

ابھیمانی جو ہوتا ہے اس کا سر نیچا
 ہوتا ہے۔ اونچا نہیں ہوتا۔

SHRI JAGANATH RAO : As I have said, no new points have been made out and I have replied to all the points raised by the hon. Members during the various stages of the passing of the Bill.

Though the proceedings are summary in nature, the estate officer is given the powers of a civil court. He has got the powers under the Code of Civil Procedure to summon documents etc. Then, an opportunity is given to the person against whom proceedings are taken and a right of appeal is also provided for. Therefore, the mere fact that an estate officer is not a civil court, or the powers of the civil court have been taken away, does not make any difference. The estate officer has all the trappings of a civil court.

Then, on the question of the judiciary and the executive, I may say, government appoints not only the executive but also the judiciary. So, the integrity of the officer who is appointed by the government cannot be doubted. The question of Judiciary and executive does not come at all. The estate officer is not a magistrate who is exercising the powers under the Code of Criminal Procedure. He is an officer of the government in some department. Government appoints him as a competent authority under the Act because he is a person who, in the opinion of the government, is really competent to dispose of these matters.

Regarding the cases in Delhi, referred to by Shri Madhok and Shri Kanwar Lal Gupta, as I said earlier, even though I am not dealing with DDA at present, I will certainly convey the feelings of the House to my colleague, the Health Minister so that he may look into the matter and set matters right.

SHRI LOBO PRABHU : What about court fees?

SHRI JAGANATH RAO : As it is not a civil suit, the question of court fees would not arise.

SHRI LOBO PRABHU : Could he give an assurance that no court fees would be levied?

SHRI JAGANATH RAO : How can I give an assurance? This much I know that it is not a civil suit on which *ad valorem* court fee is levied.

MR. CHAIRMAN : The question is :

"That the Bill be passed"

The motion was adopted.

16.19 HRS.

ADVOCATES (AMENDMENT) BILL

MR. CHAIRMAN : The House will now take up for consideration the Advocates (Amendment) Bill.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI M. YUNUS SALEEM) : I beg to move :

"That the Bill further to amend the Advocates Act, 1961, as passed by Rajya Sabha, be taken into consideration."

Under clause 3 of section 1 of the Advocates Act of 1961 different provisions were to be in force on different dates. The provision relating to admission and enrolment of advocates was provided in Chapter III of the Act which came into force on the 1st December 1961. When Chapter III of the 1961 Act was in force, the other enactments relating to admission and enrolment of advocates stood repealed.

In spite of this repealing clause the Mysore High Court continued to enrol the advocates. In section 58, which was the repealing section of the Act, the words "to the issue" was given a different interpretation. Under that interpretation given by the High Court about 174 advocates were enrolled. The persons who were so admitted as pleaders got themselves enrolled by the Mysore State Bar Council as advocates although they had not undergone any practical training and passed any admission examination as prescribed by the Bar Council.

Then, a writ petition was filed before the Mysore High Court and Chapter III of the Advocates Act regarding the enrolment of pleaders came up for consideration before the High Court. It was decided by the High Court that after coming into force of Chapter III the enrolment was not in order. The Bar Council

[Shri M. Yunus Saleem]

of India also issued directions in this regard and as a result of these directives the Bar Council of Mysore was not permitted to admit persons who were enrolled as pleaders after 1st December, 1961.

After some time this matter was also considered by the Bar Council of India and the Bar Council of India adopting a resolution issued directions to the Bar Council of Mysore that the enrolment of these 174 persons who were enrolled as advocates in spite of the directives of the Bar Council should be cancelled. When this directive was issued by the Bar Council of India the affected persons moved the High Court challenging the validity of this resolution and obtained a stay order with the result that although they were not legally entitled to practise as advocates either in the Mysore High Court or in any other court, they continued to appear before different courts as advocates on account of this stay order.

Here it is also relevant to mention that after these 174 advocates had been enrolled as advocates of the High Court, the Advocates Act itself was subsequently amended (*Shri S. M. Joshi*: With retrospective effect.) and the condition which was imposed on the pleaders for enrolment was repealed. This Act received the assent of the President on the 16th May 1964. As a result of this amendment these 174 advocates of the Mysore High Court automatically became entitled to be enrolled as advocates because the restrictions which were previously imposed on their enrolment stood removed.

SHRI SHRI CHAND GOYAL (Chandigarh): Not for the intervening period.

SHRI M. YUNUS SALEEM: Not for the intervening period.

SHRI SHRI CHAND GOEL: What is the logic then?

SHRI M. YUNUS SALEEM: Because they were enrolled under erroneous interpretation given by the High Court. On account of that interpretation, these pleaders got themselves enrolled.

SHRI J. H. PATEL (Shimoga): who is at fully, they or the High Court?

SHRI M. YUNUS SALEEM: When an act or a provision of an Act comes before a judge of the High Court for interpretation, it is open for the judges of

the High Court whether he sits as an administrative judge or as a judicial court. He is entitled to give any interpretation he deems fit. Therefore, on the administrative side of the High Court, the administrative bench gave certain interpretation which they were entitled to give. No one could question their authority. Subsequently, this interpretation itself was the subject-matter of a writ petition and a different finding was given by the same High Court. Therefore, nobody could say that the erroneous interpretation given by the High Court was, in any way, *mala fide* or motivated.

SHRI SHRI CHAND GOEL: All this is known. There should be some time-limit on him also. We are also to speak.

MR. CHAIRMAN: I wanted to remind the hon. Minister that the total time allotted for this Bill is only 1 hour.

SHRI M. YUNUS SALEEM: I will be very brief.

Now, the short point which I want to submit before the House is this. These 174 advocates were enrolled under some incorrect interpretation given by the administrative bench of the High Court and, subsequently, the Advocates Act was also amended. Because these 174 advocates has accepted certain briefs from different litigants and they had appeared in different cases in different courts of Mysore State, in order to rectify that mistake, an Ordinance was issued. The Ordinance is still in force. Because before the expiry of six months, this Act has got to be passed, this Bill has been brought forward. This Bill has already been passed by the Rajya Sabha and I now commend it to this House for consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Advocates Act, 1961, as passed by Rajya Sabha, be taken into consideration."

SHRI LOBO PRABHU (Udipi): Sir, the Bill as it is put is very innocuous. But its implications deserve to be carefully considered because this country has suffered from advocates, suffered from its laws and also suffered from the Parliament not doing its duty to the people. I stood yesterday for the common people and, I repeat, in the interest of the common people, I would like to make out four points.

