

Shri P. Venkatasubbaiah (Adoni): In the report of the Commissioner for Linguistic Minorities, they have said that they sought some information from the Orissa Government about educational facilities to the linguistic minorities. They have also said that though they tried to get information from the State Government, they were not able to get it. There is only one school in Berhampur to which the State Government was giving aid. Even though in Berhampur and Parlakimedi areas, there are a large number of Andhras, not much attention is being paid to the linguistic minorities there and.....

Mr. Speaker: Order, order. No speech can be made at this moment.

Shri Lal Bahadur Shastri: Shri P. K. Deo and also the hon. Member have referred to Orissa and Andhra Pradesh. I would merely say that we are really sorry that we have not been able to hold a meeting of the eastern Zonal Council for some time past. We have now fixed a meeting of the eastern Zonal Council for the 12th September. I hope that these matters will be discussed at the meeting of the eastern Zonal Council. There are certain areas in Madhya Pradesh where Oriya-speaking people live. I can tell him that if he wants to write to me, he can, and of course we can also make enquiries from the State Government as well as from the Commissioner as to what the position is. We can discuss it in the central Zonal Council.

Shri P. K. Deo: U.P. and Madhya Pradesh?

Shri Lal Bahadur Shastri: Yes; if necessary we can ask a representative of the Orissa Government to attend the meeting. Then, about the text-books, I have nothing to say. It is for the hon. Member to furnish the text-books. Then we will see who the author is and what the language is.

Mr. Speaker: The question is:

"That this House takes note of the Second and Third Reports of the Commissioner for Linguistic Minorities, laid on the Table of the House on the 8th August, 1960 and 24th April, 1961, respectively."

The motion was adopted.

13.05 hrs.

ADVOCATES (THIRD AMENDMENT) BILL

The Minister of Law (Shri A. K. Sen): Mr. Speaker, Sir, I beg to move:

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

This amendment has been necessitated because of the fact that the State Bar Councils have not been able to formulate any rules yet as a result of which, particularly with regard to students who have passed their examinations after February, 1962, they are finding it extremely difficult to get themselves enrolled as advocates. Even those who practised as pleaders in the olden days find it difficult to get themselves enrolled. We made blanket provisions by the original Act by which we extended the date subsequently, and ultimately the date was extended up to 28th February, 1962 by the last amendment to the Act, so that all those who passed before the 28th February, 1962 were entitled to be enrolled as a matter of course without any rule being framed in respect of enrolment of advocates.

As the rules were not framed we were requested by the All-India Bar Association—the request was communicated to the Attorney-General by the President of the All-India Bar Association—that we should make a provision extending the date from 28th February, 1962 to 28th February, 1963 in section 24 of the Act. As we found that we have to come repeatedly to this House

[Shri A. K. Sen]

for amendment, we thought it was better to give the rule-making power to the Central Government pending rules being framed by the All-India Bar Council and the State Bar Councils, so that we might not have to come up every time here. This was the difficulty, and that is why this amendment was introduced, so that we can, in order to meet this hardship, formulate the specific rules. We have tabled an amendment that these rules may be framed after consultation with the Bar Council of India.

Shri S. S. More (Poona): You may frame the rules but who will put them into effect?

Shri A. K. Sen: The Act itself will do it. If you will see the amendment, they will have the same effect as the rules framed by the All-India Bar Council until revoked by the Central Government.

Shri Shree Narayan Das has introduced an amendment and I think the Government will accept it, because that was our intention actually, but nevertheless we are taking the rule-making power. It is not only in the matter of enrolment but in regard to many other matters that in the absence of the rules difficulties are occurring and, therefore, pending the formulation of the rules by the State Bar Councils, it will be necessary for the Central Government, in consultation with the All-India Bar Council, to frame rules under these particular circumstances. In the meantime, the Government will be prepared to accept the final amendment of Shri Shree Narayan Das, that is, amendment No. 5.

Mr. Speaker: Motion moved:

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

Shri S. M. Banerjee (Kanpur): Mr. Speaker, Sir, before this particular amendment was introduced in this

House, I remember that a memorandum was submitted by the Law Graduates' Association of Delhi not only to Members of Parliament but also to the Law Minister and his deputy. Doubts arose in the minds of those who passed after 28th February 1962. In the Statement of Objects and Reasons, it is clearly stated:

"Difficulties have arisen on account of the inordinate delay in framing the necessary rules. The persons who have passed the final Law examination after the 28th February, 1962 are not able to undergo the necessary training in the absence of proper rules. This is causing undue hardship to them. Representations have been received from various States and Universities urging upon the Government to undertake immediate steps for removing the difficulties experienced by these Law graduates.

It is, therefore, proposed to amend the Act empowering the Central Government to make rules for State Bar Councils to provide for a course of practical training in law and the examination to be passed after such training. This would be an enabling provision and the Central Government would exercise the power only when it is necessary to do so. When, however, any State Bar Council makes any effective rules for the purpose, the rules made by the Central Government would cease to be in force on a notification issued in this behalf."

13.12 hrs.

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

This is a welcome amendment, because after all, the State Bar Councils have not framed any rules, with the result that the question arose about the fate of those who passed after 28th February, 1962. I would

read a portion of the pamphlet submitted to the Law Ministry by the Law Graduates' Association of Delhi:

"The above-mentioned Act which was passed by the Parliament on 19th May, 1961, came into force on 1st December, 1961, exempting as per section 24(1) (d) (i) all such persons who had obtained their degrees in law before that date, from undergoing the apprenticeship and subsequent Bar Council Examination although they had passed the examination with the same courses as we have undergone. Thus, as we have passed our examination in June, 1962, this Act prohibits our immediate enrolment as legal practitioners. Also the other provisions of the Act required to be fulfilled by us, apart from being unwar-ranted and discriminatory, have caused an undue hardship. In this respect we state as under:—

(a) That the Act has retrospective effect. It has bracketed the students who had joined the law course before 19th May 1961 with those who had joined afterwards. Those who joined it before the Act was passed i.e., 19th May 1961, joined it under the impression that just after completing their Proficiency course in law (conducted by the University) they would be able to practise in courts. In fact, they should have been bracketed with their predecessors who have been given the privilege of direct enrolment without undergoing any training and without taking any examination. The result has been that they have been taken unawares by the hardship at a time when they had no other choice of changing the course of their career."

Who are these law graduates? There are many among them who are working in Central Government or State Government or in some private undertaking and who are taking full

advantage of the evening classes in law conducted by the Delhi University and other universities. I have received the same type of memorandum from the law graduates of U.P. also. Their examinations were conducted in April or May and their result were announced in July, 1962. We find that this particular Act does not help them. It helps those who passed before 28th February, 1962.

