाही का समर्थन करते हैं। मुझे दुख है कि हमारी ससद में भी ऐसे लोग हैं जो तानाशाही के कदमों का समर्थन करते हैं। उनका कहना है कि उन के चुनाव से बार काउन्सिल डिबाइडेड हो जायेगी उन में झगडा हो जायेगा। तो क्यों नहीं सांग चुनाव को ही समाप्त कर दें। कोई झगडा नहीं होगा। कोई विरोधी दल नहीं होगा। जनतंत्र न अंगर मल की भिन्नता से भी होता है वो किसी तानाशाही देश में संरक्षण लेना चाहिये। जनतांत्रिक देश में हमें रहने का कोई अधिकार नहीं है।

एव आलाचना हमारे सामने यह आई कि नार्ज नम्बर आफ बार एसोसिएशनस ने इसका समर्थन किया था। कब किया था? जब हमारी और आपकी जवान बन्द थी। जिस समय अखबारों पर इस शताब्दी की सबसे खौफनाक पाबन्दी लगी हुई थी जिस समय आप प्रशस्ति गान करते थे। उसी समय ही आलाचना और प्रत्यालोचना समाप्त हो गई जब आप के दल के भीतर दुर्गा शक्ति का प्रादुर्भाव हुआ। आज उस दुर्गा शक्ति का अनावरण हो रहा है। माननीय सदस्य ने जो यह बात कही कि उसका समर्थन हुआ था वह बिल्कुल गलत बात है।

एक बात और माननीय सदस्य ने इस विधेयक के विरोध में कही कि

[श्री रामजी सिंह]

जब हम नीमिनेट कर देने तो बड़ी झच्छी तरह से काम चलेगा। लेकिन झच्छा जबाब दिया हमारे एक माननीय सदस्य ने कि जो सरकारी वकील रहते हैं, आप लोग जानते हैं, उन्हें समय कम रहता है। सचमच में जब उन्होंने यह आलोचना की तो मुझे ज्यादा धाश्चर्य नहीं लगता क्योंकि वह तो न्यायपालिका की प्रतिबद्धता को मानते थे। वह तो सिद्धा की प्रतिबद्धता के सिद्धान्त को मानते हैं, कमिटेड जुडिसियरी, कमिटेड एजुकेशन और कमिटेड डेमोक्रेसी, इस सिद्धान्त को मानने वाले थे, इस से विपरीत और कोई संशोधन और सुझाव की हम आशा नहीं करते हैं।

इसलिय हम उन के तर्कों का क्या जबाब दें ? हम अपने शान्ति भूषण जी के नहीं शान्ति भूषण जी के इस विधेयक का समर्थन करते हैं।

श्रीबरी बलबीर सिंह (होशियारपुर)

सभापति महोदय, अमेरिका में जब गुलामों को आजाद किया गया तो वह बेचारे बड़े हैरान हुए कि अब हम क्या करेंगे। ये बेचारे गुलामी से आजाद हो गये हैं और कहते हैं कि हमें यह गाजाबी रास नहीं आएगी। एक पुरानी बात मैं कहता हूँ। एक कुम्हार अपने गधे को पान पर ले जाता था और उस की दाँटों पर पकड़ कर उठा देता था। वह गधा समझता था कि उसे रस्से में बांध दिया और वह सारी रात बधा रहता था। इसी तरह यह रस्सा अब इन का खोल दिया गया लेकिन यह समझते हैं कि हमें रस्से से बाधा हुआ है और कोई बात नहीं है।

आप बताइये कि जिस राज्य में बोलने की इजाजत नहीं थी, वकील अदालत में पेश नहीं हो सकते थे, मैं आज भी सिद्धा चरण मुकल को बधाई देता हूँ कि उन्होंने शाह कमीशन के सामने साफ कहा कि मैं जिम्मेदार हूँ, मैंने हुकम दिया था।

आप वकीलों के बयान, जो उन्होंने शाह कमीशन के सामने दिये हैं, पढ़ लें, हरेक ने यही कहा है कि हमारी इज्जत बन्धी थी, वह फैसला इन्धरा जी ने किया था। ये अपनी जमीन फरोशी इस समय भी कर रहे हैं और उस समय भी इन्होंने किया।

कांग्रेस पार्टी ने जिन ढग से दो साल चनाये, उस में एक यह था कि अगर एडवोकेट्स की काउंसिल बैठती है तो उनका चुनाव हुआ नुमाइन्दा उसका प्रेजिडेंट, बाइस चेयरमैन नहीं बन सकता और एडवोकेट जनरल, अटॉर्नी जनरल चेयरमैन और वाइस चेयरमैन उसी ढग से बनाये गये।

दलील यह देते हैं कि अगर इलैकशन हुआ तो पैसा बड़ा खर्च होता है। लोक-सभा का इलैकशन हुआ तो आपने अर्बों रुपया खर्च किया लेकिन फिर भी आपको बाहर फेंक दिया गया। जनता पार्टी जेल से बाहर निकली जेल में उसके पाम कोई पैसा नहीं था। हमारे जल से बाहर निकलने पर उस वक्त हमें कोई नम्र भी नहीं करता था, लेकिन उन लोगों ने सारी दुनिया का बता दिया कि हिन्दुस्तान में इतनी बड़ी जम्हूरियत है कि इतनी बड़ी तानाशाही के बाद जब लोगों को मौन मिला तो उन्होंने अपनी बात कही। अगर किसी लालच के, पैसे के, हमारे पास साधन नहीं थे, लेकिन इस के बावजूद भी पंजाब, हरियाणा, हिमाचल, यू० पी०, राजस्थान, मध्य प्रदेश, जो कांग्रेस के गठ थे, उन में इनको हार हुई।