Firstly, I think, the hon. Minister of Law is familiar with Latin. There is a dictum in Latin: *Inter bellum silentes leges*. Between wars, the laws sleep. No doubt, we had a war or some kind of a war with China and Pakistan. But apparently the High Court of Mysore and the Bar Council there was at sleep and they allowed this kind of infringement of a Central Act prescribing the rules for the advocates to take claims. This is not a good state of things that the High Court and the Bar Council should ignore a Central law. I would press, when such laws are enacted, the Centre should take care to emphasise that these are observed and particularly by the High Courts which are the custodians of law.

My second point is this. I am talking of myself as a common man for this reason that what I have suffered is, probably, a very small part of what a common man suffers from law. Today, the law is not fair to the common man. There is delay. We had a statement recently in the press that a quarter million cases are pending only in the High Courts. Let us ponder on that. If so many cases are pending at the level of the High Court, how many more cases are pending at lower levels? It is fair to the common man that the law should be so slow?

I said, I would give an instance of my own case. It is this. A driver of mine knocked somebody on the road. For nearly two months the police did not file a case, they thought that it could be settled and I could be persuaded to pay a very handsome amount to the person who was claimed to have been knocked down.... (Interruptions) I am as common as the Driver and as common as anybody else. Please do not interrupt. It took a year for the Driver to be acquitted. If that is what happened to a Member of Parliament, what happened to a retired member of ICS, to a person somewhat aggressive like me, I ask you what is the position of a common man? Has this Government cared to find out the reasons for these delays? I asked this question from the Home Ministry and the Law Ministry. Are they discharging their responsibilities? Until they remove these delays, until they put some kind of a check on adjournments being given for the convenience of advo-

cates, for the convenience of courts..... (Interruptions) Please do not interrupt..

SHRI V. KRISHNAMOORTHY (Cudalalore): He must allow some interruptions. I said that he should tell his Driver to drive the car very slowly.

SHRI LOBO PRABHU: I can reply to him what I should tell the Driver and what I should tell him, but I have to address the House.

About the delays, something must be done without any further avoidance of responsibility. The Home Ministry simply said that this was a matter for the State and that it was not concerned. That is not a proper reply. The proper thing would be to enquire what delays are there and to take appropriate action.

The third point is about the cost of litigation. Here again—I hope there will be no interruptions—I give my own case as illustrative of what happens to the common man. For a suit for Rs. 10,000.... (Interruptions)

SHRI RABI RAY (Puri): Why don't you cite as example the case of a common man?

श्री नाथूराम अहिरवार (टीकमगढ़):
 अभी माननीय सदस्य ने कहा कि वह कामन मैन है। फिर उन्होंने कहा कि अगर उन के साथ ऐसा व्यवहार होता है, तो कामन मैन के साथ कैसा होगा। इन दोनों में कौन सी बात ठीक है?

SHRI LOBO PRABHU: I do not know how to appeal to the intelligence of this House. I am pleading for the common man. If I suffered so much, the common man suffers still more. That is the point.

MR. CHAIRMAN: I would request the hon. Member to come back to the Bill.

SHRI LOBO PRABHU: I am coming back to the Bill. Please request them not to interrupt me.

In that case where the claim was admitted, I had to pay about Rs. 900 as court fees; I had to pay Rs. 1400 as costs. I was paying it because the amount was paid by the debtor. It is fair that a debtor should be compelled to pay nearly one-fourth as much by way of costs? Although court fees may be a subject in the States' sphere, this Government, this Par-

[Shri Lobo Prabhu]
liament, which is the conscience of the people, must do something to see that justice is done.

16.34 Hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The last point that I want to make is this. We must maintain the independence of the judiciary. I am very happy that in the Inter-State River Water Disputes Bill the Government conceded to my amendment that no retired judge should be appointed to any Commission. I would like, on this occasion, to repeat that, if Government, if this Parliament, is anxious about the status and impartiality of judges, then they should be offered no employment of any kind after retirement. I hope, my friend will understand that the general context is certainly relevant to the particular provision in the Bill. The particular provision of the Bill is absolutely consequential. I would not waste my words. It follows from the amendment of the Act in 1964 whereby these 174 lawyers have become entitled. The mere gap of a year and a half between that amendment and the Act is now sought to be covered by the Bill in order to give protection to those engaged any of these lawyers.

I therefore support the amendment with the observations I have made.

Mr. DEPUTY-SPEAKER: We have got one hour at our disposal. As you know, it is really a small amendment. I would request members to confine themselves to five minutes.

श्री रणधीर सिंह (रोहतक) : डिप्युटी स्पीकर महोदय, मैं एक वकील के नाते, पार्लियामेंट के एक मेम्बर के नाते नहीं, इस बिल की पुर्जोर हिमायत करता हूँ। उन 175 गरीब आदमियों ने, जिस में आम आदमी की हड्डी, खून और दिमाग है, क्या जर्म किया है कि उन बेचारों की गर्दन पर कई सालों से चौबीस घंटे यह तलवार लटक रही है। कि वे वकील रहेंगे या नहीं। उन की बीबियों को भी यही खयाल है कि उन के पति वकील रहेंगे या नहीं और उनके बच्चों को भी यही खयाल है कि उनके बाप की रोजी चनेगी या नहीं। उन 175 आदमियों के

सिर पर बेरोजगारी की तलवार लटक रही है।

वकील एक इन्टलेक्चुअल है, एक नमूना है समाज का। आप एक नमूना हैं और मैं आप का चेला हूँ। लोग कहते हैं, "पैदा हुआ वकील तो शैतान ने कहा, लो हम भी माहिबे-अलाद हो गए।" यह शलत बाब है। आज हिन्दुस्तान जो कुछ भी है, या जो तरक्की हिन्दुस्तान ने की है, या जो दिमाग हिन्दुस्तान का बना है, वह सब वकीलों की बदीलत है। गांधी वकील था। जवाहरलाल वकील का लड़का था। सुभाषचन्द्र बोस वकील का लड़का था। यहां पर भी जितने दिमाग बंटे हुए हैं, या तो वे खुद वकील हैं, या वकीलों के चले-चाटे हैं। बगैर वकीलों के दिमाग आना मुश्किल है। मुझे बड़ी खुशी है कि इस हाऊस में भी वकीलों की बड़ी कद है। इस लिए मुझे उम्मीद है कि इस बिल को ही हाऊस की सी फ्रीसदी हिमायत हासिल होगी, क्योंकि यह बिल उन 175 भाइयों के बारे में है, जो राजगार के लिए भटक रहे हैं।