I had some discussion, though not exhaustive, with the Deputy Law Minister when this particular memorandum was circulated to Members of Parliament. A letter signed by many Members of Parliament, including myself, Shri Indrajit Gupta and others, was also written to the Law Minister for two things. One was that the Central Government should frame the rules, because the Bar Councils have not framed the rules, so that the difficulty may be removed. The other thing was whether those graduates who passed after 28th February, 1962 could also be covered by bringing a suitable amendment. The Minister might say, after all a line has to be drawn somewhere.

Shri A. K. Sen: I have already said that we are taking the rule-making power and the rules will tend to exempt graduates who have passed after 28th February, 1962 also.

Shri S. M. Banerjee: I congratulate him. Under the rules framed by the Central Government, they can exempt those who passed after 28th February, 1962.

Shri A. K. Sen: That is what I have said. We are prepared to accept the amendment of Shri Shree Narayan Das, though it is not necessary.

Shri S. M. Banerjee: I thank him for that. I submit that the rules should be framed at the earliest opportunity, because they have already lost three or four months and they should not be made to lose more time.

Shri S. S. More: Sir, I do appreciate the Government's efforts to introduce this measure for the purpose of removing the hardship caused to some sections of the students who came to pass the law examinations recently. I became a law graduate and a legal practitioner long before such provisions about apprenticeship and practical training were devised, and I do not feel that those who belong to my generation and even the subsequent generation are less efficient for want of apprenticeship and special examination. I do not look with favour on this particular provision making a period of apprenticeship and special practical training compulsory.

A man may pass the university examination quite competently, but our Government feel that he is not sufficiently qualified for the profession, with the result that his enrolment as lawyer and his taking up practice for earning some money would be postponed. When the university has awarded him the degree after examining his legal knowledge, why should the State Bar Council impose any further condition, which will amount to a sort of slur on university education? If we put two and two together, we can very well say that it is the feeling of the Government that the products of universities are not fit enough to undertake the profession immediately and some period of apprenticeship has to intervene between his actual passing of the examination and his enrolment.

Then there is one more point. It is likely to be argued on behalf of Government that the man may have knowledge of law, but he may not necessarily have the practical experience of the tricks of the trade. I do not feel that any senior advocate would be so blind to his own interest as to allow the young apprentice to peep into his stock in trade, on which he has been thriving. The only advantage that he will get is that he will

have some unpaid apprentices, who would possibly attract some more work for him. My submission is, in these days, when the legal profession is going down and litigation is not a thriving affair, the speedy enrolment should not be postponed for certain reasons which do not stand careful scrutiny. Allow the boy to join the profession immediately after he gets through the university examination. He will earn as well as learn. It has been my experience, Sir, and it will be the experience of those in the profession, that they learn all the tricks by practising and not by doing formal training under some very eminent lawyer. So allow these young men to join the profession. It will be in the interest of the country to allow these young men to earn as early as possible, because in view of the growing competition their chances of making huge money are becoming very slim.

Then there are one or two other points. I want to ask the Law Minister one question. In clause 3, by which we are inserting a new section 60 of the Act, it is said that until rules in respect of any matter under this Act are made by a State Bar Council and approved by the Bar Council of India, the power to make rules in respect of that matter shall be exercised by the Central Government. Now, I am assuming, in order to understand this particular part, that the State Bar Council has come into existence but for certain reasons not known to us it has not been able to frame the necessary rules.

Shri A. K. Sen: That is what has happened.

Shri S. S. More: That means, now there may be two authorities having simultaneous powers of framing those rules. May I understand, Mr. Deputy-Speaker, that Government contemplate that the State Bar Council as well as the Central Government will have the power to frame rules and when the State Bar Council is hesitant, reluctant to frame the necessary rules the Central Government's

power will step in and the Central Government will frame the necessary rules. That these two authorities will have concurrently the power to make rules has not been sufficiently brought out in this particular Bill. If there had been such a word as "also", things would have been much better for the purpose of understanding this.

My further difficulty is this. The Central Government have framed their own rules. I casually asked as to who was going to implement those rules. The Law Minister was pleased to say: "The Act itself". I do not feel that the Act will be an executive authority also. The Acts will only lay down the limits within which the rules will operate. Supposing certain arrangements have to be made for giving training and certain other arrangements have to be made for holding examinations and other things—there may be hundred and one things which will have to be done under the various provisions of these rules—which will be the authority that will do these things? Supposing, let us assume, the State Bar Council, which shows great reluctance and which is practising the go-slow method in the matter of framing rules, does not at all cooperate with the Central Government or the Central Bar Council, which will be the authority that will undertake all these measures for the purpose of giving a speedy effect to the rules? If there is no authority provided, because that is my understanding of the particular provision, then the same result will happen. There will be no one to implement those rules, no one to see that the provisions are put into practice at the proper time, and the students may suffer.

Then, an amendment has been moved by the hon. Law Minister by which he seeks to frame the rules in consultation—I think it is amendment No. 3 where it is said "after consultation". If the object of taking all these powers is to expedite matters and avoid delays to the advantage of the students as such, then I cannot understand why the Government should again

wait for some time in order to have consultation with the defaulting State Council. Again, that will be a time consuming device. Therefore, if a State Bar Council has not framed the rules despite warning by the Central Government, then the Central Government should expeditiously proceed to frame their own rules. There will be hardly any point for consultation, because the rules which the Central Government will be framing for different States will be of the same type. The rules which will be framed for Assam may also be the rules which will be framed for Maharashtra if the Bar Council there does not function properly. So the rules will be a sort of model rules for the particular purpose, and if they are going to be in the nature of model rules to be put into effect where a State Bar Council is not prompt enough to frame its own rules, then the question of consultation is hardly of any significance or relevance. My submission in regard to this amendment is that the Government should see their way to withdraw this amendment, because even in the matter of consultation the State Bar Council will be trying to consume as much time as possible.

The members of the Bar Council will be senior lawyers. Everybody is now fairly convinced that the profession is over-crowded. I have got my own experience to guide me when I make the statement that these eminent and senior members of the Bar Council are on occasions swayed by the idea of closing the portals for the new entrants. If that be the feeling of some of these members, naturally, they will consume as much time as possible even when they would permit the Central Government to frame the rules. Therefore, I submit that, in the interests of the students, too much insistence on training, too much insistence on examination, should not be there so as to make it difficult for them to join the profession as early as possible and start earning their bread.

