

[श्री सत्यनारायण सिंह]

नहीं चाहिए। 5 बजे के बाद हम न बैठें और साढ़े तीन घंटे रोज काम करें और जितने विषय हैं, उन सब पर हम बहस भी करें; मैं मैजिशन नहीं हूँ कि मैं इन सब कामों को कर सकूँ। लेकिन जो भी सम्भव होगा इन सब बातों पर गौर कर के मेजिन के भीतर में किया जायेगा।

Shri S. M. Banerjee: I only.

अध्यक्ष महोदय : वह कहते हैं कि मिनिस्ट्रोज से बात कर के फर रि लाई देंगे।

Shri S. M. Banerjee: I only requested the Minister through you that the Minister should make statement on Gold Control and on the DA Commission. My experience is these things are not seriously noted.

Mr. Speaker: He said he will consult the concerned Ministers.

Shri S. M. Banerjee: I know he is not a magician, but he is the Hanuman of the Congress Party . . .

Mr. Speaker: Order, order. I have to tell hon. members that it pains me very much to look at the clock. It is 2.20 and no business has been transacted.

Shri Hari Vishnu Kamath: Business on the Order Paper has been transacted, Sir.

Mr. Speaker: Some business of the Government also has to be transacted. If Members agree to sit one hour extra today, then we can take up Private Members' Business at 3.30.

Some Hon. Members: Yes.

Shri H. N. Mukerjee (Calcutta Central): Do I take it that the Private Members Business will be taken up at 3.30?

Mr. Speaker: Yes.

14.21 hrs.

**TEA DISTRICTS EMIGRANT
LABOUR (REPEAL) BILL***

The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation (Shri Shah Nawaz Khan): I beg to move for leave to introduce a Bill to provide for the repeal of the Tea Districts Emigrant Labour Act, 1932, and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the repeal of the Tea Districts Emigrant Labour Act, 1932, and for matters connected therewith."

The motion was adopted

Shri Shah Nawaz Khan: I introduce the Bill.

14.22 hrs.

**ADVOCATES (AMENDMENT)
BILL**

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): Sir, I beg to move:

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

14.23 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The Advocates Act, 1961, (hereinafter referred as the Act), is an Act

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 5.9.56.

†Introduced with the recommendation of the President.

to amend and consolidate the law relating to legal practitioners and to provide for the constitution of State Bar Councils and an All-India Bar Council. After the commencement of sections 3 and 54 of the Act on the 16th August, 1961, the several State Bar Councils were constituted on various dates.

Under section 54 of the Act the term of office of the elected members of the State Bar Councils constituted for the first time was two years from the date of the first meeting of the Council. In the case of the Punjab Bar Council and a few other Bar Councils, though the term of office of such elected members had expired, they were not in a position to hold the elections to fill in the vacancies before the expiration of the term as they had not completed the preliminary work like preparation of the rolls of advocates in due time and before the expiry of the term. The result was that the Bar Councils were not in a position to exercise the functions assigned to them under the Act including the admission and enrolment of advocates. This created an anomalous position. With a view to getting over the same the Central Government by the *Advocates (Removal of Difficulties) No. 2 Order, 1963*, issued under section 59 of the Act, provided for the continuance of the term of office of the elected members of the State Bar Councils constituted for the first time until their re-constitution in accordance with the provisions of the Act. Subsequently, by the *Advocates (Amendment) Act, 1964 (Act No. 21 of 1964)* provisions of the abovementioned Order were incorporated in section 54 of the Act with retrospective effect by inserting a proviso to that section. The first State Bar Council to be re-constituted was that of Madras; it was re-constituted on 4.11.1963. Since then the various other State Bar Councils have been re-constituted. The term of office of the elected members of the re-constituted Bar Councils is provided for in

section 8 of the Act. This section fixes the term of office of the elected members as six years. It also enjoins that as nearly as possible, one-third of the members first elected shall retire on the expiry of every second year and the vacancies so caused shall be filled in by the election of new members. It has since been ascertained that the aforesaid period of two years has already expired in the case of the State Bar Council in Madras, Mysore, Uttar Pradesh, Assam, Delhi, Maharashtra, Rajasthan, Madhya Pradesh, Orissa and Gujarat. In the case of West Bengal, Punjab, Bihar and other places, this period is due to expire shortly. Regarding Kerala, exact information is not available.

Meanwhile, representations were received from the Bar Council of India and some State Bar Councils that the provisions of section 8 of the Act for retirement of one-third of the elected members at the end of every second year and for the biennial elections to fill the vacancies caused by such retirement were likely to involve considerable expenditure besides adding to the work of the Bar Council and that it would be advantageous if a uniform term of four years was fixed for all the elected members of the State Bar Councils. However, ultimately it was agreed that the provision for amendment of section 8 could be made to have the retirement of one-half of the elected members every third year instead of the retirement of one-third every second year as at present and accordingly clause 4 of the *Advocates (Amendment) Bill, 1965* sought to amend section 8 of the Act with retrospective effect so that persons due to retire at the end of the second year were permitted to continue for one more year.

There was also another aspect having a bearing on the issue raised and that related to Bar Councils in respect of which the two-year period had already expired. The possibility of such Bar Councils holding elections to fill in the vacancies before the passing of the *Advocates (Amendment)*

[Shri C. R. Pattabhi Raman]

Bill, 1965 could not then be ruled out. To cover such contingencies, sub-clause (b) of clause 4 was included in the said Bill. However, though the Bill was passed by the Rajya Sabha in the last session, it could not be passed by the Lok Sabha for want of time.

