

[Shri Ranga]

desh, Manipur and Tripura to a level that they may be able to compete with any other man from the other areas.

I find that in these areas it has not been possible to fill all the posts from local people. In Homachal Pradesh, out of 13218 posts, 6151 were filled by persons on residential qualifications and the number of posts filled by non-entitled persons in only 984. Some posts are vacant as we could not find local people. It shows that local, qualified people are not available. This concession will not have much meaning unless we give facilities for training in industries, for education, for development, etc. It should be our endeavour to see these backward areas so developed within the next five years that they may come up to the level with the rest of the country. If, as suggested by Prof. Ranga, we reserve posts in the All India cadre, there will be some difficulty in the sense that the enthusiasm will be missing because they will be assured of this quota fixed for them. That will be the minimum and the maximum. Once we give that concession, that enthusiasm will be slackened. I can assure my hon. friend that we shall take all possible measures to see, in the Home Ministry, that these areas are properly looked after. I am thankful to Prof. Ranga for his support and I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 1, Enacting Formula and Title were added to the Bill.

Shri Hathi: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

13.40 hrs.

ADVOCATES (AMENDMENT) BILL

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra): Sir, on behalf of Shri A. K. Sen, I beg to move:

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

It will be recalled that when the Advocates Act was passed by Parliament in the year 1961, its sole purpose, to put it briefly, was that there should be only one class of legal practitioners in this country, namely, advocates, and secondly, that instead of the right of practice for the advocates being restricted to the particular high court where they are enrolled, it should be extended to the whole of India. That means, there should be a common roll of advocates entitled to practice throughout the territory of India including the Supreme Court; and thirdly, to create autonomous Bars with full powers to have full control over the advocates. Experience has shown, and numerous representations were received from various bodies, and other associations, also from the State Bar Councils, about the practical difficulties that were involved, mainly in the functioning of the State Bar Councils and in the all-India Bar Council. Representations were received and they

were all considered by the Bar Council of India and also by the Attorney-General who by virtue of his position happens to be the President of the Bar Council of India. It is only after consulting the Bar Council of India, and according to their suggestions, that this Bill has been brought before the House.

I will only briefly summarise the main amendments that are now being sought to be incorporated in the Advocates Act. It will be recalled that the Advocates Act contemplates that everybody who had taken his law degree before the 28th February, 1963 will automatically be enrolled as an advocate, and after taking the law degree, after the 28th February, 1963, has to undergo a course of training and to appear in an examination prescribed by the Bar Council. It was thought necessary then that only taking a law degree probably would not qualify a person to discharge the onerous responsibility that he has to discharge. Therefore, it was thought that some course of training was necessary if a person can effectively discharge his duties as an advocate. Unfortunately, it has not been possible so far to frame common rules as to how and what the course of studies should be, or what sort of examination will be held, who will undertake to give guidance to the trainees and all that. Attempts are being made to do that, but, at the same time, representations have been made from those who have passed after the 28th February, but since no rules have been framed and since the Act stands as a bar, they are not entitled to practice. Therefore, it is now proposed to extend the date from the 28th February, 1963 to 31st March, 1964. So, in effect, it will mean that any law graduate who passes the examination prior to the 31st March, 1964 will be entitled to be enrolled as an advocate without appearing in any test. We hope that after this period probably by the time the next batch comes up, the Bar Councils will be in a position to frame the necessary rules for

giving the new entrants the necessary training.

Then, as I have already said, the Act intends that there should be only one class of advocates throughout the country; it has been found from experience that certain other persons who are qualified to be advocates or who had the right to practise as advocates but who have not got the necessary qualifications to be advocates under the Act should not be debarred from being advocates and that their experience in the field of law should be taken into consideration. I need not go into the list which has been specified in the Bill. Therefore it is proposed that certain classes of practitioners in different parts of the country should also be admitted or permitted to be enrolled as advocates if they so choose.

Then, so far as the common roll of advocates is concerned, it will be seen that the Act contemplates a common roll of advocates who will be entitled to practise throughout the territory of India as well as in the Supreme Court, and it has been specified in the Act that the common roll should be maintained according to the seniority of advocates. It has been pointed out by the Bar Council of India that, first of all, to have a common roll of advocates by itself is a very huge task and also, preparing it on the basis of seniority will involve quite a long time. And, therefore, it is now proposed to authorise the Bar Council of India to make rules for the purpose to determine how the common roll should be maintained.