Within these one or two points that I have made, Sir, I submit that the

[Shri S. S. More]

Bill as a whole is a dire necessity in the interests of the students and we should all support it wholeheartedly.

Dr. M. S. Aney (Nagpur): Sir, I am glad that the Central Government has come out with a Bill promptly after its attention was drawn to the difficulties created on account of the Bar Councils Act and the other law. The results of the boys who pass their examinations in February are declared after February. This law lays down that persons who pass the law examination will have to undergo a certain course of training and then pass another examination, and the rules regarding that training and examination are to be framed by the State Bar Councils. In certain States the Bar Councils have not been formed, and in certain other States even though the Bar Councils exist they have not framed any rules. Ultimately those rules have to be approved by the Indian Bar Council. On account of these difficulties, the number of students who have passed the examination but who have found themselves almost stranded on the road and not employed usefully anywhere, is very large. According to my information, in Madhya Pradesh itself, the number of law graduates who have come out of the Saugor University and the Vikram University is somewhere more than 250. You can imagine, Sir, that this number must be more than some thousands for the whole of India. The case was one of urgent importance and there was a good deal of discontent among the students.

You know, Sir, certain questions on this subject were tabled. But, unfortunately, those starred questions were not reached. The answers given said that the Government was thinking over the matter. I am glad that the hon. Law Minister, who himself is a distinguished member of the Indian Bar and to whom naturally all the suffering law graduates have been looking for help, has come in time

with a Bill saying that the Central Government will do what the State Bar Councils are unable to do for them. In this Bill provision has been made that the Central Government will make provisional rules under which the law graduates will be able to enrol themselves as advocates. I am glad that this prompt step has been taken. I hope the Law Minister will look into it if there is any lacuna so that there is no difficulty for the new young law graduates to enrol themselves as advocates and take it as their profession.

Shri D. C. Sharma (Gurdaspur): I want to ask one question of the hon. Law Minister. The Advocates Act was passed only recently and the hon. Law Minister has come to us with the third amendment today. What are the difficulties in the enforcement or implementation of the Act that we never come to its final form and that we go on amending it from time to time as time passes? I think there must have been something fundamentally wrong with the provisions of the Act and that is why we have had to amend it so many times in such a short time.

The hon. Law Minister had stated, and I had to agree with him, when the whole scheme of the Bill was discussed that the All India and State Bar Councils were going to be a big step forward, so far as this profession was concerned. That was the feeling given by the Law Minister and that was the feeling which we also endorsed. What has happened in the meanwhile? Why are the State Bar Councils taking such a long time for their formation? Are there any procedural difficulties? Have we made the formation of these Bar Councils too difficult? Have we made their functioning impossible? Why is it that the State Bar Councils have not come into existence? Have we created some resistance in the minds of the advocates that they do not come forward to form the State Bar Councils? I think the hon. Law Minister should look into this Bill from that point of view so

that the formation of the State Bar Councils becomes as easy and as expeditious as possible. Unless that is done, I do not think the Advocates Bill will fulfil the objectives that were placed before it.

My hon. friend, Shri More, has stated something about the training of lawyers. We are living in a technological age and we require training in all fields. When I became a teacher in a college it was stated that no training was necessary for a college teacher. Now I hear that resolutions are passed at some educational conferences that even college teachers should undertake a course of training and that they should also try to fit themselves for their particular job. Somehow or other, we are now living in this technological age.

Shri S. S. More: What is the training for Members of Parliament?

Shri A. K. Sen: Their training is here.

Shri D. C. Sharma: The training for Members of Parliament is the world, India, our political organisations, the work that we do in the field. So far as parliamentary work is concerned, it is more of training than anything else. It is nothing but training.

Therefore, in this technological age training has become very necessary. I believe it is a good provision that these students should have to undergo some kind of training. What is the kind of training that they should be given? Why are the Bar Councils not suggesting what kind of training should be given to them? Why is this resistance?

My hon. friend, the Law Minister, is bringing forward amendments after amendments which show his sensitiveness to public opinion, which show his desire to deal with the problems as they arise. He is not postponing the problem. I feel that he should feel the pulse of the advocates and see what is necessary.

Shri Ansar Harvani (Bisauli): But he is not a doctor.

Sri D. C. Sharma: That will lessen their resistance.

It is good that the rule-making power is being taken by the Law Minister. I hope the problems relating to the lawyers not only in Tripura and Manipur but in other parts of India also will be solved soon. I am glad that we are giving this blanket power to the Law Minister. But after giving this power, which we do with good grace, I would like to ask him to examine this Bill to see why it is that the States are not coming forward to form the Bar Councils to make the functioning of the Act possible. That is the crux of the problem of this Bill.

श्री बड़े (खारगोन) : माननीय उपाध्यक्ष महोदय, जो बिल लाया गया है उसके लिए मैं माननीय मंत्री जी को धन्यवाद देता हूँ। हमारे मध्य प्रदेश में कम से कम तीन सौ विद्यार्थी ऐसे हैं जिन्होंने एल० एल० बी० पास किया हुआ है लेकिन जो अनएम्प्लायड बैठे हैं, जिनको करने के लिए कोई धंधा नहीं है। उन्होंने अपने नाम रजिस्ट्रेशन के लिए, लाइसेंस लेने के लिए दे रखे हैं लेकिन अभी तक वे मंजूर नहीं हुए हैं। वहाँ की बार काउंसिल ने जो रूलस यहाँ भेजे हुए हैं, मुझे मालूम हुआ है, कि उनको अभी मंजूर नहीं किया जा सका है। मैं जानना चाहता हूँ कि इस में क्या अड़चन पैदा हो रही है और क्या यह सच नहीं है कि वहाँ की बार काउंसिल ने यहाँ रूल मंजूरी के लिए भेजे हुए हैं। अगर हाँ तो उनको मंजूर करने में देरी क्यों लग रही है। इस तरफ आपका ध्यान जाना चाहिये।

इस में जो पैरा ३ है और जो इस प्रकार से है, वह बहुत अच्छा है :—

“It is, therefore, proposed to amend the Act empowering the Central Government to make rules

[श्री बड़े]

for State Bar Councils to provide for a course of practical training in law and the examination to be passed after such training."