सभापति महोदय आप जिल पर बोलें।

श्रीबरी बलबीर सिंह सभापति महोदय, मैं जिल पर ही बोल रहा हूँ। मैं यह कहना चाहता हूँ कि इन्होंने जो दलील

धी है, जिन साइलों की वकालत ये करते रहे हैं, उनका क्या हाल हुआ होगा ? उन्होंने दलील दी है कि इलैक्शन पर बहुत खर्चा होगा और वहां पर करपान है, वगैरह वगैरह। यह बहुत घटिया दलील है, जो किसी तानाशाही मुल्क में भी आयें, तो ठीक है।

मैंने इलैक्शन का जिक्र इसलिए किया है कि कांग्रेस पार्टी ने जैसे और सरकारी ताकत का पूरा इस्तेमाल किया, लेकिन हिन्दुस्तान के लोगों ने अपनी जम्हूरियत-पसन्दी का प्रदर्शन किया और उसे बुरी तरह से शिकस्त दी, जिस से सारी दुनिया में हिन्दुस्तान की इज्जत बढ़ गई है। मेरे दोस्त चाहते हैं कि जम्हूरियत का चक्कर उल्टा चलना शुरू हो जाये।

हिन्दुस्तान के एडवोकेट्स ने देश की आजादी के लड़ाई में बहुत भ्रगुभा रोन भया किया था। सी० धार० दास, मुहम्मद अली जिन्ना और मोतीलाल नेहरू के नाम को किसने नहीं सुना है ? श्री सी० धार० दास जब एक बार किसी कोर्ट में पेश हुए, जो खज ने मजक मे कड़ा नि वह इतनी ज्यादा किताबे किस लिए लाए है। श्री सी० धार० दास ने जबाब दिया कि आप को कानून सिखाने के लिए। इस पर जज बहुत नाराज हुआ और उसने कहा कि क्या आप को पता है कि आप कहा ऐसी बात कह रहे हैं। श्री सी० धार० दास ने कहा कि मुझे पता है कि मैं हाई कोर्ट के जज के सामने बाल रहा हूँ, और उस कुर्सी के सामने बोल रहा हूँ, जो मुझे कई बार धाकर की गई है और जिसे मैं ने ठुकरा दिया है।

इस देश में इस किस्म के एडवोकेट्स पैदा हुए, जिन्होंने दुनिया में हिन्दुस्तान का नाम ऊंचा किया। और पिछली सर-

कार ने उन्ही एडवोकेट्स पर भी धक्का लगा दिया। उस का यह भी कहना था कि आपोधीशन कमिटिड होनी चाहिए। आज आपोधीशन के रिबर्स होने पर मेरे दोस्त जो कुछ कहते हैं, उस से शायर का यह शेर याद आता है "नजर उन की, जब उनकी, किस में मोतबिर समझ ?" उन की नजर कुछ और कहती है और जवान कुछ और कहती है।

वह बिल ला कर श्री शान्ति भूषण ने एक ठीक कदम उठाया है। लेकिन मैं डा० संयद मोहम्मद की इस बात का समर्थन करता हूँ कि अगर पार्लियामेंट का इजलास बहुत जल्द होने वाला हो, हा सरकार को कोई प्राइनेंस नहीं जारी करना चाहिए। एक तरह से यह लोक सभा की तोहीन है। अगर कांग्रेस पार्टी प्राइनेंस जारी कर के गली करनी रही, तो हमें उन की घाड़ लेकर प्राइनेंस जारी नहीं करने चाहिए। यह काम करने के लिए पहले काफी मीका था, या वह पड़ह दिन बाद पार्लियामेंट के मिलने पर किया जा सकता था। हमारे देश में प्राइनेंस राज नहीं होना चाहिए—अच्छी से अच्छी बात भी प्राइनेंस के जरिये नहीं होनी चाहिये, बल्कि वह लोक सभा के जरिये की जानी चाहिए।

मैं इस बिल का इसलिए समर्थन करता हूँ कि उसने एक अंधरे युग को एक राजनी की किरण में बदला है। मैं उम्मीद करता हूँ कि हिन्दुस्तान की बार कौमिल, श्री शान्ति भूषण जिस के मेम्बर रहे हैं फिर अपने उच्च पर पहुँचेंगी और बहुत कामकीगी।

बार में जो रुखाविया हैं उन के बारे में एक कमेटी मकरंर करनी चाहिए। इस किस्म के केसिज है कि गरीब आदमी से

[बौधरी बलवीर सिंह]

वैसा ले कर बकील पैसा नहीं होते हैं। कई बूझने करपट्टे इंस्टिट्यूट भी चलती हैं। ऐसी व्यवस्था करनी चाहिए कि इ-साफ़ विमाने वाले एडवोकेट उसे इतना महंगा न बना दें कि शरीरों को उस इ-साफ से कोई फायदा न हो।

SHRI SAUGATA ROY (Barrack-pore) Madam Chairman, I rise not to oppose the Bill because our party for the last eight months has consistently taken the position that on minor grounds we shall not oppose the Government and that we shall not oppose the Government for opposition's sake. So, I have nothing to say against the Bill though I will come to my points of criticism and the reasons why the Advocates Act was amended later.