Then, so far as the advocates of the Supreme Court are concerned, when this Act came into force from 31st December, 1961, you will remember that there are two classes of practitioners in the Supreme Court, designated as senior advocates and junior advocates. When this Act came into force on the 31st December, 1961, senior advocates who were then

[Shri Bibudhendra Misra]

senior advocates were also considered under the Act to be senior advocates; but the senior advocates work under certain disability, because they are precluded from taking up certain kinds of work in the Supreme Court. Therefore, now it is sought to give them the option, to exercise the option if they would like to be treated as junior advocates and not as senior advocates. That right is given here.

So far as the functions of the Bar Councils are concerned, it is the Bar Council of India that is representative of the State Bar Councils, and the State Bar Councils are represented in the all-India Bar Council. It is only fair; it was not made clear that the term of office of a member of Bar Council of India must be synonymous for the same period as he is a member of the State Bar Council which he represents. Therefore, it is now provided that the term of office of a member who represents a State Bar Council in the All-India Bar Council, as a member of the All-India Bar Council, will cease when he ceases to be a member of the State Bar Council.

As I have said, it is intended to create an autonomous Bar and an all-India Bar. It has been thought necessary to give the all-India Bar Council certain jurisdiction so as to give direction, to have the power of revision, to call for the records of the State Bar Councils for properly exercising or laying out an all-India policy; and it has been thought necessary to invest the all-India Bar Council with some more powers and it is only with the object of having a common roll, to have an autonomous Bar and to have a uniform policy. Therefore, the powers of the all-India Bar Council have been extended over the State Bar Councils.

These are in short the amendments that are proposed to be incorporated now. With your permission, Sir, I move.

Mr. Deputy-Speaker: Motion moved:

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

Shri S. M. Banerjee (Kanpur): Mr. Deputy-Speaker, Sir, I rise to support the Bill moved by the hon. Deputy Minister of Law. I remember when the first amendment was made, there were representations on behalf of the Bar Associations and specially those law graduates who thought that they were not entitled to get this concession or advantage because of certain restrictions in the Bill. I was a bit surprised or rather worried when the previous Bill was withdrawn. But later on when I got information from the hon. Minister that he was introducing this Bill, I was extremely happy to know that it has embodied exactly what was demanded by the law graduates.

As very ably explained by my hon. friend the Deputy Minister of Law, even those graduates who would become law graduates after 31st March, 1964, if I understand it correctly, will not be denied of this advantage under this particular Bill. It says: . . ."

"the term of office of the member of the Bar Council of India elected by the State Bar Council should normally be for the same period for which he holds office as member of the State Bar Council."

Then, powers have been given to all-India Bar Council and naturally some powers will be given to the State Bar Councils too. Then, in the Statement of Objects and Reasons, they have said that for the efficient and smooth working of the Act it is also considered necessary to vest in the Central Government powers to make rules in respect of matters which may be considered necessary. I would like to know whether the rules have been framed or are likely to be

framed soon, and whether this House will be entitled to have the rules discussed because there is a feeling that the framers of the rules under this Act may not include certain things which were demanded by the law graduates. I should be happy if the Deputy Minister throw some light on the proposals in his mind and how the rules are going to be framed in this connection.

I would again congratulate the Deputy Minister for bringing this amendment. It has given an opportunity to all and I do not think any complaint will be there no representations will be pouring either to us or to the Deputy Minister. With these words, I support this Bill and request the Minister to explain to us what will be the salient features of the rules that are likely to be framed.

Mr. Deputy-Speaker: Any hon. Member who would like to speak? 4 hours have been allotted to this Bill.

Shri Oza (Surendranagar): Sir, this Bill has come by surprise. It has brought into discussion this Act which has been amended from time to time. My attention has been drawn to several law graduates from my area, who have their practical difficulties. Some persons who have passed the law examination have to undergo some training because the degrees are not conferred before a particular date otherwise, they do not have to undergo it. The hon. Deputy Minister, who is piloting the Bill, said that some persons do require some training after they take their law degrees. The actual conferment of the degree should not be material. Whether they have passed the appropriate examinations should be the deciding factor. Some Universities may delay the conferment of degrees for some time. That is no fault of the candidates, who have taken the courses prescribed by the universities and passed the examinations. If the universities had conferred the degrees in time, they would not have to undergo further training. So I would request my hon. friend to determine the date not in res-

pect of the actual conferment of the degrees and the date of convocation, but in respect of the dates of the examination. They should go by the dates of the examination and should keep the course in view.