मैं एक सवाल पूछना चाहता हूँ और वह ट्रेनिंग के बारे में है। मैं ने भी तीस साल वकालत की है। हमारे यहां जितने भी मध्य प्रदेश में वकील हैं, उन्होंने कभी भी बार काउंसिल के सामने एग्जमीनेशन नहीं दिया है। एक वकील साहब को शौक आया और उन्होंने बम्बई प्राविंस में वकालत करनी चाही और उसके लिए लाइसेंस मांगा। लाइसेंस पाने के लिए वह परीक्षा में बैठे और बराबर ना-पास हुए। उनका ऐसा कहना था कि इतना अनुभव होते हुए भी वे वहां के एग्जमीनेशन में जो पास नहीं हो सके हैं, इसका कारण यह है कि वहां पर प्राविशलिज्म है और मध्य प्रदेश के लोग वहां जा कर वकालत करें, ऐसा बम्बई के लोग नहीं चाहते हैं। इसलिए उनको ना-पास किया गया है।

लेकिन मेरा कहना दूसरा है। यदि कोई डाक्टर है तो उसको तो परीक्षा की जरूरत नहीं। लोगों के जीवन के साथ खिलवाड़ करनी होती है। यदि वह कोई गलती कर देता है तो जो मरीज होता है वह एक दम से नरक में जा सकता है और यदि ठीक से इलाज करता है तो हेवन में जा सकता है। वह मरीज को यमराज के पास भेज सकता है, अपनी गलती से। लेकिन जो वकालत करता है और किसी केस की ठीक से पैरवी नहीं करता है तो जो मुवकिल होता है वह एपपेलेट कोर्ट में जा सकता है, एक कोर्ट के बाद दूसरी में, दूसरी के बाद हाई कोर्ट में और हाई कोर्ट के बाद सुप्रीम कोर्ट में जा सकता है। इस तरह से वह चार चार कोर्ट्स के सामने जा सकता है। जो वकील है उसको मौका दिया जाना चाहिये कि वह मिस्टेक्स कमिट करके लर्न कर सके और इस तरह का प्राविजन इसमें रखा जाना चाहिये। लेकिन जो प्राविजन रखा गया है कि बार-काउंसिल में उसको

एग्जमीनेशन देना चाहिये इसको ऐसा कर दिया जाना चाहिये कि एक साल वह एग्जमीनेशन में बैठ चुके तो सैकिंड यीअर में फिर उसको बैठने की जरूरत नहीं होनी चाहिये और इस प्रकार लीनियेंट व्यू लिया जाना चाहिये।

माननीय मंत्री जी बहुत अच्छे और चोटी के वकील हैं और बहुत विद्वान भी हैं। वह अच्छी तरह से जानते हैं कि वकील कभी भी किसी के पास बैठ कर सीख नहीं सकता है, कभी काम को पिक अप नहीं कर सकता है। जब तक वह खुद काम नहीं करेगा, जब तक उसको पता नहीं होगा कि किस प्रकार से विटनेस को क्रास-एग्जामिन करना है, तब तक वह सीख नहीं सकता है। इस वास्ते यह जो ट्रेनिंग की बात या एग्जमीनेशन की बात रखी गई है यह ठीक नहीं है। लेकिन चूंकि इसको रख दिया गया है, इस वास्ते मैं इस के बारे में कुछ नहीं कहना चाहता हूँ। जो कुछ किया गया है, उसके लिए मैं आपको धन्यवाद देता हूँ। मैं आप से इतनी ही प्रार्थना करता हूँ कि जल्दी से जल्दी रूज तैयार किये जायें ताकि आज जो अनएम्प्लायमेंट है, वह दूर हो सके। जो एक बार एल० एल० बी० की परीक्षा पास कर लेता है, उसको पता नहीं होता है कि उसको एम्प्लायमेंट मिलेगा या नहीं मिलेगा, पैसा मिलेगा या नहीं मिलेगा। इस वास्ते जो रूज अभी तैयार नहीं हुए हैं या जिन को मंजूरी नहीं दी गई है, उनको जल्दी तैयार किया जाये और उनको जल्दी मंजूरी दी जाये। इंदौर में तथा मध्य प्रदेश के दूसरे इलाकों में जहां भी मैं जाता हूँ लोग मुझ से कहते हैं कि तुम पार्लियमेंट में हो, तुम इन चीजों को मंत्री महोदय के सामने नहीं रखते हो। लेकिन जब यहां पर प्रश्न पूछा जाता है तो माननीय मंत्री जी की तरफ से कह दिया जाता है कि अभी विचार हो रहा है और कोई आखिरी फैसला नहीं हुआ है। केवल यही उनका हमेशा जवाब होता है।

मैं चाहता हूँ कि जो कुछ करना हो, वह आप जल्दी कर दिया करें ताकि लोगों में निराशा न फैले ।

अन्त में मैं इतना ही निवेदन करना चाहता हूँ कि जो विद्यार्थी एग्जैमीनेशन पास करके बेकार बैठे हुए हैं उनके लिए कोई न कोई व्यवस्था जल्दी से जल्दी की जानी चाहिये और जो रूल मध्य प्रदेश की बार काउंसिल ने आपके पास भेजे हैं और जिन को भेजे हुए बहुत दिन हो गये हैं, उनको जल्दी से जल्दी मंजूरी दी जानी चाहिये । मैं समझता हूँ कि वे तैयार कर लिये गये हैं लेकिन कुछ अड़चन आ गई है जिस के कारण वे अभी तक स्वीकार नहीं किये गये । मैं चाहता हूँ कि उन को शीघ्र से शीघ्र स्वीकार किया जाय ।

मैं फिर से इस बिल को सपोर्ट करता हूँ और माननीय मंत्री जी को इसे यहाँ पर लाने के लिये धन्यवाद देता हूँ ।

Shri Narendra Singh Mahida (Anand): Mr. Deputy-Speaker, Sir, I welcome this *Advocates* (Third Amendment) Bill but it is a sad reflection on our Law Ministry. Such Bills should be scrutinised with a lot of care and we should have less of these amending Bills in this House because these various amendments reflect rather badly on our law-making. I hope there will be no Fourth Amendment Bill unless our Law Minister thinks that it will be thoroughly suitable for our country. Let us have the Fourth, Fifth or Sixth Amendment Bill but then let us end this matter there, pursue it and bring our bar to a uniform standard.

I was going to say about the lot of the law graduates specially. But Shri Banerjee has already spoken about it and the hon. Law Minister has assured that he is looking into the matter and will remedy the situation. I am glad that such sufferers will not have to be bothered again and they will not approach Members of Parliament. If

this assurance was given earlier by way of an explanation, I think these young law graduates would not have had to waste their time.

I also know that some Bar Associations in our country are not co-operating to the extent desired. May I request our Law Minister to pull up such Bar Associations, who have not yet adequately replied or who are not giving their co-operation, through High Courts. He should place our Bar Associations in proper shape and order. We must have a uniform code for all our Bar Associations.