मैं आप की इजाजत से वकीलों की बुरी हालत के बारे में एक दो बातें कहना चाहता हूँ। श्री अशोक मेन मुप्रिम कोर्ट के वकील हैं। लेकिन मुप्रिम कोर्ट में जो नये नये नौजवान हैं, उन की हालत बहुत खराब है, उन की हालत नागुफताबेह है। वही हालत हार्ड कोर्ट, जिला हैडक्वार्टर और सेशन्स जज की कचहरी में है। डी० एम० और सब-जज वगैरह की कचहरी में भी बहुत बुरी हालत है। मैं समझता हूँ कि बेंच और बार का जो रास्ता और लिक होना चाहिए, वह नहीं है। जज समझता है कि खुदा है। सेशन जज समझता है कि पता नहीं क्या है, मेरे अलावा दुनिया में कुछ अकल है ही नहीं। और यही हाल नीचे जो मैजीस्ट्रेसी है उन की भी है। ऐडवोकेटस के साथ, वकीलों के साथ ठीक बर्ताव नहीं होता। मैं जहां इस बात की शिकायत करता हूँ कि मुप्रिम कोर्ट के जज को अशोक मेन या सेशन कोर्ट के जज को रणधीर

सिंह माई लार्ड या माई आनर क्यों कहें, श्रीमान जी क्या काफी नहीं है, वह मैं इस वास्ते कहता हूँ कि किसी डेमोक्रेसी के सिद्धान्त में यह नहीं है। डेमोक्रेसी में सब इन्सान बराबर हैं। लेकिन यहाँ एक जज माई लार्ड और खुदा से भी ऊपर चला गया। मैं कोई रेफ्लेक्शन नहीं करता, सुप्रीम कोर्ट के बहुत से वकीलों से अशोक सेन कई गुना होशियार हैं और रणधीर सिंह भी सेशन की कचहरियों के जजों से कम होशियार नहीं हैं। तो इस किस्म की टर्म जो अंग्रेज ने छोड़ी थी, माई लार्डशिप, माई आनर, यह चीज खत्म होनी चाहिए। वकील जज यह कहता है तो उस के दिमाग में जो इन्फिरिआरिटी कामप्लेक्स आता है, वह नहीं होना चाहिए।

मैं एक और दूसरी बात कहना चाहूँगा। एडवोकेटस की बात जब आई तो मैं यह कहना आवश्यक समझता हूँ कि इस पेशे में बहुत बड़ा टाउटिज्म आ गया, बहुत बुरी हालत इस की हो गई और वह इस वास्ते हो गई है कि यह पेशा ओवरक्राउडेड हो गया। और कोई काम नहीं मिलता, वाक् नहीं बनते तो चलो वकील बन जाओ। मैं समझता हूँ कि चलो वकील नहीं बनते तो शायद चोरी का मुहकमा खोलना पड़ता क्योंकि एक वकील पढ़ लिख कर के हल चला नहीं सकता, बकरियाँ चरा नहीं सकता, दुकान पर छोले भी नहीं बेच सकता, तो अगर इन को लाइसेंस न देने तो यह पीने दो सी आदमी क्या करते। या तो चोरी करते या बेरोजगारी की फौज में इजाफा करते। इसलिए इयूमिनिटरियन ग्राउन्ड पर भी इन का मामला विचार करने योग्य है।

और भी इन लोगों के साथ बड़ी ज्यादाती है। वकील थोड़ा सा भी नखरे से बात कर दे तो कन्टेम्प्ट आफ कोर्ट में आ जाता है लेकिन अदालतें कितनी ज्यादाती करती हैं, उन को इसकी छूट है। मैं कहता हूँ अदालतों से पांच गुना हमारे वकील ज्यादा होशियार होते हैं। किसी हाईकोर्ट के जज ने सी० आर० दास से कहा था कि :

You are speaking before a High Court Judge.

तो सी० आर० दास ने कहा था :
 Yes, you do not know who is speaking before you. Thrice offered, thrice rejected.
 यह भी तो वकील थे। सी० आर० दास को तीन दफा हाई कोर्ट की जजशिप मिली और उन्होंने इन्कार कर दिया। ऐसे दिमाग के वकील थोड़े हैं। मैं चाहूँगा कि और ज्यादा हों। लेकिन जो व्यवहार वकीलों के साथ होता है वह काबिले मजम्मत है, वह स्वरूप उसका ठीक नहीं है। मैं आप के मार्फते माननीय ला मिनिस्टर से कहना चाहता हूँ कि अंग्रेज के वक्त की जो लीगेसी है यह तोड़ी जाय और चूँकि यह बात आ गई, इसलिए कहनी पड़ी क्योंकि यह बेंच का और बार का सवाल है, जहाँ एडवोकेट का सवाल आयेगा वहाँ यह सवाल भी जरूर आयेगा। इसलिए मैं कहना चाहता हूँ खुदा के वास्ते मेहरबानी कर के जो इस प्रॉफेशन में कुछ खामियाँ आ गई हैं जो गिरावट आ गई है उसको दूर कीजिए और जो नये वकील हैं, जो बेकारी के शिकार हैं, उसमें कई मैल-प्रेक्टिसेज हो जाती हैं, कई टाउटिज्म करते हैं, कई और कई किस्म के मैल-प्रेक्टिसेज करते हैं। इसमें वकील का कैलिवर गिरता है। कोई वकील ला मिनिस्टर बन सकता है, फूड मिनिस्टर बन सकता है, उसके लिए सारे के सारे एवेन्यूज खुले हैं। लेकिन उसको मैल-प्रेक्टिसेज का शिकार होना पड़ता है इसलिए कि उसकी प्रैक्टिस नहीं चलती है। तो इसके ऊपर भी ध्यान देने की आवश्यकता है।

इन शब्दों के साथ मैं आपका बड़ा मशकूर हूँ कि आपने मुझे मौका दिया। मैं चाहूँगा कि इस बिल को यूनानिमसली पास किया जाय।

MR. DEPUTY-SPEAKER : I would request hon. Members not to widen the scope of the discussion as I wish to finish this Bill by 5.30.