The law graduates have also brought to my notice several difficulties. In some centres, it has been found that it is not possible to find out lawyers under whom they can take training. It has been laid down by rules and appropriate laws that a candidate who has passed the examination after a particular time has to take practical training under advocates who have put in ten years' practice. In some centres, there is a limited number of senior practitioners who are eligible to give such training, with the result that the juniors who have passed the examination cannot do the chambering. So, they are out to further expenditure. I would request the hon. Minister to take this into consideration and to relax the rule, because it has been said that not more than two lawyers can be taken into the chamber of a senior advocate. That would work to the hardship and detriment of several graduates who cannot find appropriate places for training in several mofussil areas.

These are the points which I would like to put before the Minister, because they have struck me at once. I wanted to contribute much to the discussion on this Bill. But it has come only this morning. When I came to the House I found that the discussion was going on. These are the points which came to most to my mind. I would earnestly request the Deputy Minister to keep these practical difficulties in view and if necessary bring appropriate amendments.

Shri Daji (Indore): Sir, I want to raise two points in connection with this Bill. One is, I do not appreciate that the question of qualifications and disqualifications for membership of Bar Councils and who can stand for election and vote should be left to the rules to be framed under the Act. This is an important matter and it

[Shri Daji]

cannot be left to the rule-making power of any authority for the matter of that. At least such an important matter should have been specified in the Bill itself or at least the outlines and limits should have been laid down. Within which the rule-making power may be exercised by the Bar Councils, because one does not envisage what qualifications or disqualifications might or might not be brought in the exercise of the rule-making powers.

Then, the whole scheme as envisaged under this Act about new advocates is rather unclear even now. We have been stumbling from position to position and changing dates, sometimes to accommodate the results of this university or that university and sometimes because the whole machinery is not ready. But for this amendment, I do not know what the position would be. In August a whole bunch of fresh advocates are due to take their examinations under the Bar Councils. Whereas they have been required to do chamber work, to maintain the diary and to work under a senior, actual several State Bar Councils have yet been unable to help these youngsters. The purpose with which the Parliament initiated this legislation was that mere law graduation does not make a man fit to become a lawyer. So, some sort of practical training was supposed to be there, supplemented by lectures and other help from the Bar Council. In the absence of these, what is left is only the onus of the examination without the benefits accruing therefrom.

Also, it is very difficult to fit in the whole pattern of law studies which different universities have got. There are variations in the curricula for the law course in the different universities. The dates for examinations are different. Some universities hold six-monthly examinations and some yearly. Some hold supplementary examinations and some do not. The result is whereas in some cases a fresh law graduate may have

to go on working under the Bar Council rules for 18 or 20 months, in other cases it may be 13 or 15 months only. So, what I submit is that all these matters have to be examined in detail. These new conditions should not be enforced till rules have been framed, proper conditions have been created and the whole machinery is ready, so that the benefits we want to flow from this may actually go to the law graduates and uniformly to all the law graduates of different universities. Merely passing the Act will not help unless the machinery is created simultaneously. I would like to know what steps Government have taken for that. Next session, again some State Bar Council may be failing in its duty and again we may be asked to accommodate them. How long shall we go on in this *ad hoc* manner? That is the difficulty to which the Government should apply its mind.

Mr. Deputy-Speaker: Dr. Aney.

Shri S. M. Banerjee: Before Dr. Aney speaks, we should have quorum in the House.

Mr. Deputy-Speaker: The bell is being rung.

There is quorum now. Dr. Aney may proceed.

Dr. M. S. Aney (Nagpur): Sir, the All India Bar Council is, in my opinion, an important institution which, if properly conducted, will play a very important part. The rights given to the All India Bar Council, if properly exercised, will mean a good deal of improvement in the formation of the judiciary itself. It has got this importance. Therefore, all laws regarding the Bar Council and the advocates who are to be members of the Bar Councils deserve to be very carefully considered.

14 hrs.