I have been noticing that there has been a deterioration in the standard of our lawyers. There should be a unification of the code of conduct for all lawyers or for all Bar Associations. Many hon. Members have said that we should have a code of conduct for everything. I think, there should be a code of conduct for lawyers also.

Shri K. C. Sharma (Sardhana): There is.

Shri Narendra Singh Mahida: Code of conduct does not mean only in law but in addressing the magistrates etc. I have a suggestion that wearing of black gowns and things like that should be abolished. We have done away with many foreign imitations. This gown system which has a Greek origin has no necessity in our country. Shirts and coats will suffice. This dignity of bow ties....

Shri A. K. Sen: That is not relevant.

Shri Narendra Singh Mahida: I am just making a suggestion.

I am wholeheartedly in support of this Bill. I request the House to give a chance to our Law Minister to bring even the Fourth or Fifth Amendment Bill and to see that our Bar Associations are put in proper shape and order.

Shri K. C. Sharma: Mr. Deputy-Speaker, Sir, I am sorry that I had to

[Shri K. C. Sharma]

make a certain remark when my hon. friend was speaking. I beg to submit most respectfully that if any profession has an ethical code of conduct all over the world, it is the legal profession. No profession has stood by, what is called, the moral precept under troublous times, under the strain and stress of the changing times than the legal profession. It is from the days of the Roman Empire when the Stoics came down to the most miserable state of affairs in India when lawyers came in the front. It is not an exaggeration to say that modern society has two pillars to stand upon—one is the law and lawyers and the other is science, technology and engineering.

The best course for the legal profession or the law would have been to establish a Ministry of Justice and to have universities under its direct control or guidance for running a four or five years' course. I made this suggestion after full consideration and I repeat it. A doctor has a five-year course of training and most of the doctors have to deal just with cold, fever and malaria. But lawyers have to deal with the property and the life of a man. A man's life and property are a serious affair in human life than malaria, fever or cold. Therefore, it is wrong to do what we are doing.

Having made this observation, I come to the present proposition. I think the hon. Law Minister....

Shri Bade: There is no training for a doctor. Then why should there be training for a lawyer before he gets a licence?

Shri K. C. Sharma: A doctor has to get some training for a year before he handles a patient. It is not permissible for him to handle a patient without getting training. It could not be that there is no training. If that is so, it is wrong.

Shri Gauri Shanker Kakkar (Fatehpur): But he gets remuneration as a House Surgeon.

Shri K. C. Sharma: That is a different affair.

It is wrong to say that the senior advocate does not impart training. In fact, nobody is so generous as a senior lawyer. In U.P., we have built after the tradition of Sapru and Nehru as regards where a lawyer stands in relation to his client, to the general public and to humanity at large. Nobody has contributed so much to human goodness as the legal profession.

With regard to this little affair, I am sorry the hon. Law Minister had to come with an amendment. In my humble opinion, the simple course would have been to direct the High Courts to issue orders that till the Bar Associations come up they would issue the licence for advocacy after one deposits a sum of Rs. 250. After six months or so the Bar Associations would have come into existence and would have framed the rules. It was a simple affair. The Law Ministry would have had nothing else to do. Taking the power of framing the rules and making it complicated is unnecessary. Anyhow, the hon. Law Minister is sensitive to the need and urgency of the situation and he has done well to bring it forward. I support it.

Shri Shree Narayan Das (Darbhanga): Mr. Deputy-Speaker, Sir, I who leheartedly support the Advocates (Third Amendment) Bill which the hon. Minister has moved for the consideration of the House.

Shri Narendra Singh Mahida: May I rise on a point of order? Our Speaker has ruled, or has advised, that Members should not approach the Chair for consultations and carry on long conversations. I notice that it is being done and the decorum of the House is not being maintained.

Mr. Deputy-Speaker: It is in connection with the Bill. Shri Shree Narayan Das may continue his speech.

Shri Shree Narayan Das: It is now clear that section 24 of the Act requires certain conditions to be fulfilled by those who have obtained degrees in law for being enrolled as such and the State Bar Councils have been empowered to frame rules for the purpose and have those rules approved by the Bar Councils. Then, they will come into effect. But there has been some delay and due to this delay a large number of graduates who have passed out just after the appointed date or the date that has been given there are idle and they cannot enrol themselves. Therefore, it has become necessary to bring this amending measure.

I would like to point out one other fact about it. I have given notice of an amendment to the effect.

After this *Advocates Act* was amended....

Shri Bade: The hon. Deputy-Speaker is busy. You can wait for some time.

Shri Shree Narayan Das: There is no question of waiting.

Shri Narendra Singh Mahida: Neither the hon. Minister nor the hon. Deputy-Speaker is listening.

Shri S. S. More: They are supposed to be attentive.

Shri Shree Narayan Das: In the existing Act, section 24(1)(c) was amended and in the place of 'appointed day' 28th February, 1962 was substituted. Even after this date, a large number of law graduates have passed in Delhi and elsewhere. Therefore, it is necessary, in order that they may be exempted from this Act, that the existing Act should be amended. Therefore, I have given notice of the amendment.

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Mr. Deputy-Speaker: We will take it when we come to the amendments.

Shri Shree Narayan Das: I, therefore, support the Bill and I hope my amendments will be accepted.

Shri Gauri Shanker: Mr. Deputy-Speaker, I welcome this Amending Bill with regard to the framing of universal rules. There are a number of law graduates and as, just now, Shri Bade has said, they are not having their employment and earning. This is, of course, very necessary. But, I have got my serious objection with regard to this training clause and the examination clause as such. When this Constitution was being framed, there was a question that there should be some minimum qualifications for those who are called upon to make laws and codify laws here. But, no qualification was prescribed, and that clause could not find a place in the Constitution. Now the Law makers have no educational qualifications: even a minimum. Then, again, in other professions too, when they are actually required to enter into that profession, there is no examination prescribed for entering into that profession at all.

One thing I know and I have experience of 25 years of practice. I find that there are second class law graduates who appear at the bar and they are more successful than first class law graduates. This academic qualification has nothing to do with success at the bar. Now, we are going to make it compulsory that they have to take a certain examination prescribed by the Bar Council in order to entitle them to start practice. That would be very very hard for them. They are also required to take the Law final examination. I find there is a tendency in several Universities now that 50 per cent. or lesser than that, 40 per cent.—in some 90—are declared successful. They have to take this Law final examination which is a difficult one. In some Universities, hardly 20 per cent. are declared successful. After that, if they want to

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enter the profession, they are required to take another examination prescribed by the Bar Council. That would be putting them to a very great hardship and inconvenience.