I want to address one question to the Treasury Benches over there that an capital which we accumulate is bound to wither away sometime. If you do not do anything about it how long will the ruling party Benches go on harping on the excesses of Emergency? I need not remind you that you won the elections on the plea of Emergency. I have been hearing the same tune, the same slogan, the same type of speeches for the last eight months while the prices go on rising, there are railway accidents every day, there is the breakdown of law and order and all that. You talk of democracy so much these days. But in Madhya Pradesh, you have brought in mini-MISA. In Jammu and Kashmir, the MISA is again there. (Interruptions)

बौधरी बलवीर सिंह मुख्य गार्डी की जा जूहली बरबम है वही यह गव ताड पोड कर रती है।

श्री सौगत राय मुख्य गार्डी को गोर्ना प्रारिए। उस को लेकर बलवीर सिंह जी ज्यादा दिन तक काम नहीं चलेगा।

18 महीने उस को ले कर बहुत प्रापण दे चुके हैं। (ब्यबधान) . . .

सभापति महोदय देविए, अभी बीच में प्रापस में बात न करिए। प्रापको कुछ कहना है तो मुझ में बात कहिए, मुझ से इजाजत लेकर कहिए। उन को अपनी स्वीच खाम करने दीजिए। (ब्यबधान) . .

मेरा प्राप से मध्य निबदन है कि प्राप ने अपनी बात कही, किसी ने प्राप को इटरप्ट नहीं किया कृपा कर के इतना ध्यान रखिए, घा प्रजासत्त की बात कर रहे हैं तो प्रजासत्त में सब का अपनी बात कहने का हक है। प्राप ने अपनी पूरा बात कही, किसी ने प्राप को इटरप्ट नहीं किया प्राप उन को इटरप्ट मत कांजिए।

SHRI SAUGATA ROY What I was saying is that the ruling party Benches are using up their capital too soon by harping on the excesses of Emergency day in and day out. This capital cannot last longer nor the Government can satisfy the people of this country who are fed with with the rising prices, indiscipline break-down in law and order, atrocities on Harijans, railway accidents and what not.

Speaking on the Advocates Bill, I want to tell you one small story. This is about one Barrister who became the Chief Minister of a State. What was the first act that the Barrister did on becoming the Chief Minister of a State? He ordered the PWD to air-condition all the rooms in the High Court. Some people went to him and asked "why are you doing this? Do you think it is of a high priority?" He replied, "There is where I have to go back. I am keeping my position comfortable. When I go back to the High Court, I will have the same air-conditioning as I have in the Chief Minister's room". So, the hon. Minis-

ter, Mr Shanti Bhushan brought out this Ordinance in a hurry. He is thinking of going back to the Bar. So, he has to keep up his popularity there. Otherwise, I do not understand what was the necessity of promulgating an Ordinance only 14 days before the Parliament was to meet.

The reason, the excuse if I may say so given for this is that the Article-ship examinations were to be held in January. The examinations could as well have been held in February. The people who have been coming eloquent about the Ordinance will agree that they are resorting to the same method. This is just a reminder, like having a mini-MISA. So they are also going back to the old days and they are using up their own capital too soon. As I said before, we do not oppose the Bill which Mr Shanti Bhushan has brought forward. But I want to point out as to why the question of amending the Advocates Act arose. The Bar Council is the highest body to decide on the proceedings of advocates and other legal luminaries. Because of electioneering the Bar Council was sharply divided into groups. Everybody had to seek votes and everybody had to create groups. So the Bar Council was divided in groups.

So, on any question decision could not be taken on logical or rational grounds; it had always gone according to groups.

SHRI SOMNATH CHATTERJEE (Jadavpur) Only for one person, to make him Chairman of the Delhi Bar Council the law was passed!

SHRI SAUGATA ROY It was for the whole country—not only for one person in respect of the Delhi Bar Council. As I said, the Bar Councils were divided sharply into warring groups which had fought with one another during elections. Such a Bar Council could not properly give justice; could not take disciplinary action

against erring people, could not discipline the legal profession. Therefore, this was necessitated. There were a large number of people who had applied, who had presented petitions, saying that the Bar Councils were not running properly. As a result of that, this was amended. If Mr Shanti Bhushan be it for genuine democratic reasons or for keeping his popularity in the Bar, seeks to amend the Advocates Act, we will not oppose, but I only want to point out that, when we say the same thing over and over again, in the English language it is called *cliche*. This talk of democracy by the Janata Party people is becoming a *cliche*. When it is repeated ad nauseam it becomes a bit irritating, repetitive and boring. That is what is happening now.

About three or four years ago, a hue and cry was raised by the people belonging to Mr Shanti Bhushan's Party about supersession of judges. If I may remind him—the question came up before Parliament also—there was supersession of over 89 judges; in elevating Mr Justice Desai to the Supreme Court. It is said—I do not want to mention the name—that that justice was related to a certain high dignitary in the Government. I have not verified the truth of it but it is said that, to satisfy one person, for elevating him to the Supreme Court, this supersession was done. All I want to say is this. It is all right your coming forward with these amendments. We are not going to oppose. But do not go on harping ad nauseam on what happened during Emergency. You have your things to do, you have your responsibilities to perform. If you perform them well, we will not oppose just for the sake of opposition.