श्री श्रीचंद गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, जहाँ तक इस विधेयक का सम्बन्ध

[श्री श्रीचंद गोयल]

है और जिस गलती को ठीक करने के लिए, जिस उद्देश्य से यह लाया गया है उसकी मैं पूरे तौर से हिमायत और समर्थन करता हूँ क्योंकि यह मैं समझता हूँ कि यह 174 एडवोकेट साहवान जो मैसूर हाईकोर्ट के ऐडमिनिस्ट्रेटिव बेंच की गलती का शिकार हुए, इनका अपना इसमें कोई दोष नहीं है। उम समय मैं यह जरूरी था कि कोई ऐडवोकेट एनरोल तभी हो सकता है जबकि उसने ट्रेनिंग ली हो और बार कौंसिल के द्वारा ली गई परीक्षा पास की हो, परन्तु मैसूर हाईकोर्ट ऐसा था कि जिस में न सिर्फ मैसूर के बल्कि दूसरे राज्यों के वकील भी जा जाकर एनरोल होते थे। वहाँ पर जब उनको मालूम हुआ कि बगैर ट्रेनिंग के और बगैर बार कौंसिल की परीक्षा के उनको वहाँ एनरोल किया जा सकता है तो वह वहाँ जा जाकर एनरोल हो गए। लेकिन मैं यह जरूर समझता हूँ कि इस गलती को मामूली गलती समझ कर इसके ऊपर दुर्लक्ष्य नहीं करना चाहिए। यह किन हालात में हुआ, किन कारणों से हुआ, इसकी कुछ न कुछ जांच करवा कर और जो लोग इस गलती के जिम्मेदार हैं मैं समझता हूँ उनके खिलाफ कोई न कोई कार्यवाही जरूर होनी चाहिए क्योंकि यह तो पार्लियामेंट का एक ऐक्ट था। जिन जजों के ऊपर या जिस ऐडमिनिस्ट्रेशन के ऊपर इसकी जिम्मेदारी थी उसको इस धाराओं को निश्चित रूप से ओर सही मानों में समझना चाहिए था।

लेकिन इसके साथ-साथ मैं यह अवश्य कहूँगा कि इससे पहले भी जो संशोधन हुए उन संशोधनों के द्वारा यह जो ट्रेनिंग की आवश्यकता थी या बार कौंसिल की परीक्षा पास करने की आवश्यकता थी, यह रिब्यू कमेटी की सिफारिश के मुताबिक मैं समझता हूँ कि उस चीज को खरम कर दिया गया है, जब दूसरे अनेक व्यवसायों के अन्दर लोग बिना किसी ट्रेनिंग के प्रवेश कर सकते हैं तो इस पेशे में भी बगैर किसी ट्रेनिंग के, बिना

किसी परीक्षा के, जब वह लॉ की डिग्री पास कर के आये हैं, तो उनको यह हक होना चाहिए कि वह बिना और कोई परीक्षा पास किए इसका लाइसेंस हासिल कर सकें। लेकिन इसके साथ मैं यह अवश्य कहना चाहूँगा कि इसके अन्दर इतनी देरी क्यों की गई? तीन-चार साल का अरसा हो गया 174 एडवोकेट्स की गर्दन पर तलवार लटकी हुई थी। इसको और पहले लाया जाना चाहिए था। मुझे पता है कि इसी सदन के अन्दर कई बार समय के अन्दर हमेशा एकसेशन किया गया है, समय की बर्बाद हमेशा बढ़ाई गई है। लेकिन इन 174 एडवोकेट्स का फैसला करने के लिए जो इतना लम्बा अरसा लगा मैं समझता हूँ कि इसकी जरूरत नहीं थी।

मैं लॉ मिनिस्टर की तबज्जह इस तरफ दिलाना चाहूँगा, मैं चौधरी रणधीर सिंह के साथ इस बात में सहमत नहीं कि एडवोकेट्स गैतान की संतान है।

श्री रणधीर सिंह : मुझे मिसकांट क्यों कर रहे हैं? मैंने तो यह कहा था कि जो यह कहते हैं, यह गलत है।

श्री श्रीचंद गोयल : आपने कहा तो कोई बात नहीं। मैं ऐसा नहीं समझता और न मैं यह समझता हूँ कि किसी मजबूरी के कारण वह इस पेशे में आते हैं, दूसरे पेशे में या दूसरे मुहकमों में जा नहीं सकते, इसलिए वह प्रैक्टिस का व्यवसाय अपनाते हैं, ऐसा मैं नहीं समझता। कुछ उन लोगों की अपनी रुचि, कुछ उन लोगों की अपनी योग्यता होती है। अनेकों इस पेशे में ऐसी सुविधाएँ हैं, अनेक प्रकार की स्वतंत्रता है। इसलिए वह इसको अपनाते हैं। लेकिन मैं यह अवश्य चाहूँगा कि ला मिनिस्टर साहब एडवोकेट्स की स्थिति देखकर इस बात का प्राविजन जरूर करें कि सीनियर एडवोकेट्स के साथ जूनियर एडवोकेट्स का एम्बेजमेंट हुआ करे ताकि जूनियर एडवोकेट्स को भी अपनी पूरी रोजी कमाने का कैरियर के शुरू में मौका

जिले। मैं समझता हूँ इस की व्यवस्था अवश्य की जानी चाहिए।

इस के साथ-साथ मैं कहूँगा कि आज बेंड लगाना सुप्रीम कोर्ट और हाईकोर्ट के अन्दर प्रेक्टिस करने वाले को आवश्यक है। मैं समझता हूँ कि भारतीय परम्पराओं के अनुसार यह बेंड लगाने की आवश्यकता नहीं है। आप इस के ऊपर भी गौर करें और अगर इन के इस के अन्दर परिवर्तन कर के यह बेंड लगाने से इन को मुक्त कर सकें तो अवश्य यह करना चाहिए।

इसके साथ-साथ यह जो लीगल एजुकेशन है, समय समय पर उस एजुकेशन के लिए भी मैं समझता हूँ कि आप व्यवस्था करेंगे और खास तौर पर गरीब लोगों के लिए कोई इस प्रकार का एक फंड खोला जाय कि जो लोग अपने महत्वपूर्ण अभियोगों के अन्दर वकील रखने की सामर्थ्य नहीं रखते उन की कोई सहायता हो सके। इस प्रकार का कोई फंड सरकार की तरफ से इकट्ठा किया जा सके तो जनता भी उस में सहयोग दे कर अपना कंट्रीव्यूशन दे सकती है। मैं समझता हूँ कि इस मौके का लाभ उठा कर मैंने जो सुझाव सदन में रखे हैं, उन के ऊपर मंत्री सहोदय विचार करेंगे।

MR DEPUTY-SPEAKER: Shri Shivajirao S. Deshmukh; only five minutes.