There was, of course, a sort of training for them for six months. Up to this time, they used to get the training at the hands of a senior in the local bar. No fee was prescribed to be paid. Now, there is a provision that they have to deposit in advance the fee for training. That too will be a great hardship. A law graduate who has some fortune is required to pay a lump sum fee in order just to start practice.

I find there is a fundamental defect in keeping this clause regarding training and examination. If that is under contemplation, if the Government or Law Minister is contemplating like that, there should be a universal rule with regard to each and every profession. Anybody who is called upon to enter a profession must take a prescribed examination in order to be entitled to join the profession and that should not be the rule only for this profession. Instances have been quoted and I need not repeat them. There have been eminent lawyers who are eminent politicians. There was no such rule that they should take an examination of the Bar Council before entering the legal profession. I can assure you that the efficiency which is being maintained at the bar will not be lower if no such prescribed examination is required for those who wish to enter the profession.

With regard to the formation of the rules, I welcome this measure. But, I submit that this provision regarding examination and training will mean a very great hardship and it will create great injustice to new entrants to this profession.

Shri Mohsin (Dharwar South): Mr. Deputy-Speaker I support this Bill. Of course, it is not a new measure.

The proposed Bill is in consonance with section 24 of the Advocates Act of 1961 which provides that he has to undergo a course of training and pass an examination after such training. A mere law degree is not sufficient today. Under this proposed Bill, the Central Government wants to take power to frame rules till the State Bar councils frame effective rules. In pursuance of section 24 (1) (d), many of the State Governments have framed effective rules. Some have not. It is only in those cases that the Central and that too till such time that the State Bar Councils frame such effective rules.

Some of my friends argued that such a training was not necessary at all. I am very surprised to see that argument. Because, especially for people who are entrusted with the property and even lives of certain individuals, it is necessary that they should undergo some training from some eminent lawyer. He must be referring to his own olden days when education was also of that quality. Now, the standard of education has also gone down these days. Some law graduates are engaged in other professions. After the lapse of so many years of their passing, they want to come and practice at the bar. After the lapse of 5 years, if they come to the court, taking some brief, I do not think they will be competent to do that. It is necessary that they must have some practical training with a senior lawyer. Otherwise, many of the advocates who take up such briefs will not do justice to their clients. It is all right in criminal cases. But, in civil matters, especially, some of the advocates lose their case because of technical defects or defects in technicalities. For example, in the tribunals, many of the claims are barred by Order II Rule 2 of the Civil Procedure Code, because they fail to comply with all the provisions. A client is in the hands of the lawyer. If the lawyer

handles the case wrongly, for no fault of the client, he has to suffer.

Dr. M. S. Aney: Why do you say it is good in criminal cases?

Shri Mohsin: In criminal cases, I make this difference. The technicalities are not observed so much in criminal cases as in civil matters. As a lawyer practising on both sides, I am sure that it is not the form of the complaint that is material in criminal cases. Usually in civil matters, the plaint is a material document. Many a time, a junior lawyer will lose his case for not observing technicalities. Some senior lawyer will take a technical objection and ultimately it is the client who suffers. It is only to stop this that this training is necessary. This is only a provision to make certain effective rules by the State Bar councils. It is a good measure and I support the Bill.

Shrimati Sarojini Mahishi (Dharwar North) *rose—*

Mr. Deputy-Speaker: The hon. Law Minister. There is no time.

Shrimati Sarojini Mahishi: I will take only five minutes.

Mr. Deputy-Speaker: Two or three minutes.

Shrimati Sarojini Mahishi: Mr. Deputy-Speaker, during the first session of the Third Lok Sabha, I think we amended the Advocates Act. That was the second amendment of the Advocates Act. Now, the third amendment of the Advocates Act has been placed before the House. I do not know whether we are making it true that we legislate in a hurry and amend it at leisure. Last time, on account of certain difficulties, the Bombay University could not announce the results in time, and, therefore, a Bill was brought forward for amending the Advocates Act. But, this time, certain representations have been made by certain universities that proper provision has not been made as regards the Bar Council exami-

nations before a particular date, namely the 28th February, 1962, and, therefore, this amending Bill has been placed before the House.

14 hrs.

Now, the Bar Council examinations are being held already in some of the States, and some of the States had formed their Bar Councils even prior to 1958 or 1959. I wish to bring to the notice of the Law Minister certain difficulties that have arisen in some of the States after reorganisation, on account of want of co-ordination in the different parts that have been brought together in the different States. We find that in certain cases, while one State had its Bar Council another State did not have it; and the result was that some of the students who had appeared for the same examination of the university were asked to undergo the Bar Council examination, while others were exempted from that. That was the position in one and the same State. I hope that this kind of difficulty will be removed as early as possible.

The second thing that I want to bring to the notice of the Law Minister is this. Now that the Central Government want to take over all the powers in regard to framing the necessary rules for the Bar Council examination, for conducting the necessary training, for fixing the period of training etc., I feel that if the rules are uniform, it would be much better. But, now I do not know whether the rules would be uniform or not, because the Bar Council examination is held only in those papers which have not been included in the university syllabus for the study of the LL.B. course. For example, in the Bombay University and the Karnataka University I find that international law is included for study in the second-year degree course, and as a result, the Criminal Procedure Code, the Civil Procedure Code and the Evidence Act have not been included in the syllabus. The result is that the Bar Council examination is held only

[Shrimati Sarojini Mahsihi]

in those three papers and not in the others. As regard the Bombay University, it had added a few papers more.

In order that the whole thing may be uniform, I feel that it is better even if we go through the syllabi of the universities and see the significance of the study of law, which was rightly stressed by one of the hon. Members, and see that the whole thing is uniform. Formerly, of course, we had the Native States etc., and, therefore, the position was altogether different. But, now we are having an independent India, and we must see that the law should be uniform as far as possible. It is, therefore, better that uniform laws and uniform rules are made.

Now, the difficulty is this. 28th February, 1962 has been fixed as the critical date, and those students who had passed before that date can be exempted from appearing for the Bar Council examination; and this provision has been made on account of the difficulties that certain States had experienced. I do not know what exactly the impediments there were that stood in the way of those States forming their Bar Councils, and why the Central Government could not prevail over the States to see that the Bar Councils were formed, and that the rules for the Bar Council examination were also framed within the particular period specified.