I am glad that the hon. Minister of Law, in this Bill, has tried to

incorporate the various suggestions which have been made by this House before. One important thing is, the difficulty which was felt in the enrolment of advocates has been removed by this Bill. Secondly, the Bar Councils are given wide powers under this Bill, in respect of various matters. Therefore, the proper formation of the Bar Councils is a matter of great importance.

I am glad that in the formation of State Bar Councils special care has been taken to see that a certain percentage of advocates of certain standing is included. The provision is:

"Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll....."

considering the importance of the duty of Bar Council advocates with standing and experience are necessary there and a legal provision for that has been made now. In my opinion, it is very good. When we create Bar Councils we have to give them disciplinary control also. So persons with sufficient experience of Bar have to be there. If they have not got sufficient experience, instead of being useful they are likely to be a source of trouble also. Therefore, this provision for associating certain advocates of certain standing with the Council is a matter that will lead to proper discussion and deliberation by the Council which, in my opinion, is a matter which is very necessary.

Lastly, I want to say only this. Bar Councils or any other councils can work satisfactorily only if there is a certain important outlook before them. The judicial system in this country is, in my opinion, the bed-rock on which democracy stands. The Bar Councils in course of time should be so powerful as to give proper recruits. It should claim the rights

of appointing proper judges on the judiciary. When this is done judges would be elected only from the members of the Bar. Then only we will get independence of the judiciary. These are potentialities of the Bar Council. At present we are only making a beginning of it. If these potentialities are to be properly developed, proper care has to be taken in the initial stages. I believe, the Bill that is before us shows that the framers of this Bill have taken into consideration most of the suggestions which have been made in regard to this matter by various members of the Bar Associations. I am sure the Bill that is before us can certainly make a good beginning in that direction, and I support it.

Shri Bibudhendra Misra: Sir, a question has been raised, by Shri Banerjee, about the rule-making powers. He wants to know why Government is taking these rule-making powers. I would like only to say that it is not the intention of the Government to frame rules in supersession of the powers of the Bar Councils. The whole idea of taking this extraordinary power is to frame rules wherever there are no rules so as to see that effect is given to the provisions of the Act. The All India Bar Councils are having rules on all matters arising out of the Advocates Act. When all the rules are made by All India Bar Councils, it will not be necessary for the Government, simply because it has assumed these powers under the Act, to make rules. Whenever a rule is framed by the Central Government, if at all necessary, if Shri Banerjee will kindly look to the provision under sub-clause (5) of clause 21, he will find that therein it has been expressly stated that it will be laid before the Houses of Parliament.

Then, an apprehension has been voiced about permitting a law graduate to be enrolled without waiting for his obtaining the degree in a convocation from a university. There

[Shri Bibudhendra Misra]

is no apprehension on that score as will be seen from the explanation appended to Section 24 of the Act. It has been clearly stated that for purposes of this section a person shall be deemed to have obtained a degree of law from a university in India on the date on which the results of the examinations for that degree are published by the university on its notice board or otherwise declared him to have passed that examination. Therefore, that right accrues to a person who passes that examination under the Act he need not wait for obtaining a degree from the university in which he studied.

Shri Daji suggested that there should be, as far as possible, uniform legal education in India. That is a point, also, of which notice has been taken by the Bar Council of India. I am told the Bar Council of India has appointed a Legal Education Sub-Committee to find out what should be the courses of studies and all that. Since under the Advocates Act itself the Bar Council of India has a right to recognise the universities that are imparting legal education, the Bar Council of India will also come in close touch with the universities and the universities also will be guided by the advice of eminent counsels that represent the Bar Council of India.

With these words, Sir, I move that the Bill may be taken into consideration.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause.

Shri Sinhasan Singh (Gorakhpur): Sir, I want to speak on clause 2. I have not given any amendment but I would like to speak on this clause.

Mr. Deputy-Speaker: Let us take up clause by clause.

Clause 2.—(Amendment of section 3)

Shri Sinhasan Singh: This clause seeks to give a kind of representation to members of the Bar Council dividing them into two halves. The original provision was for election of 20 members by proportional representation.

It provides:

"Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926."

Sub-clause (4) refers to disqualification. By this provision what we are making is we are providing certain reservation amongst the members of the advocates themselves—certain persons will be enrolled on certain qualifications and the rest on some other qualifications. Rather, we are making two water-tight compartments amongst the advocates themselves—those who were enrolled for ten years or more and those who have less of experience. This will create some jealousy between the two sections. If the older generation will go by this reservation, the younger generation will feel jealous that the older generation are getting half of the seats merely by reservation. So, why have this reservation? The Constitution provides reservation only for scheduled Castes and Backward Classes. Therefore, this provision in the Bill for reservation amongst the advocates themselves is a novel one. I do not know what prompted the Government in bringing forward this amendment.