SHRI SHIVAJIRAO S. DESMUKH (Parbhani): Mr Deputy-Speaker, Sir, while rising to offer my comments on the Bill before the House, I wish to associate myself with the feelings of sympathy and regret for the brother advocates of Mysore High Court. It is really unfortunate that when the law of the land presupposes that every citizen, be he educated or uneducated, is not only supposed to know law but is presumed to know law, the more so, those students of law who graduate in law and hope to practise law are not supposed to know law. Yet, for being registered as pleader, their Lordships of the Mysore High Court, according to what has been mentioned in the Statement of Objects and Reasons, by

oversight registered them as pleaders when the pleaders' law is no more in force. If those people whose job is to dispense with justice, what result could be expected in the due discharge of high court judges is a circumstance which even this August House will have to very seriously take note of.

Moreover, this is a very strange instance of oversight because oversight has been described in legal terminology as a thing which once in a while a man forgets as a slip of memory or he forgets to see what he is normally expected to see. But their Lordships of the Mysore High court committed this oversight not once, not twice, but 174 times. Moreover, this was not once in a day but for days together. Therefore, when this House is called upon to validate an Act which presupposes the oversight by the judges of the high court, then the House is entitled to consider what the nature of the oversight is.

Therefore, in this spirit, I am in hundred per cent agreement with my impatient friend, Mr Lakkappa, in regard to the amendment which he has moved, because, if these 174 brother advocates of the Mysore High court are to be validated, then what all the other advocates and the Bar Councils of other States have got to say in the matter becomes relevant.

I have with me a copy of the representation and resolution passed by the Bar Council of Maharashtra. That Bar Council time and again has taken objection to the extension of dates of registration of advocates. When the Advocates Act was passed in 1961 it was legitimately expected that all those law graduates who have obtained their law degree would appear for the Bar Council's examination, would undergo the training prescribed by the Advocates Act and then, when fully equipped with the degree after passing the Bar Council's examination and training, would be duly enrolled ceremoniously as advocates of the concerned high courts. But time and again we had been going on giving exemptions and the last such exemption was given by the last amending Act which came into force on 16th May, 1964. When that Act came into force, there were murmurs and protests throughout the country to the effect that some

[Shri Shivajirao S. Desmukh]
university had been left out, that some university students whose law degree examination results were declared after that would be suffering from injustice and so on if the same conditions of entitlement were not applicable to the concerned university law graduates. So, this House is called upon to pass a law; when this House expects this Government to enforce the law which this House passes, the Government comes up with a series of amendments which are calculated to circumvent that law, which are calculated even by-pass that law and, if I may say so, to dispense with that law. Here, there is a blatant example of refusal to obey the law after being admitted by the lawmakers as a valid reason for validating the law. Therefore, when the Statement of Objects and Reasons says that there was an urgency and because of this urgency an ordinance had to be issued as a result of the urgency, the urgency is that a citizen of the country moves a high court of a country for a declaration that a certain act of the judge of that high court is *ultra vires* of the law and then the judge of the high court, in collaboration with the central authorities, go on postponing the delivery of judgment, and a time comes when the judges say that "we will longer postpone."

This Government has issued an ordinance validating an act which was supposed to be illegal *ab initio*. What is the urgency? After a series of adjournments, the High Court subsequently refused to give adjournment. If this can be urgency, I have nothing to say what urgency would mean in ordinary English language. If there is any clear case of blatant misuse of the power to issue ordinances conferred on the executive, it cannot be anything other than this. The act *ab initio* was invalid. The request for validation of the act was motivated. The requests for adjournments were coloured. Even the issue of the ordinance can be challenged as colourable. I have no doubt that if this amending Bill is passed, it will be the blackest law on the Indian statute-book. This House should think not once or twice but many times before giving its consent to the validation of this ordinance. If it puts its rubber stamp mechanically, that would

be a mockery of legislation. It is the duty of advocates to defend their clients. It is the duty of judges to dispense justice. If they indulge in illegal acts and those acts are to be validated, it will be gross injustice. Therefore, this is nothing short of playing with fire.

My remarks should not be construed as opposition to the validation of the 174 sands. I am for it. But if we are going to make an exception in the case of 174 persons, howsoever learned they may be, there is no reason why we should not agree to Mr Lakkappa's amendment that everybody who has passed the law examination in a particular period should be *ab initio* deemed to have been registered as an advocate of the concerned Bar Council. I support Mr Lakkappa's amendment and I plead with the House to accept it.

SHRI V. KRISHNAMOORTHY (Cuddalore): Sir, this Bill is clear proof of the inefficiency of the Law Ministry. After the passing of the Advocates Act in 1961, there has been a number of amendments and the registration dates have been extended very often. Why have these malpractices been allowed? When the Bill was passed in 1961, they must stick to it. Both for lawyers and doctors, apprenticeship period is a very noble thing. This is the period in which they receive actual training. If the doctor does not handle the case properly, the patient goes 10 feet below. But if a lawyer does not handle the case properly, it is the other way about. The client goes up by 10 feet. That is the difference. Why is the Government reluctant to implement the 1961 Act? Why has the date for registration been extended time and again? I am against it, because they have not implemented the Act properly.

In the Statement of Objects and Reasons, the responsibility has been fixed on the High Court. These people do not take the responsibility. When these 174 persons registered themselves as pleaders in the High Court, what was the Ministry here doing? What was the Mysore Bar Council doing? Why did they remain without taking any steps? They could have notified that these persons will not be advocates under the Advocates Act.

They could have notified it. But more than one year these people have slept.

Now they are pointing it out saying that the Mysore High Court has pointed it out. It is a contempt on the part of the Ministry to say that the Mysore High Court have pointed it out. I charge the Law Ministry, the Bar Council of India, not the Mysore High Court, for this state of affairs. Through the Advocate-General in that particular State, they could have pointed it out. Instead of fixing responsibility over the High Court, they should have owned their mistake.

17 Hrs.

Lastly, I would like the House to appreciate the sentiments expressed by some of my colleagues about the legal profession. Now the position in India is such that all graduates coming out of the law colleges are going as practising lawyers, sometimes ridiculing the profession. The prestige of the profession now is at its lowest level. In the High Courts and Supreme Court we see so many big fishers swallowing the small fishes. The juniors do not get any income at all. Their remuneration in some cases is only Rs. 50 or 75 a month. I would say that the Government of India should take up the responsibility of ensuring a minimum income of at least Rs. 300 per month to a lawyer. If they bring forward a Bill for that, I would welcome it.