श्री कंबर लाल गुप्त (दिल्ली सदर)
 अध्यक्ष महोदय मैं हम बिना का समर्थन
 करने हुए दो एक बातें मंत्री जी से जानना
 चाहता हूँ। मैं चाहता हूँ मंत्री जी
 उनका जबाब देंगे। एक बात तो यह

[श्री कबीर लाल गुप्ता]

है कि यह एक रेडिग्रेड स्टेप था अपने प्रोपेसिब स्टेप लिया यह प्रस्ताव हस्तालेकिन इस के साथ साथ बार कौन्सिल और बार एसोसिएशन दिल्ली में और दूसरी जगहों पर हैं और आप तो कोर्स में भी जाते रहते हैं वहा पर एसा लगता है कि जैसे मेला लगा हुआ है वकीलों के बैठने के लिए कोई बैरिस नहीं है और कोर्ट स में भी बैठने की जगह नहीं होती । नयी दिल्ली की कोर्ट स ता एमी है जैसे कबूतर खाने ।

The lawyers have been agitating for the last seven or eight months I know, it does not come under you But at least you can use your good offices to provide a better building for the lawyers working in the New Delhi area—to provide chambers to all the lawyers whose chambers were demolished during the Emergency You should do it at the earliest I hope, the hon Minister will use his good offices for this

श्री मनोहर लाल (कानपुर) सभापति महोदय इस बिल का समर्थन करते हुए मैं एक बात का स्पष्टीकरण चाहता हूँ । जा ला प्रोफेसर एडवाकेट्स हैं जो 'क ला ग्रेजेंट्स को पढ़ाने के लिए जाते हैं उन के लिए बैन लगा दिया गया है कि वे पढ़ाने के लिए नहीं जा सकते जिस से एक बड़ी प्रब्लम त्पिएट हो गई है । मैं चाहता हूँ कि इस बैन को हटा दिया जाये ।

SHRI JAGANNATH RAO (Berhampur) Madam Chairman, I would like to know from the hon Minister whether the Advocates-General of States cannot stand for election for chairmanship of the respective State Bar Council and whether the Attorney-General cannot stand for election as Chairman of the Bar Council of India

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) Madam Chairman, I was apprehending when I started to move for the consideration of this Bill that perhaps it would be a dull debate, and that was on account of the fact that it appeared to me with the very limited wisdom that I have that it was a very non-controversial Bill But I am very happy that the first speech of my hon friend Dr Seyid Muhammad has made it a very lively debate

Now, first of all I would like to say in regard to this Bill that this Bill also indicates the ushering in of a revolutionary era from one point of view So far during the years which have gone by, we had become used to the Government always bringing measures which will have the effect of increasing its powers and concentrating more and more powers with the Government It was unthinkable that the Government would bring forward a measure by which it would shed off its privileged position but for the first time after the last elections we find a new spectacle that the Government comes forward with measures which are calculated to decrease the powers of the Government, to decrease the privileged position of the Government and not to increase or enhance the powers of the Government I should think that the whole country and all the Members of this House on both sides should welcome this change which has come about in the whole country

Let us consider, how do the Advocates-General in the States and the Attorney-General in India come into office They are appointed by the Government, the Attorney-General is appointed by the Government of India and the Advocates-General are appointed by the States Governments Today the position is, whether my hon friends on the other side like it or not, that it is the Janata Party which constitutes the Government here for the whole country and the

Janata Party is also running the Governments in a large number of States. Therefore, it is the Attorney-General appointed by the Government of India and the Advocates-General appointed by so many Janata Governments who were in position as *ex-officio* Chairman of so many State Bar Councils and the All-India Bar Council, but still this Government has brought this Bill. This is because this Government believes that it is not conducive to the interest of the whole country. The interest of the Government or the interest of the individuals is not important, what is important is the interest of the whole country. And therefore for democracy it is necessary that there should be no effort by the Government to concentrate all kinds of power in its own hands and that is the reason why this Bill was brought forward.

I am happy that this heat and liveliness has been introduced in the debate. First I would like to deal with the most important question which has been raised by Dr Seyid Muhammad and also by one or two other hon. Members particularly Shri Balbir Singh. Perhaps, it is quite possible that all the relevant facts have not been taken into consideration by them. I welcome the spirit behind their criticism namely that the exercise of Ordinance-making power is something which has to be avoided it should be resorted to when it is very necessary. So far as the spirit of this criticism is concerned I wholeheartedly welcome it. Now I would like to place before the House as to why it became necessary to bring an Ordinance on the subject even though it was only about two weeks or so before the commencement of the session. In fact some criticism was made that this measure should have been brought forward much earlier. I wish I could have brought it earlier and at least before June. If it could have been enacted before June, because as Shri Seyid Muhammad himself has said, normally these examinations conducted by the Calcutta

High Court used to be conducted in January and June, perhaps in June the examination could have been held. While for various reasons, particularly, on account of the fact that these provisions in the Bill which deal with empowering the Calcutta High Court again to hold this examination evoked a lot of controversy whether that should be done, for how much period it should be done and whether this facility should be extended even to those who had only passed a single examination, etc., etc. and consideration of all these aspects took a little time and therefore it was not possible to bring this Bill in the last session, now that all these controversies had been thoroughly studied and a policy made, there were two options open as suggested by the hon. Member opposite. One was that we could have waited for the Parliament to meet and then brought forward a Bill rather than issuing an ordinance and the other was to issue straightway the ordinance and then bring a Bill replacing it when Parliament met. Now, the position would have been that since all the earlier rules which had been framed by the Calcutta High Court for regulating the examination had already been deleted, it was by this Bill that the power was again conferred on the Calcutta High Court to frame appropriate rules for the holding of these examinations. It is only after this Bill would have been enacted by the Parliament—not only passed by this House, then it would have gone to the other House and discussed there and passed and then assented to by the President—and became law, it is only after all these steps had been taken and the law had come into force that the Calcutta High Court could have got the power to frame the rules. After these rules are framed, they will have to be notified and then only people will come to know of it. So, if you are going to arrange for an examination, naturally some adequate notice

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has to be given to the persons also who have to appear in the examination. So, evidently, it would have been a matter involving a few months and the result would have been that it would not have been possible for the High Court to hold the examination in January and these poor candidates would have had to wait for another six months to sit in that examination in June....