In the present Bill, the time has been extended; not only has the time been extended, but the Central Government are also taking overall powers to see that if any particular State is slow in forming its Bar Council, then the Central Government could frame the necessary rules and make the necessary provisions for conducting the Bar Council Examination. At the same time, I feel that that will be a sort of lenient outlook towards those States which have been too slow and idle in constituting their Bar Councils.

In order to remove the difficulties in the way of those students who had appeared for the law examination after the 28th February, 1962, I think that this particular amending Bill has been brought forward. And it is a good thing and is in the interests of the student world, that such an amendment has been brought forward. But I hope that it will not again be extended to something like 1963 or 1964 so that other students who may be appearing after 1962 or 1963 may also be tempted to make representations again.

Section 58 of the present Act is also sought to be amended in this Bill. That is a very minor amendment. This seeks to provide that those lawyers who are already practising and who do not come under either the Legal Practitioners Act, 1879 or the Bombay Pleaders' Act, 1920 but who have got their sanads or the licences already and are practising and might have got experience for years together, should not be deprived of their right to practice, and they should also be brought within the compass of this enactment. It is for that purpose that this particular amendment has been sought to be made.

As regards training for the law graduates, as a teacher who has worked for a few years in a law college, I wish to say, and I think I am entitled to say, that training is essential for the students coming out of the law colleges. It is not because other professions have prescribed training and I am suggesting and insisting that training should be there for the law graduates also. But the whole point is that they should have rightly some experience under the able guidance of some senior lawyers.

Just as one hon. Member rightly stressed the significance of law, I wish to stress the significance of the interpretation of law also. The law graduates should have experience under the able guidance of a senior teacher to interpret law, because they are entrusted with the sacred duty of safe-

guarding the life, property and reputation of the parties concerned. Therefore, if they are given a certain training, it will be better.

Shri S. S. More: That is the object of the universities.

Shrimati Sarojini Mahishi: That may not be exhaustive training. That universities are giving only theoretical training. But I am talking of the practical training. I do know that there are certain students who have not seen a court at all, and they have gone through the examination, and they have got a first class, and distinction also, but they do not know the real significance of law, and as one hon. Member has rightly pointed out, they do not know how to interpret the law.

Therefore, it is quite essential that they should undergo some practical training. I am not insisting on any examination being passed by them, but I am only emphasising that they should undergo a certain training and should have some experience to their credit before they are entrusted with the sacred duty of safeguarding the life, property and reputation of the people.

Shri A. K. Sen: I am obliged to the House for the general welcome that has been given to this Bill, but it is my duty to answer some of the criticisms which have been levelled, in my opinion, unjustly against Government.

When the Advocates Act was passed, it was our intention to set up autonomous Bar, so that all the rules regarding enrolment and other conditions governing the members of the Bar should be framed by the Bar Councils themselves. We could have taken the power then, if we wanted, to control the autonomous profession by rules framed by Government. But it was not our intention to do so, as it was not the intention of this House. As in England, we wanted to set up a completely autonomous Bar guiding itself, and governing itself by its own rules.

Unfortunately, though the Act was assented to by the President on the 19th May, 1961, the High Courts took a long time to frame the rules for the elections. Even for the elections, we left the matter to the High Courts, and we did not want to do through Government. We circulated immediately after the passing of the Act, a set of draft rules to the High Courts, thinking that they would take time to frame the draft rules themselves. Notwithstanding that, they took a very long time in adapting the rules which we circulated.

Then, the elections in some places were not held until December, 1961. The Bar Councils were only set up in January or February; I am referring to the last of them; some were set up before that. But, though they were set up by January or February of this year, and we are now in the month of August, unfortunately, there have been no rules framed by many Bar Councils. Some have framed them, but the All India Bar Council have not approved of them, which is very necessary.

Now, how is that to be ascribed to any fault of Government? An hon. Member opposite said that this spoke very badly of Government that they should be coming forward with amendments frequently. Is it our fault that we did not foresee that the Bar Councils and the All India Bar Council, composed of members who are most critical of Government everywhere, would fail to frame the rules? Everywhere, the Bar is the most critical of Government, and other authorities. They think that every Government is inefficient, and they think considerably about their own efficiency.

An Hon. Member: That is a presumption.

Shri A. K. Sen: I think they will reflect further now, now that something has been left to them concerning their own profession and they have not been very agile in framing the rules. So, I think it will give

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them food for the future when they criticise other authorities about inefficiency or delay.

The same thing is true with some of the High Courts which took a long time in having these elections conducted and in setting up these Bar Councils under the rules to be framed by them.

Having regard to this fact that the rules are not there, we are faced with this difficult position. Is the Government to keep quiet and not bring any amendment simply because it may not look well that though the Act was passed in May last year we have to amend it for a second time? In my submission, Parliament exists not for prestige but to see that justice is done to everyone; and, if necessary, if grievances come to our notice, if defects have to be removed, it is the duty of Parliament to rectify. It is the duty of this House and it has never failed to perform its duty. And, this is exactly the position.

Originally, we thought that instead of naming any date in the Bill we should take the rule-making power so that we may name the date by rules which could be altered, as and when the situation required, along with other rules which may be necessary to be framed, instead of having to come every time to Parliament.

But, as I have indicated, Government is prepared to accept the amendment of Shri Shree Narayan Das. It is exactly what we intended and it is exactly the same as the request which the All India Bar Council has made to us that by the Act itself we should exempt all graduates who have passed before February 1963, because, according to the All India Bar Association, the Attorney-General writes to me, they do not expect the rules to be framed by the All India Bar Council before February 1963. That means, they will take 6 months more. That is what the Attorney-General has written to

me. Having regard to that fact, I think it would be our duty again to indicate that we are going to accept Shri Shree Narayan Das's amendment.

That is all I have to say.

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 up clause by clause consideration. **Clause 2.—**(Amendment of section 58)

Mr. Deputy-Speaker: There is one amendment by Shri Hem Raj. Is he moving it?

Shri Hem Raj (Kangra): I am moving it for the purpose of clarification. Sir, I move:

"Page 1,—omit lines 7 to 12."

(4)

Shri Shree Narayan Das: Sir, my amendment comes first.

Mr. Deputy-Speaker: We will take it up afterwards, after clauses 2 and 3.

Shri Hem Raj: Under clause 58, the rights of the existing Legal Practitioners are not affected, until the date or immediately before the date on which Chapter IV comes into force. In that we are going to insert certain words. That provision already exists in section 55 of the Act. I do not think there is any necessity for inserting these words, 'or any other law' etc. in section 58. I think section 55 is sufficient to cover all this.