This Bill seeks to rectify the mistakes committed by the Law Ministry, this Bill seeks to ratify the illegal act which has been done by the Law Ministry. That is why I do not welcome this Bill.

SHRI H. N. MUKERJEE (Calcutta North East) : Mr Deputy-Speaker, Sir, I cannot, like my hon. friend, Shri Deshmukh, work myself up into any enthusiasm over this Bill, because this is a fairly routine matter. But in so far as it is a merely routine matter, I feel the Government deserves castigation on account of the fact that its drafting of legislation leaves so very much to be desired. We have nothing against the idea that some lawyers in Mysore are enabled to be enrolled as advocates and that kind of thing, but there is no reason why in the original legislation, which has gone through several amendments already, there has not been provision which was fairly fool-proof and which could function from along-term point of view. From what my hon.

friend has just now referred to, it is very important for Government to begin to realise that something very much more drastic has got to be done in regard to the problems of the legal profession, with which the problem of judicial administration is so closely linked up.

We have in this country even now a sort of class division between lawyers who have been trained in this country and lawyers who were called to the bar in England. I happened at one point of time to have been called to the bar in England and I was enrolled in the King's Bench, but that is an ancient tale which I have nearly forgotten. But what I do not like is that we do still have in our country a very definite distinction in point of status, in point of even fees to be commended by the majority of the advocates concerned between those who were legally trained in England and those who were trained in this country. There is no reason why this distinction should continue. And in places like Calcutta and Bombay, in spite of the unification of the Indian bar, there is a dual system operating. Very eminent solicitors I find in this country who brief the barristers in the main, though they might occasionally in their generosity brief an Indian-trained advocate; but that is a very rare occurrence; they would go to the barrister who had been called to the Bar in England, and that procedure continues all over the country. I cannot ask the Indian Government to put a stop to the idea that a barrister, because he is called to the bar in England, can practise in any of the Commonwealth countries without any kind of mandate from his own homeland. The Indian Government is not concerned with it. But why inside our own country do we perpetuate these distinctions? We do so because we do not tackle the problem either of law or of judicial administration or of the status of lawyers who are professional advocates. We do not tackle the problem at all.

SHRI HIMATSINGKA (Godda) : There is no distinction now.

MR DEPUTY-SPEAKER : They have got a privileged position in Bombay. Not distinction but, as he rightly pointed out, that privilege still continues.

SHRI H. N. MUKERJEE : There is a distinction between the original side and the appellate side.

AN HON. MEMBER : How is it relevant ?

SHRI H. N. MUKERJEE : As I was saying, the original side and the appellate side are different and on the original side the practice is monopolised by barristers even though in theory the advocates can go there. Shri Himatsingka is there and he can tell you from his own experience; he has got a very large practice as solicitor for a long time now.

This is what happens in practice and it all happens because we never go to the root of the matter. As long as we are functioning in this context of Indo-Anglican jurisprudence, as long as we have to cite English precedents starting from Bracton and Fontescue and Lytton right up to the present day, as long as we are dependent upon citations from foreign sources, as long as our jurisprudence is a hotch-potch business, we can never change over to the administration of the judiciary in Hindi and other Indian languages; we can never really go forward to a drastic change in the judicial system.

But, of course, never the Government has thought for this sort of thing, which is why from year's end to year's end they come with one amendment or the other of the Advocates Act-footling little provisions in regard to enabling X, Y or Z or one team of people in Mysore or something else to go into the roll. That is all they do. We have nothing to say against it. The 174 people are perhaps going to get the advantage out of it; they are very welcome. But this Bill shows the complete ineptitude of Government for radical thinking, basic thinking, for tackling the problems which might appear to appertain only to the judiciary but they are linked up with larger questions of social and economic reconstruction.

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : Mr. Deputy-Speaker, Sir this Advocates (Amendment) Bill is certainly causing some anxiety in the minds of the legal profession that things should be continuing as they were in the past. We have been considering the question of changing the judicial system to fit in with the present aspirations of the country. We are also thinking in terms of having our High Court and Supreme

Court proceedings to be carried on in Hindi. How is it possible under the circumstances, as has been pointed out by the hon. Member, Professor Hiren Mukerjee? There is still a distinction continuing between those lawyers who were trained in England and those who had been trained in India even in the matter of dealing with clients seeking legal help.

I can just remind the House that there were eminent lawyers in this country, so eminent that they were considered to be greater jurists than even many of the hon. Judges of the High Court or the Supreme Court.

17.08 hrs.

[SHRI R. D. BHANDARE in the Chair.]

I can remind the House of that oft-quoted case of Rashbehari Ghosh, that eminent lawyer of a revered memory, who munificently gave all his property for public charity. He was a great lawyer and it was said that very often he, in his eminence, would not hesitate to tell the judges how they had been failing to understand the underlying spirit of the legislative Acts. The underlying spirit of a piece of legislation is not to be learnt from law books.

In the present context when we have turned the corner in our history we have become free, our lawyers have to perform their duties in that national spirit in which we can only serve the cause of the law through the process of serving the people. The legal system—I am using rather strong language and I may be excused—is debauched to such an extent that the people are now the servants of the legal system. That society which is tided to legal system is a society which itself debars the progress of society and which can never be revived. So, I would say that, after all, law must serve the cause of the people and not that the people should be forced to serve the law. That spirit will have to be generated by a national Government which claims to have at least freed this country from slavery. If the people are asked continuously to be forced to the legal system, I think, we shall not be doing justice to the entire legal framework of this country which rests on freedom of thought, speech and association.

This piece of legislation has, certainly, to be passed because it is a routine one. But, with a heavy heart, I say that our Law Minister has perhaps got a bigger duty to perform. He has to bring about an entire change in the legal system of this country through legislations which have to be brought before the House for the purpose of improving the fundamental concept of the legal system and its administration in the country through our law courts to uphold the cause of democracy.

We have been rather sometimes pained to hear that the people are losing confidence in the legal system as it stands today. This loss of confidence in the legal system on the part of the people is a danger facing us. Their dealing with certain problems in a spirit of violation of law is also a danger. In that course, we all suffer the country suffers. We feel sometimes that they are forced to break the law because the very foundation of present-day law is based on certain debased principles and they have to be violated—the laws that are still, perpetuating slavery should have gone long past with the Britishers.