Then, before this amendment, there was no question of renewal of membership. Now we are providing that an advocate shall be disqualified for being a member of the State Bar Council unless he possesses some qualifications as may be prescribed by the Bar Council. The clause reads:

"An advocate shall be disqualified from voting at an election under sub-section (2) or for being chosen as, and for being, a member of a State Bar Council, unless he possesses such qualifications or satisfies such conditions as may be prescribed in this behalf by the Bar Council of India, and subject to any such rules that may be made, an electoral roll shall be prepared and revised from time to time by each State Bar Council."

It amounts to an annual revision of the rolls of the State Bar Council. It may well happen that in a State a member may be removed from the roll. He may contest saying that it is wrong or unlawful. The result will be that it will also become like Parliament or State Assembly elections.

When we passed the original Act, we made it an all-pervading one, covering all the legal practitioners of India under one roll. What difficulty has arisen between the passing of the Act and now to necessitate the bringing in of this amendment? Why this apportionment of membership between junior and senior advocates? What is the necessity for prescribing disqualification now? I hope we are entitled to know from the Government the reasons which prompted them to bring forward these amendments.

Then, the Bar Councils Act itself is a voluminous one. Also, its amendment has not been infrequent. Every time we are coming forward with one or two amendments. There is also an amendment given notice of by a

private Member, and I think it is coming up today. I feel that an Act which refers to the legal luminaries should have some sanctity attached to it and it should not be tampered with lightly. If we are bringing forward amendments to the same Act every now and then, it only shows that we are not considering the subject in all its aspects when we try to amend it. I feel that we should not bring forward amendments in such lighthearted fashion. An Act should be amended only when it is absolutely essential.

श्री द्वारका दास मंत्री (भीर) : कलाज २ के प्रोवीडेंसों में कहा गया है : "प्रोवाइडिड टैट एज नीयरली एज पासिबिल बन-हाफ सच इन्क्विटड मेम्बर्स." । मैं निवेदन करना चाहता हूँ कि जब हम कोई कानून बनाते हैं, तो उस में कुछ क्लैरिटी होनी चाहिए, ताकि उस का इन्टरप्रेटेशन सही और साफ तौर से हो सके । जब हम ने इस प्रोवाइडेंसों में "बन-हाफ आफ सच इन्क्विटड मेम्बर्स" लिख कर स्पैसिफाई कर दिया है, तो फिर "एज नीयरली एज पासिबल" शब्दों की आवश्यकता महसूस नहीं होती है । इन शब्दों से इन्टरप्रेटेशन में गलतियाँ होने की सम्भावना रहेगी । इसलिये बेहतर है कि ये लक्षण यहाँ से हटाकर (डिलीट) कर दिये जायें ।

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, the new clause (2) has been proposed at the suggestion of the All India Bar Council and senior members of the bar like Shri N. C. Chatterjee and others. There is a similar provision for reservation of a minimum number of seats for senior advocates in the Bar Councils Act of 1926. We did not put it in the original Bill but during the working of the Advocates Act it has been found rather unpleasant that senior advocate do not propose to go into the din and bustle of the elections with the result that only junior advocates with little experience get elected. The result is that the mature

[Shri A. K. Sen]

experience of the senior advocates does not come to play in the deliberations of the Bar Council. Therefore, we have thought it proper, at the suggestion of the Bar Council of India, the Attorney-General and other senior members of the Bar, that we should re-introduce the provision which was in the Act of 1926.

With regard to the point on "as nearly as possible", sometimes it may be a fraction. The hon. Member does not know that it is a special law where we may come across a case where there is a possibility of a fraction is eliminated. It is an expression of drafting which is absolutely necessary in such cases when we fix the minimum percentage.

With regard to the point raised by Shri Sinhasan Singh about the qualifications being prescribed for standing for election and for voting on elections, at the present moment, we have no All India Bar; we have Bar Councils in the States. But might happen is that different Bar Councils may prescribe different qualifications and then it will become very difficult. In fact, such cases have occurred. We find that the All India Bar Council cannot enforce a uniform qualification because it has no power to do so. That is why we have introduced this provision so that there may be uniform prescription of qualification all over the country.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 5.—(Disciplinary committees).