Shri A. K. Sen: We have examined it and it is necessary; as has been explained in the Statement of Objects and Reasons, there are certain lawyers

in Tripura and Manipur who are not covered by the existing clause.

Mr. Deputy-Speaker: Does the hon. Member press his amendment?

Shri Hem Raj: No, Sir.

Mr. Deputy-Speaker: Has the hon. Member the permission of the House to withdraw the amendment?

The amendment was, by leave withdrawn

Mr. Deputy-Speaker: Now, the question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (*Insertion of New section 60*)

Mr. Deputy-Speaker: There is an amendment standing in the name of Shri M. P. Swamy. Is he moving it?

Shri M. P. Swamy (Tenkasi): In view of what the hon. Minister has given notice of I do not want to move it.

Shri A. K. Sen: Sir, I beg to move:

Page 1, line 22,—

after "The Central Government" insert—

"after consultation with the Bar Council of India." (3)

Mr. Deputy-Speaker: The question is:

Page 1, line 22,—

after "The Central Government" insert—

"after consultation with the Bar Council of India." (3)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill

New Clause 1A

Mr. Deputy-Speaker: Shri Shree Narayan Das. You have got two amendments. How is your amendment in order?

Shri A. K. Sen: May I say, Sir, that I accept it, amendment No. 5?

Mr. Deputy-Speaker: Here you are not amending section 24.

Shri A. K. Sen: Section 24 is attracted because of the amendment in clause 3. Clause 3 automatically attracts section 24, and section 28 of the Act. Section 24 is the crucial section. Because of that this amendment is necessary. Section 24 says:

"he has undergone a course of training in law and passed an examination after such training both of which shall be prescribed by the State Bar Council."

Then, in section 28, it goes on to say:

"A State Bar Council may make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(b) a course of practical training in law and the examination to be passed after such training for admission as an advocate on the roll of the Bar Council;"

Because no rule has been framed under section 28, section 24(1)(d)

[Shri A. K. Sen]

becomes difficult to be complied with; and that is why we are taking the rule-making powers under the main clause, Clause 3. Section 24 is not only directly connected but intimately connected with this. Because of the difficulty, we are bringing in this amendment.

श्री बड़े : उपाध्यक्ष महोदय, सदन के सामने जो अमेंडमेंट है, वह सैक्शन २४ के सम्बन्ध में है, जब कि यह बिल सैक्शन ५८ में अमेंडमेंट करने और सैक्शन ६० इन्सर्ट करने के लिए लाया गया है। अगर कोई अमेंडमेंट बिल के स्कोप के बाहर हो, तो इस सदन के रूलज के अनुसार वह अमेंडमेंट आउ ऑफ आर्डर है, क्योंकि इन रूलज के अनुसार पेयरेट एक्ट को अमेंड नहीं किया जा सकता है।

Shri A. K. Sen: That is what I have answered.

Shri Bade: It is not according to our rules.

Shri A. K. Sen: That is what I have said; it automatically relates to sections 24 and 28.

Shri S. S. More: According to our rules, if an amendment is to be made....

Mr. Deputy-Speaker: You object to the amendment, Shri Bade?

Shri Bade: Yes, Sir.

Shri S. S. More: When an amending Bill is before the House, Members of Parliament can move amendments to the clauses of the amending Bill. But there is a relevant part of rule 80. It says that—

“an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.”

I am reading rule 80 of our Rules of Procedure. This particular rule is

very much permissive in scope and may cover other things. What is laid down in this particular rule may even cover an amendment to other sections of the principal Act not covered by the amending Bill.

I am giving wide scope to the words ‘relevant to the subject matter of the clause’. Even Shri Bade will not question the relevancy of the amendment. My submission, therefore, will be that if we have to fulfil the purpose of the Bill and carry some succour to the suffering students, this amendment will serve that purpose more effectively than even the amending Bill itself. That is my submission.

Shri Bade: He can bring another Bill if he wants.

Mr. Deputy-Speaker: Normally, this amendment will be out of the scope of the Bill.... (*Interruptions*). But it relates to section 28 and also section 24—the course of practical training in law and the examination to be passed after such training by the candidates. These are to be prescribed by rules under section 28 of the principal Act. This amendment seeks to give rule making powers to the Government. So, it is attracted. The amendment sought to be made by Shri Shree Narayan Das is attracted by sections 28 and 24 of the principal Act. There is also a ruling from the Chair which says:

“It is possible to conceive that a matter may be connected, may form part of one argument, may require amendment in another section of the principal Act which is not touched by the amending Bill. But in such cases the rule is very clear—such amendments are permissible. It is not that a particular section must be only referred to. The substance of the matter has to be looked to. The main point is, if there is one intimately connected subject, then amendments will certainly be

admissible, because that subject is touched by the amending Bill."

I follow this ruling and hold the amendment in order. Is the amendment acceptable to the hon. Law Minister?

Shri A. K. Sen: Yes, Sir.

(Amendment made):

Page 1,—

after line 4, insert—

'1A. Amendment of section 24.—In sub-section (1) of section 24 of the Advocates Act, 1961 (25 of 1961) (hereinafter referred to as the principal Act), for the figures, letters and words "28th day of February, 1962", wherever they occur, the figures, letters and words "28th day of February, 1963" shall be substituted and shall be deemed always to have been substituted.' (5)

(Shri Shree Narayan Das)

Mr. Deputy-Speaker: Question is:

"That New Clause 1A stand part of the Bill."

The motion was adopted.

New Clause 1A was added to the Bill

Mr. Deputy-Speaker: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill

Shri A. K. Sen: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.24 hrs.

MOTION RE. MODIFICATION OF CONDUCT OF ELECTIONS (SECOND AMENDMENT) RULES, 1962—*contd.*

Mr. Deputy-Speaker: The House will now take up the motion on Conduct of Elections (Second Amendment) Rules moved by Shri Shree Narayan Das on the 19th June, 1962:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on the Table on the 19th April, 1962, namely:

'omit rule 3.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The Minister of Law (Shri A. K. Sen): Sir, I have to move the two amendments which stand in my name and which, I think, Shri Shree Narayan Das will accept. It will be remembered that certain apprehensions were expressed in the course of the discussion on the amended rule 93 that there may be a chance of the packets being tampered with. It was essential, therefore, that whoever opens it under a court order or under this rule must give a reasonable opportunity to the parties concerned so that they may be present and everything may be done in their presence and nothing is done behind their backs. It was also felt that the Election Commission should not make an order without recording the reasons. I am therefore moving the following motion:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on