We support this amending Bill to validate the registration of these 174 advocates. But there are many advocates in our State. I would request our law Minister to take a lenient view of technical irregularities. My hon. friend, Shri Lakkappa's question is also very pertinent. The lawyers who have been debarred from registration must have some scope to be registered as practising lawyers in courts.

With these words, I would appeal to our Law Minister once again, that not only this amending Bill has to be passed but we expect that he will bring forward before this House a comprehensive proposal containing a revolutionary change in our outlook with regard to the legal system and its functioning in free India.

SHRI J. H. PATIL (Shimoga) : I support this Bill inasmuch as the objective sought to be achieved by the Bill for validating the enrolment of 174 advocates by the Mysore Bar Council was good. We should in this connection bear in mind one

important thing, *i.e.*, the dictum "Ignorance of law is no excuse".

Just as there is law for an individual, so also, there is law for an Association or a Corporation. When the latter whose sphere of functions covers a wider area, breaks the law, what to speak of an individual.

As Prof. Mukherjee pointed out earlier, all these mistakes which are sought to be regularised now arise on account of the fact that the administration of the judiciary in High Courts is done in a foreign language. We should transact business in our own language to avoid any error in the interpretation of legal terms and terminology.

The High Court of Mysore and the Bar Council were negligent and that is how such serious mistakes were allowed to creep in.

SHRI K. LAKKAPPA (Tumkur) : At the outset, I would like to welcome this Amendment Bill brought by the hon. Minister. Before congratulating the hon. Minister, however, I would like to point out how the judiciary in this country is working and also having established a separate judiciary, whether this Government of India is aware of the happenings in this country. There is a sort of dissatisfaction in the minds of the common people arising out of the recent happenings because of this race between the judiciary and the executive. The Government of India is specially responsible for
17.08 hrs.

I would like to say that there are legislations passed both in the States and in the Centre which have been struck down by the judiciary. I am not questioning the authority of the judiciary and the supremacy of the judiciary. But we have to uphold ultimately the rule of law, and the rule of law should be respected in a democratic set up. But unfortunately in this country, the legislators and the Government of India, under the very nose of the Congress Raj, have brought untold sorry and misery and unconstitutional and illegal legislations, as a result of which, in interpretation the judiciary has taken a different view in certain cases, in certain matters, in certain legislations. After this long experience, we have to change our Constitutional atmosphere, the articles of Constitu-

*The original speech was delivered in Kannada.

[Shri K. Lakkappa]
tion; we have to change everything and we must see that there is a new perspective. This Government is not worthy of upholding any rule of law, any democratic values....

MR. CHAIRMAN : Can the hon. Member not be relevant ?

SHRI K. LAKKAPPA : It is relevant because in the 'Statement of Objects and Reasons' it has been stated :

"The Bar Council of India by a resolution passed in September, 1965, directed that the enrolment as advocates of persons who had not undergone training but were admitted as pleaders by the Mysore High Court after the 1st December, 1961, should be cancelled. About 174 persons were affected by this resolution."

I come from Mysore State. I know the plight of the young advocates who have taken a law degree. There are certain conventions and also Bar Council rules prevailing in certain parts of States which adversely affect such people. These have not been rectified till today. In Orissa State, there is Utkal University which allows students to take a law degree privately. But according to the All India Bar Councils Act, that degree is not recognised. There are certain legal lacunae which have to be remedied. This is very necessary in view of the growing tendency to break the law and crack the law. On the one hand, there is a clear-cut separation of judiciary from the executive; on the other, they are breaking the law as they like setting at nought laws governing democratic institutions.

The hon. Minister in charge ought to have brought forward this amendment much earlier. I have also tabled an amendment on which I would like to say a few words. The hon. Minister must recognise that the amendment has far-reaching consequences because there are many advocates who have appeared in certain High Court cases. To regularise that, this amendment has been brought forward. On account of a mistake, on account of an administrative act by the Mysore High Court, they have been enrolled. After the Pleaders have got enrolled, they must take some training as stipulated in the Bar Councils Act and the only they get enrolled as advocates. Now a

peculiar situation has arisen. A certain amendment has been brought forward treating as valid the enrolment of these advocates from a particular date. I do not know why Government hesitate to treat their enrolment as valid from the beginning itself when they got enrolled. This is a matter concerning the future of these advocates. Many of them have applied for posts to the Public Service Commission and also for the judiciary. If my amendment is not accepted, their seniority will be affected.

Therefore, on humanitarian grounds and also to rectify this mistake in full, I would ask Government to accept my amendment. In the alternative, I would ask Government for a categorical assurance that they would regularise all these cases.

I would thank the hon. Minister for having brought forward this Bill which will help the affected advocates who have been suffering for a long time (*Interruption*). There is no personal difficulty involved; so far as I am concerned, I have not been affected. I am a much more senior advocate than persons affected.

श्री प्रकाशवीर शास्त्री (हापुड़) : पूर्व इस के कि मिनिस्टर साहिब जवाब दें मैं एक सवाल पूछना चाहता हूँ। यह ऐडवोकेट्स बिल तो सिर्फ मसूर से ही ज्यादा ताल्लुक रखने वाला बिल है जिस को मंत्री महोदय ने पेश किया है। लेकिन कुछ और डिफिकल्टीज भी ऐडवोकेट्स ऐक्ट में रह गई हैं जिन को सुधारने के लिए शायद मंत्री महोदय कोई दूसरा अमेंडिंग बिल लाने वाले हैं। मैं जानना चाहता हूँ कि अपना उत्तर देते समय क्या वह इस बात का यकीन दिलायेंगे कि वह बिल जल्दी ही इस सेशन में पास हो जायेगा।

SHRI SRINIBAS MISRA (Cuttack) : The question has been raised regarding certain Universities which allow students to appear privately and take their law degree. Under the Bar Council Rules, they are not being allowed to be enrolled. What are Government going to do in their cases ? I have tabled an amendment to this effect. If Government give an assurance that they will do something about it, I may not press it. This must be regularised.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI M. YUNUS SALEEM): The scope of the debate on this amending Bill was very limited, and very few hon. Members have expressed their views on the amendment itself. Therefore, while replying I will confine myself to submitting a few things which may clarify the position.