Shri K. L. More (Hatakanangle): I wish to say one or two things regarding clause 5 Under section 9 the disciplinary committee of a Bar Council

is to consist of five members. Now, under the present clause 5, the number is to be reduced to three and the reason given is that the committee would be unwieldy. But I do not support this and the committee should consist of five members, instead of three. So, I oppose this clause.

Shri A. K. Sen: This is also one of the suggestions of the All India Bar Council; it is not a suggestion of the Government at all, and I am sure the hon. Member will give more weight to the experienced view of the Bar Council. In fact they have found it difficult to gather five members, particularly when they are spread out all over the State. Therefore, they have found it that three would possibly be a practical number for the purpose of holding a sitting of the disciplinary committee, because they should be senior qualified members, respected by the members of the profession and who do not want to stand for election. That is why this provision has been inserted.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 10 were added to the Bill.

Clause 11.—(Amendment of section 20).

Shri Parashar (Shivpuri): Mr. Deputy-Speaker, Sir, in clause 11, sub-clause (A) (ii) (a) reads:—

"the words 'after such training' shall be omitted;"

In the original section 24.....

Shri A. K. Sen: Where is the hon. Member reading from? There is no sub-clause (A) or (B) in clause 11. I think he must be reading from the Bill which has been withdrawn.

Shri Parashar: I am reading from the Bill which has been supplied to me, I do not know if it has been withdrawn.

Mr. Deputy-Speaker: Have you got anything to say on clause 11 of the new Bill?

Shri Parashar: No.

Mr. Deputy-Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

Clause 13.— (Amendment of section 24).

Shri H. V. Koujalgi (Belgaum): Sir, the original Act was amended by Act 32 of 1962 according to which some of the law graduates who passed their examination before the 28th February, 1963, were exempted from further training. As some of the Bar Councils could not frame the rules, this training could not be given. According to the Bill which has now been withdrawn, the concession was to be given up to the 31st December, 1963 and now the concession is to be extended to those students who pass before the 31st March, 1964. Of course it is said further namely,—

"or to such other later date as may be prescribed". But this "such other later date as may be prescribed" will remain inoperative. We do not know who is to move, or even if it is moved that the date should be extended to some other date, it would take a long time.

What I want to urge is that the benefit goes only to those students who pass before the 31st March, 1964 but in many universities the examinations are held in the month of April and the results are declared in the month of May. That is the case in most of the States. So, it is better that this advantage should be given

to all students who pass during the year 1964. After that this concession may not be given. So, instead of giving a particular advantage only to particular universities who declare their results by the 31st March, 1964, it is better that the advantage is given to all students.

Shri A. K. Sen: I can assure the hon. Member that if there is a good case of any university, we will consider it. That is why instead of coming up to Parliament each time we are taking the power to extend the date by an appropriate notification.

Shri K. L. More: I wish to add nothing; I only wish to congratulate the hon. Law Minister for widening the scope of section 24.

It says:—

"It is also considered necessary to enlarge the scope of section 24 to cover certain other classes of persons as well who by reason of their training or experience should be eligible for enrolment whether they are law graduates or not."

So, the benefit is extended to certain classes of pleaders or legal practitioners and I congratulate the hon. Law Minister.

Shri S. M. Banerjee: Sir I support the contention of my hon. friend who spoke just now. This particular point about the 31st day of March, 1964 was also brought out by my hon. friend. Shri Homi Daji and in reply to that the hon. law Minister just now stated that if there is a good case, it will be seen that those cases are covered under the rules, if I heard him correctly now rules are yet to be framed.

Shri A. K. Sen: Not rules. The language is:—

"or to such other later date as may be prescribed".

Shrimati Renu Chakravartty (Barrackpore): By rules.

Shri A. K. Sen: By rules, of course.

Shri S. M. Banerjee: I expressed my apprehension about this while I was initiating the debate on this. We do not know what the rules are and the hon. Deputy Law Minister when he replied could not give us an idea about them. There is a fear lurking in the minds of hon. Members as also of the advocates because the dates of examinations are different in different States. So, what I suggest is that some provision should be there. Though an amendment has not been moved, an amendment can be moved. It is not too late because this Bill is not going to conclude today. A suitable amendment can be brought on behalf of Government which should allay the fear which is lurking in the minds of those advocates about this particular date.