SHRI SOMNATH CHATTERJEE: I on behalf of these poor candidates, wish to convey their sincere thanks to the hon Law Minister for passing an ordinance. This is one of the rare occasions when the power of making an ordinance was properly used

SHRI SHANTI BHUSHAN: I am very grateful to Shri Chatterjee that he has appreciated the issue of ordinance because I was going to say this. It is a matter of opinion. It is more a matter of approach and the question that arises is that while there are people for whom the fact that in the case of some persons six months of their lives would be just wiped off as a period of absolute non-utility is not a matter of urgency, other matters namely, a measure like the Constitutional Amendment viz. the 39th amendment in order to validate an election, etc., were treated as so essential and so urgent that within a matter of 3-4 days it gets through both the Houses and gets ratified by the States. It is a question of approach. What is the matter which requires urgency? So far as the Janata Party Government is concerned, I would like to say that it attaches a great urgency to the question that if it could possibly save six months of utility of these poor people, then certainly it regards it as a matter of urgency. That is why this ordinance was issued. I am sorry to say and I would like to plead guilty that I could not issue the ordinance earlier. If I had been able to issue the ordinance earlier, I would have been quite happy. Our intention was

that at least they should not be deprived of the opportunity of having the examination in June.... (Interruptions)

SHRI SOMNATH CHATTERJEE: He brought forward a Bill without understanding the real implications. He brought it forward because he was asked to do so.

SHRI C M. STEPHEN (Idukki) We understand your present role of being a Standing Council. We are not interested in the fee arrangement

MR CHAIRMAN: May I request you to kindly allow him to finish

SHRI SHANTI BHUSHAN: I am very happy that all the provisions of this Bill have received the whole-hearted welcome and support from all sections of the House. I am very happy and I am very grateful to my friend on the other side for giving their support for the provisions of this Bill. I would however like to say that Dr. Seyid Muhammad

SHRI C M. STEPHEN: You don't understand the meaning of revolution

SHRI SHANTI BHUSHAN: That again is a matter of opinion. Even a trend towards an important significant change, to take the country away from authoritarianism and concentration of power, to put a sudden brake, is a revolution according to me. Instead of something being done in the direction of self-interest and so on, they put a brake for things to start moving in the other direction and I personally consider that to be a revolution. Dr. Seyid Muhammad said that at that time he had said that perhaps we might review the whole procedure regarding ex-officio Chair-

and revert back to the elected Chairman. I am very happy he said that he might have envisaged that some day the emergency would be over, and therefore, he would have liked to revert back to the elective system. The reason that he gave to have the ex-officio Chairman was that the Bar used to be divided, election of the Chairman of the Bar Council was dividing the Bar, people were quarrelling, these were warring factions and so on. It became a matter of emergency because there were wars among sections of the Bar and that is why as a measure of emergency this procedure had to be adopted. Now, I would like to refer to my humble experience in the matter. I was fortunate to have been elected as Chairman of the UP State Bar Council. I happened to be Advocate General. I am happy to say that there were no warring factions at all. I was elected unanimously by all the members of the Bar Council. That is my personal experience. You cannot say that there should be no difference of opinion in the Bar Council. In a democracy we want honest difference of opinion on various matters, different opinions are thrashed out and a consensus emerges and the country has to be governed on the basis of such consensus. Therefore, if there is different of opinion you cannot say this is bad and it must be substituted by the nominee of the Government and so on.

But then if that was so, why was it that only for the election of the Chairman and Vice-Chairman this opportunity was taken? Elections of Members of the Bar Council take place thousands and thousands of members of the Bar in each State are involved. There has been no trouble there. You cannot say that only when they sit together to elect a Chairman, that would be a matter for serious apprehension. This is something which I have not been able to understand. In any case it occurs to me that these are the arguments. History tells us that sometimes some

dictators have advanced, they have said that whenever there are elections people turn into warring factions and there is strife and there is difference and people get divided, therefore to keep the country united dictatorship is essential. That is a theory about which many books might be written. But I am happy to say that so far as the people of India are concerned, they have rejected this theory. Lock, stock and barrel and democracy has been restored in this country. If I may be permitted to say so, many countries people used to say that democracy cannot succeed in a developing country because people are poor and they are more concerned with bread and so on, and that when democracy comes to an end in a country it can never come back, that used to be the theory. We found that in many developing countries it was coming to an end. When democracy was reinstated in the last March elections many people of many countries which I had the occasion to visit said that they reached the conclusion that there must be something in the old culture of India which must be responsible for this deep commitment to democratic values that even when people are deprived of all they need when they are poor, they are still committed to democracy and cherish individual freedom and the right to collectively discuss their fate.