Perhaps some misunderstanding has been caused. Under Section 58 which is a repealing section, paragraph 4 is very significant for understanding the significance of this amending Bill. I would read paragraph 4 of Section 58 of the Act :

"Notwithstanding the repeal by subsection 2 of section 50 of the provisions of the Legal Practitioners Act 1879, or of the Bombay Pleaders Act, 1920 or of any other law relating to the admission and enrolment of legal practitioners, the provisions of the Act and law aforesaid and any rule made thereunder, insofar as they relate to the renewal or the issue by way of renewal of a certificate to a legal practitioner authorising him to practice, shall have effect until Chapter IV comes into force, and accordingly every certificate issued or renewed to a legal practitioner who is not enrolled as an Advocate under this Act, which purports to be issued under the provisions either of the aforesaid Act or of the other law during the period beginning with the first day of December, 1961 and ending with the date on which Chapter IV comes into force shall be deemed to have been validly issued or renewed."

The words "to the issue", as I submitted in my opening speech, were given an interpretation by an Administrative Bench of the Mysore High Court thinking that the High Court of Mysore was authorised to continue the enrolment of Pleaders under the old Act. There arose the difficulty, but when this matter came up for the judicial consideration of the same High Court before a Bench, the Mysore High Court gave an interpretation that the words "to the issue" would not mean that after that particular date any High Court would be authorised to enrol the pleaders. But by the time this judgement was pronounced

by the Mysore High Court, some Pleaders had already been enrolled, and those Pleaders, when they applied to the Bar Council of Mysore for being enrolled as Advocates, were also enrolled as Advocates. They were 174 in number. I have also submitted that subsequently by an amendment of the Advocates Act itself the condition imposed on the Pleaders to undergo a training was lifted and these 174 Advocates also became entitled to be enrolled as Advocates. This matter was also considered by the Advocates Act Review Committee, and the Committee recommended that since these 174 Advocates had been enrolled as Advocates by the Bar Council under some misapprehension, their enrolment may be validated. This Bill is for that purpose.

17.30 hrs.

[MR. SPEAKER *in the Chair*]

Regarding Mr. Lakkappa's amendment, I submit that there is not a single advocate who had been enrolled before the 28th February, the date which has been stated in the Bill. Therefore, the question of that amendment does not arise. The enrolment of advocates after that date is going to be validated by this Bill. His amendment arises from some misapprehension.

Regarding the other proposals of such advocates who had not undergone training but obtained law degrees in spite of the resolution of the bar councils—that amendment does not come within the purview of this Bill. If there is a separate proposal made for that purpose, that would receive the sympathetic consideration of the Ministry and if necessary a Bill will be introduced to that effect. We shall consider other proposals also and if necessary a suitable amendment Bill will be introduced.

MR. SPEAKER : The question is :

"That the Bill further to amend the Advocates Act, 1961, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER : There are no amendments to clause 2. The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER: There are some amendments to clause 3. Are they moved?

SHRI SRINIBAS MISRA: In view of the assurance given by the Deputy Minister, I am not moving my amendment.

SHRI K. LAKKAPPA: I am not moving my amendment.

MR. SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 1, the Enacting Formula and the Title were added to the Bill.

SHRI M. YUNUS SALEEM: Sir, I move:

"That the Bill be passed"

MR. SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted

17.32 Hrs.

HALF-AN-HOUR DISCUSSION

HOMES FOR FREEDOM FIGHTERS IN WEST BENGAL

श्रीमती सुचेता कृपालनी (गोंडा) : सदन में श्री समर गुहा ने जो प्रश्न संख्या 271 किया था और उसका जो उत्तर आया था उससे निकले सवालों को लेकर मैंने यह चर्चा उठाई है। श्री समर गुहा ने सवाल किया था कि हमारे राजनीतिक कैदी जो बंगाल के हैं और हिन्दुस्तान के दूसरे भागों के हैं और जिन्होंने अंदमान में सालों बिताये हैं, यात्रायें भोगी हैं, उन लोगों की देखभाल के लिए, उनके पुनर्वास के लिए हमारी सरकार क्या कर रही है। हमारे मुल्क में ही नहीं हर सभ्य मुल्क में जो स्वाधीनता संग्राम के सेनानी होते हैं, उनकी देश इज्जत करता है और केवल इज्जत ही करता है इतनी ही बात नहीं बल्कि स्वाधीनता संग्राम का इतिहास लोगों

की आंखों के सामने लगाये रखने का प्रयास करता है, उनको लेकर कवितायें लिखता है, इतिहास लिखता है, साहित्य में उनको प्रकट किया जाता है। उनके म्यूजियम बनाये जाते हैं जिनको देख कर आम जनता को यह देखने का मौका मिलता है कि किस तरीके से हमारे वीर सेनानी लड़े और कैसी उन्होंने यात्रायें भोगीं, कैसे उन्होंने देश की स्वाधीनता में योगदान किया। मुझे याद है पूर्वी यूरोप के कुछ मुल्कों में मैं कुछ साल पहले गई थी। वहां छोटा सा म्यूजियम मैंने देखा था। उसको बहुत ही सुन्दर तरीके से बनाया गया था, सारी चीज उसमें दिखाई गई थी कि कैसे वे लोग लड़े, कौन से शस्त्र उनके पास थे, कौन-कौन उन के वीर सेनानी थे ताकि लोग उनको याद रख सकें और लोगों के मन में अपने देश के लिए, स्वाधीनता संग्राम के सेनानियों के लिए एक गौरव की अनुभूति हो।

लेकिन मुझे अफसोस के साथ कहना पड़ता है कि हमारे देश में उतना काम इन वीर सेनानियों के लिए नहीं किया गया है जितना किया जाना चाहिये था। कुछ काम तो जरूर हुआ है इसको मैं मानती हूँ। आज से पच्चीस तीस साल पहले का इतिहास अगर नवयुवकों और नवयुवतियों से पूछा जाये तो वे उसको नहीं बता सकेंगे। इसमें कमी रही है। जिन्होंने स्वाधीनता संग्राम में अपना सारा जीवन न्यौछाबर किया और तरह-तरह की तकलीफें भोगीं, कम-से-कम आप उनके भरण पोषण का तो प्रबन्ध कर दें। आज भी ऐसे बहुत से सेनानी हैं जिन्हें दो टाइम की रोटी मिलना भी मुश्किल हो गया है। इसी चीज को ले कर समर गुहा साहब ने यह सवाल पूछा था। दूसरा सवाल भी उन्होंने किया था। दूसरे मुल्कों में कभी कोई सभा होती है या सम्मेलन होता है या कोई राष्ट्रीय महत्व का दिन होता है तो उस सभा सम्मेलन में इन सेनानियों को सम्मान की जगह दी जाती है। पब्लिकली उनको सम्मान दिया जाता है। यह सब