What does it say? It says:—

“before the 31st day of March, 1964, has, for at least three years, been a vakil or a pleader or a mukhtar, or was entitled at any time to be enrol under any law then in force as an advocate of a High Court (including a High Court of a former Part B State) or of a Court of Judicial Commissioner in any Union territory;”.

I put this pertinent question to my hon. friend, the Deputy Law Minister whether the “31st day of March, 1964” would cover all cases or again some lacuna will remain. It does not look nice that every time this House is asked to pass certain amendments to the original Act. Sometimes the Act is amended in such a way that all the original sections are amended and it becomes a new Act.

So, I would only request that a proviso may be given. It is my earnest request to the Law Minister, through you, because both the Law Minister and the Deputy Law Minister have taken enough pains to adjust our young, energetic advocates. There

were representations after representations, on their behalf, addressed to all the Members of Parliament and to the Law Minister. So, I would only request him kindly to see if there is a way out and if this can be adjusted and a proviso can be added. I do not want further amendments of this. There may be a proviso saying either the 31st day of March, 1964, or the date of announcement of result, whichever is earlier”. It can be said like this. A proviso must be there so that it may safeguard the interests of all those who wish to be lawyers and wish to join the bar. We cannot possibly ignore their genuine demand.

With these words, I request the Law Minister kindly to throw some light on this.

Shrimati Renu Chakravartty: Mr. Deputy-Speaker, Sir, I must say that this Amendment Bill to the Advocates Act is a welcome change from the point of view of the State of West Bengal. As you know, in the original Bill actually the mukhtars were completely left out and while mukhtars of West Bengal were left out, in many of the Part B States and in other erstwhile princely States those who had been practising, not as degree-holders of law but with lesser qualifications, were going to be recognised. But the mukhtars were not going to be recognised. The strength of mukhtars practising in all the different courts of West Bengal is about 1,400. About nine hundred or more have been practising for fifteen years. Some of our most eminent lawyers have been mukhtars. And certainly in every sub-divisional court it is these mukhtars who are the backbone of the entire Bar, and they are the poor man's lawyers. They are an important body of lawyers about whom it was stated by no less a person than Sir Trevor Harris in the report of the Reforms Committee in 1952:

“It appears to us that the possession of law degree is not

absolutely necessary for the work of mukthar”.

Mr. Deputy-Speaker: Will the hon. Member take some more time?

Shrimati Renu Chakravartty: Yes, Sir.

Mr. Deputy-Speaker: She may continue tomorrow.

We will now take up non-official business. There is a motion to be moved. Shri S. M. Banerjee.

Shri S. M. Banerjee: I beg to move:

“That this House agrees with the Forty-second Report....”

Shri A. K. Sen: May I only appeal to you to take up this particular clause, clause 13, today, because I shall not be here tomorrow?

Mr. Deputy-Speaker: There is no time now.

Shri A. K. Sen: Only one minute.

Shrimati Renu Chakravartty: It is a fundamental clause.

Shri S. M. Banerjee: You have such an able Deputy, he can reply.

Mr. Deputy-Speaker: Yes, Mr. Banerjee. You may move the motion.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
(FORTY-SECOND REPORT)

Shri S. M. Banerjee: I beg to move:

“That this House agrees with the Forty-second Report of the Committee on Private Members' Bills and Resolutions, presented to the House on the 22nd April, 1964.”

Mr. Deputy-Speaker: The question is:

“That this House agrees with the Forty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1964.”

The motion was adopted.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

(Insertion of new Section 6A)
by Shri Prakash Vir Shastri.

श्री प्रकाशवीर शास्त्री (त्रिजनौर):
उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि लोक प्रतिनिधित्व एक्ट, १९५१ में आगे संशोधन करने वाले बिल को पेश करने की अनुमति दी जाये।

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951.”

The motion was adopted.

श्री प्रकाशवीर शास्त्री: मैं बिल को पेश करता हूँ।

FIXATION OF RESPONSIBILITY (OF PERSONS IN AUTHORITY) BILL* by Shri Parashar

Shri Parashar (Shivpuri): I beg to move for leave to introduce a Bill to provide for fixation of individual responsibility of persons in authority with reference to national defence and development of the country.