SHRI SAUGATA ROY Is it that idea of having democracy in the bar council and replacing the Attorney General by an elected person came to the government's mind after 8 months only because you found that the Attorney-General did not toe the government's line and boycotted the swearing-in ceremony of Justice Desai?

SHRI SHANTI BHUSHAN The hon. Member is totally wrong and I am happy that he has give me an opportunity to clear that and I shall clear that. I plead guilty to the charge that this has got delayed because so far as the amendment of the Advocates Act was concerned, it did

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not remain a small matter of restoring the elected Chairman, if that was the only thing it would have been done long ago. Because the Calcutta matter also came up I had to say that the amendment should be done at one time. The Calcutta question was controversial and we had to study which via media had to be followed. There was the extreme view all right, permit it for all times in the future, there was another view now that it has been done away with do not restore it, there was a third view take a via media namely those who have not passed any examinations and those who have got enrolled permit them there was a fourth view those who have passed some examinations they alone are entitled to this. This had to be considered in depth and people had to be consulted and a view had to be taken that is why this delay took place, for no other reason.

So far as the Attorney-General is concerned hon Member Saugata Roy has a very sharp mind which I have been witnessing all this while, sometimes he deliberately does not try to appreciate things in their correct perspective. A reference to the appointment of Justice Desai was made and I think I have had occasion to make the position clear. So far as these solemn things are concerned, like the appointment of judges to the Supreme Court politics should not be and would not be introduced. This question of supersession has nothing at all to do with the appointment of judges to the Supreme Court. The question of supersession is relevant so far as the appointment of Chief Justice either in the Supreme Court or the High Court is concerned. So far as appointments to the Supreme Court are concerned everyone has always said that the appointment should be made strictly on the basis of merit, suitability, etc.

Therefore, it is a question of selection

If it is a question of selection, the hon member would agree that it would not be right for me to substitute my own assessment for the assessment of the judiciary. That would be the easiest way of destroying the independence of the judiciary. That is why the government left it to the Chief Justice and the senior judges of the Supreme Court to determine who in their opinion was the most appropriate person to be appointed. It was on the basis of their appraisal of the outstanding ability, outstanding fitness and outstanding independence of the two persons concerned that they were appointed judges of the Supreme Court.

17 hrs

SHRI C M STEPHEN: If the bar of the High Courts and Supreme Court were not politically motivated there must be some explanation why they came out with a unanimous protest against it.

SHRI SHANTI BHUSHAN: The appointment to the Supreme Court is not a matter of concern for one High Court alone. Obviously for appointments to the Supreme Court all the High Courts are under consideration. There are senior judges in various High Courts but it is significant that the protest came from the bar association of one State only. I do not want to discuss this at length. I leave it to Shri Stephen to draw his own conclusion as to what are the various possibilities. If he sits down and studies the facts he himself will come to some conclusion as to why it happened. Obviously, when these protests come somebody has to organise it. I appeal to his long experience to consider as to whether or not some protest can be organised if somebody is interested in organising a protest. If you get hold of one or two convenient facts and if you want to organise a protest, it can be done.

AN HON MEMBER What about Mr Chagla's statement?

SHRI SHANTI BHUSHAN If the facts are fully known to a person, he may make a comment at a particular time. Hon members must have noticed that after a clarification was issued Shri Chagla did not issue any statement thereafter. So, it appears he did not have the full facts. Possibly somebody might have misled him and he might have made that statement. In fact, many press editorials called it a hasty judgment, etc.

So far as the Supreme Court bar association is concerned, hon members know that the Supreme Court starts work at 10.30. So, members of the bar come to the court between 10.15 and 10.30. Those who do not have their cases in the beginning may come a little later. Normally very few members turn up before 10.15. Curiously on that particular morning without any prior notice some notice was pasted on the notice board of the Supreme Court bar association building before 10 o'clock. At 10 o'clock a few members met together. They had been informed on telephone because there was no other way of giving prior notice. At 10 o'clock they met and adopted a resolution. When other members started coming, they were presented with a copy of that resolution. Subsequently there was a requisition by a larger number of persons to revoke this resolution. A meeting took place thereafter but it did not conclude. It got adjourned without any decision having been taken. As I explained people did not know of that earlier meeting. No indication is given earlier that a meeting would be held. Before 10 o'clock you paste a notice on the notice board of the Supreme Court bar association. At 10 o'clock you hold a meeting. If they pass a resolution by calling a few people who were informed on telephone, what is the importance to be attached to such a re-

solution? That is a matter for the consideration of the hon Members of the House. Apart from that, so far as the law officers are concerned, they are put in a very difficult situation. If they come round about 10.30 and are handed over a resolution and told, 'here is a resolution signed by the secretary of the association and passed and so on'—if they happen to be members of the Supreme Court Bar Association and if they take the view that howsoever unfortunately a resolution might have been adopted—and in whatever manner—they had no means at that time—because at 10.30 that ceremony was going to take place and they were told that as members they had to respect the resolution which had been passed—and that in those circumstances they thought that it was the proper thing to do well the hon Members may draw their own conclusions. But I can assure the hon Members that it was not the personal view of the law officers—of the Attorney General, the Solicitor General and the Additional Solicitor General—as if they felt that something wrong had been done and as if they had any intention of protesting against the appointments to the Supreme Court.

Then there is this increase of the term from 4 to 5 years. The only criticism levelled against it is that there is no uniformity. I did not mean to suggest in my opening speech as if it was a universal thing, i.e., to have 5 years and nothing more, nothing less. The idea was that here was an element of economy. If you have elections after every 4 years obviously there would be a little more expense. I wanted to say that 5 years has been a more acceptable term for these elected bodies. There was no harm and it was considered that 5 years should be applied and 5 years should be appropriate. 4 years was considered too short. That is why it was changed to 5 years.

Another Member, Mr Ganga Singh made a suggestion that this Bill,

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while restoring the elective office of Chairman and Vice-Chairman should have also provided for something more. What has been provided in the bill is that the old elected chairman does not come back automatically. In fact, so long as the election is not held, the ex-officio chairman will continue to discharge the duties etc. They will cease to be *ex-officio* chairman and vice chairman, but they will continue to perform those functions till the elections take place. It has been suggested that the old chairman etc. should have been restored but I feel that when once those elected chairman and vice-chairman have ceased to be such, and when the system of election is being restored the proper thing would be to give the right to the present members to-day to elect their own chairman and vice-chairman. And, therefore, I commend this clause of the bill also for acceptance by the House.

I am grateful to Shri Sasankasekhar Sanyal for all the kind words that he has said. I may say that when he was being born in the bar as he chose to describe it almost nearly about the same time I was being born in this world. He has so much more experience of the bar and of everything else—public affairs etc.—than me. I therefore specially value the powerful support that he has lent to this bill. I am very happy that it is this bill—it is another reason why it makes this bill a revolutionary one—which has made such an hon. Member as Mr. Sanyal break his life-long tradition and life-long practice of always opposing the Government. He has declared that it is for the first time that he is supporting a measure of the Government. Therefore, for that reason alone it becomes a revolutionary bill. He has also said that there was a lot of opposition to this amendment which has been made during the period of Emergency. In fact, I would also like to say that the Bar

Council of India had passed a resolution condemning the provision for a nominated Chairman. Various other Bar Councils of different States namely, Andhra Pradesh, Delhi, Gujarat, Kerala, Maharashtra, Orissa, Punjab, Haryana, Tamil Nadu and West Bengal have all condemned the system of having a nominated Chairman.

DR V A SEYID MUHAMMAD (Calicut) Where is nominated? It is statutory Chairman.

SHRI SHANTI BHUSHAN The Advocate-General and the Attorney-General are appointed. So they are nominated. Of course if there is a subtle difference between nomination and appointment in that sense I am wrong. If they are people appointed by the Government in that case they would really be nominees of the Government.

SHRI NANASAHIB BONDE (Amravati) When you were elected Chairman of the Bar Council you were also the Advocate-General. Were you under the influence of the Government at that time?

SHRI SHANTI BHUSHAN The whole question is this. We are considering the principle of the autonomy of the bar. The bar is a very responsible body and eloquent tributes were paid to the bar for its role in the freedom movement for its role in various kinds of crisis. I would say even for the role that it played during the period of emergency in order to restore democracy in this country. So that if the bar has such an important role to play in a democratic country then the principle has to be accepted that the autonomy of the bar is the only proper thing, and the bar as a responsible body should properly arrange its own affairs. In that case there was no reason why there should have been an imposition of a person as Chairman. It is another matter that they willingly and voluntarily elect him. After all the Attorney-General

and the Advocate-General do not become incompetent to hold the post of Chairman, they can also be elected. But it would add to their dignity, if they are elected by the members of the bar, if they get elected as Chairman on account of the free and willing consent of the bar of the State. But if they have the feeling "we are here on account of the mercy of the Government, which has appointed us as Advocate-General not on account of the willing consent of the members of the bar" then that would detract from their authority as Chairman. For that reason, it is important that the Chairman must have the moral authority to feel that his advice would be respected and accepted by the members of the bar, because they have willingly by their free will elected him to the high office of the Chairman of the Bar Council.

It was further suggested by Shri Sanyal that the lawyers should be elected really only for one term to the Bar Council. Well, I am happy that he has given this suggestion. It is for the members of the bar to take this suggestion. If they willingly and voluntarily apply this concept, well and good. After all they are holding these offices as public service. It is not that anybody is supposed to get something out of these offices. This is only a mode of service to the people serving the bar. Well in a sense, of course one should be willing to serve for as long as possible. But if there are others who are willing to serve a person should not be very keen to stick to his office or aspire for this high office. It should be for others to impress upon him, compel him, force him to accept this office. In fact, the tradition in many of the Bar Associations is that people are not willing to take up these posts. They do not want to become Secretaries of these bodies. They have to be persuaded by their friends and colleagues "you must take up this job." I hope and pray that this atmosphere will pervade the bar so that people will have to be persuaded to become members of the Bar Council, not that they will run after becoming members of the Bar Council. I hope

the members of the bar would generally welcome the suggestion which has been made by the hon Member.

Shri Sanyal made a passionate appeal for those who might not happen to do very well at a particular examination. Of course, we have got ample experience that a person who fails in a particular examination, later on, turns out to be a brilliant scholar. We are not completely oblivious to this also. But this Bill makes provision only for those who have already passed the first preliminary examination before 31st December 1976. Only two more examinations have to be passed by them in order to become an attorney and to qualify for enrolment as advocate. In one year there are two examinations, in January and June, with the result that during the next three years there would be six examinations. Two examinations have to be passed and there are six opportunities. I submit that there is ample scope for exercising one's prerogative or privilege of failing, but one should not exercise this prerogative too often.

He has also given the valuable suggestion that some provision should be made for the security of the members of the Bar and so on. He has drawn the attention of the members of the Bar and the Bar Councils and I hope they will take measures. In many States members of the Bar Council have brought out schemes for collective insurance of the members of the bar for Rs 5,000 or Rs 10,000 so that if any member happens to die at any time from the collective insurance his family gets that amount. I believe this will be taken up by all the Bar Councils because the premium is comparatively much lower for an insurance of this kind, because the family of a person gets this amount only in the event of his death. So I am sure this will also be considered by the Bar Councils of this country.

About struggling juniors of course, one of the reasons why many very brilliant people hesitate to join the bar is that they drag in the initial years

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in the Bar. In fact, somebody has said that the handicap in the legal profession is that you do not get money when you can enjoy it and you get too much money when you are not in a position to enjoy it. There might be some exceptions. Some people are born lucky or luck is bestowed on them but that is a different matter.

I thank Shri Durga Chand for giving powerful support as also Shri Murugesan.

Dr Ramji Wanded to re-christen me as Kranti Bhushan. I do not know why he desires it but in fact my party and all of us believe in both in fact we believe in shanti poorna kran. So if he wants to re-christen me as shanti poorna kranti Bhushan, I shall accept it.

I have already dealt with Shri Balbir Singh. He paid very glowing compliments to all of us and I am also grateful to him on behalf of the entire House for all the stories that he told us. He was also conscious of the fact that there are defects in the bar. Nobody can say that any system is perfect that there is no scope for improvement in it. He further mentioned that justice should be made cheap and speedy. All these matters are engaging the consideration of every one and all anxious thought is being given in all quarters. I am very happy to say that the Bar Council of India also recently passed a resolution welcoming the suggestion because I happened to say at some place that after all under the rule of law it is not only necessary that a person should have the legal right to approach the courts but also have his legal rights enforced. He should also be ensured that it will be enforced within a reasonable time. I had said that ways and means should be found so that within one year he can get final justice. No drastic change is necessary in our system for that. I believe that the system can be made to work and all these results can be ensured by making some changes. I am glad to say that the Bar Council of

India only recently passed a resolution welcoming this idea. They appointed a sub-committee which is going into this question. They are studying the problem. The Bar Councils are also organising seminars on this important question at various places. I hope that the attention of the Bar Councils of this country will also be attracted to this problem so that we would have the whole problem studied in all its depth in all its facets, to ensure justice to the common man within a reasonable time and expense.

As regards Mr Kanwar Lal Gupta's point about the abolition of chambers, I believe it is my understanding of the situation that steps are being taken to see that they work efficiently. Naturally there should be proper conditions in which lawyers can work in an honourable way and in an efficient way. I am sure the anxiety of Mr Kanwar Lal Gupta would be allayed as soon as possible and that it would be possible to comply with his wish.

The hon Member Shri Manohar Lal raised a question of law professors that they cannot practice now that either they can teach law in the educational institutions or they can practice. I would like to say that this is because the Bar Council of India took a decision. I am told by a majority on the basis of which this situation has come about. Now that raises a question. Of course there was a difference of opinion in the Bar Council of India itself. There can be two views on this question namely one that it would be better that those who have to teach law should exclusively devote themselves to teaching of law and those who have to practice law should devote themselves to practising law or that the two should be carried on together because the experience which is gained by practising in the courts is also useful in order to impart the training to students and so on. Evidently this is a controversial topic on which the Bar Council of India itself is divided. I do not see anything unhealthy in the division. This is a question on which two views are possible in the Bar Council.

of India, there were some members who subscribed to one view and there were others who subscribed to the other view. The majority of the members of the Bar Council have taken a view that those who want to teach must not practise and those who want to practise must not teach.

Various representations have been made on behalf of the teachers to the Government. The Government, in due course, would apply its mind to this question and see as to whether the Government has any role to play in this matter or not. I am not in a position to say at the moment whether the Government will have any role to play in this matter at all.

As regards the query raised by Mr. Jagannath Rao as to whether the Advocates General and the Attorney General can stand for election, there cannot be any controversy on that. If they are the members of the Bar Council, they can certainly be elected. I am here an example of that. When I was the Advocate General, I was elected as the Chairman twice.

With these words, I commend the Bill for the consideration of the House.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: As there are no amendments, with the permission of the House, I shall put Clauses 2 to 8 to the vote of the House. The question is:

"That Clauses 2 to 8 stand part of the Bill."

The motion was adopted.

Clauses 2 to 8 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

(Acquisition and Transfer of Shares)
SHRI SHANTI BHUSHAN: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.25 hrs

SMITH, STANISTREET AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): Mr. Chairman, I beg to move.*

"That the Bill to provide for, in the public interest, the acquisition and transfer of the right, title and interest of the undertakings of Messrs Smith, Stanistreet and Company Limited, Calcutta, and for matters connected therewith or incidental thereto, be taken into consideration."

I have to say nothing more than this that here was a sick unit taken over by the Government way back in 1972. It was time for us to decide whether to take it over, or carry on the business or leave it to those hands who had mismanaged it and brought it to almost the verge of ruin. In view of the fact that, in the eastern sector, and particularly in West Bengal, we do not have any pharmaceutical complex worth the name, Government decided to take over this particular concern in public interest, nationalise it and manage to see that, with a small investment of about Rs. 1 crore, we raise the production from a few crores to a large amount,

*Moved with the recommendation of the President.