In anticipation of the enactment of the Advocates (Amendment) Bill, 1965, some of the State Bar Councils did not take the necessary steps for the holding of elections. In respect of the Madras State Bar Council, the date of retirement of one-third of the members was the 20th November, 1965 and all necessary steps for holding fresh elections were taken in the State. At this juncture, Shri Sekkizhar, an Advocate of the Madras High Court, filed a writ petition in the said High Court, wherein the impugned *inter alia* the election rules framed by the Madras Bar Council as being *ultra vires* and unreasonable and prayed for the issue of a writ or direction forbidding the Bar Council from conducting the elections to the Bar Council. The High Court granted an interim stay of the holding of the elections till the main petition was disposed of. Subsequently, the High Court, by its judgment dated 6th January, 1966, dismissed the said petition holding that the impugned rules were reasonable and valid. It also directed the State Bar Council to hold the elections on the 25th March, 1966.

In the meantime, the Advocates (Removal of Difficulties) Order, 1966, was made by the Central Government on 10th January, 1966 under section 59 of the Act in order to overcome certain difficulties which had arisen on account of the fact that some of the State Bar Councils had not taken the necessary action under the Bar Council Rules for holding the elections to fill in the vacancies on the expiration of the second year of the term of office of the elected members of the re-constituted Bar Councils under Section 8 of the Act. This was in view of the Advocates (Amendment) Bill, 1965, wherein as observed above it was pro-

posed to extend the period of retirement of members from two to three years with retrospective effect and also to enable the State Bar Councils to carry on the functions under the Act, pending the passage of the Amendment Bill. In view of the aforesaid Order, the Secretary, Madras Bar Council, moved the High Court for further directions regarding holding of elections on the 25th March, 1966. In the meantime, Shri G. Vasantha Pai, another advocate of the Madras High Court who was one of the respondents in the main writ petition, filed a civil miscellaneous petition wherein he challenged *inter alia* the *vires* of the aforesaid Removal of Difficulties Order, and the said petition was opposed by the State Bar Council and by the Government of India. The High Court, by its judgment dated the 8th April, 1966, held that the aforesaid Order dated the 10th January, 1966 was *ultra vires* of the powers of the Central Government under section 59 of the Act on the ground that the powers under that section could be invoked only for the purposes of removing difficulties arising in giving effect to the provisions of the Act and not difficulties arising *aliunde*, i.e., otherwise, and that the difficulty sought to be removed was not one in the working of the Act. A direction was also given by the High Court to hold the election on 8th July, 1966. Following the decision of the Madras High Court, a writ petition for a similar relief has been filed in the Circuit Bench of the Punjab High Court at Delhi.

The situation created by the decision of the Madras High Court declaring the Removal of Difficulties Order issued on 10th January, 1966 as *ultra vires* and by the non-passage of the amending Bill now pending in the Lok Sabha, unless remedied immediately, would have given rise to various difficulties and complications in relation to functioning of the State Bar Councils.

To remedy the situation, the promulgation of an Ordinance by the President was considered necessary. After a careful consideration of the

matter it was felt that the provisions of section 8 of the Act providing for the retirement of members by rotation did not serve any really useful purpose and should be replaced by a simple provision laying a uniform term of four years for all the elected members of a State Bar Council. The Advocates Act Review Committee appointed by the Law Minister to review the working of the Act favoured this view and the Attorney-General of India who is the Chairman of the Bar Council of India also approved the same. The Advocates (Amendment) Ordinance, 1966 was accordingly promulgated on the 14th June, 1966.

The Ordinance is to be replaced by an Act within six weeks from the beginning of the present session of Parliament *vide* Article 123(2)(a) of the Constitution of India.

The new section 8 is a simple and straight-forward one providing for a uniform term of four years for all the elected members of the State Bar Councils. As some of the members had already retired under the existing provisions of section 8 and as the new section 8 is given retrospective effect, provision has also been made to enable the members who have retired to continue to hold office for a period of four years from the date of their election and to validate the acts and proceedings of a State Bar Council or any Committee thereof in which such members might have taken part after their retirement.

Clause 4 of the Advocates (Amendment) Bill, 1966 makes provision for these matters.

As hon. Members know, very little action can be taken either in the matter of enrolment or disciplinary action unless there is a Bar Council functioning, and it is to meet this stalemate, this impasse, that we had to promulgate an Ordinance. Some hon. Members were asking me, and I would like to assure them that Review Committee has held three meetings. Practically their work is over. They may hold one or two meetings more before submitting

their report. It may be comprehensive....

Shri Hari Vishnu Kamath (Hoshangabad): Sir, I rise to a point of order.

Has Government time been extended up to 3.30?

Mr. Deputy-Speaker: Yes.

Shri S. M. Banerjee (Kanpur): But there should be quorum in the House when such an important Bill is going on.

Shri C. R. Pattabhi Raman: Sir, this is merely a Bill....

Mr. Deputy-Speaker: He may resume his seat. Quorum has been challenged. The Bell is being rung.

There is quorum now. The hon. Minister may continue.

Shri C. R. Pattabhi Raman: So, Sir, this Bill really will be replacing the Ordinance. I have already stated what appeared in the Bill that was passed by Rajya Sabha.

Sir, I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

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

Two hours have been allotted for this Bill.

Shri N. Dandekar (Gonda): Mr. Deputy-Speaker, Sir, I have in my time read, during the two years that I have been here, quite a few really unintelligible Bills, but this one beats them all. Although the Bill itself is intelligible; the purposes, the reasons and the circumstances which led to it disclose such an astonishing state of affairs that the best description of the situation, which is attempted to be remedied by this Bill, would be that these legal gentlemen from all over India are probably the greatest experts in making confusion worse confounded. The main provisions of the principal Act, which seem to have given rise to the peculiar situation that the Minister has referred to, are so

[Shri N. Dandeker]

simple that I am surprised that they could have led to the sort of situation which he seeks to remedy. Section 8 of the principal Act, the Advocates Act, 1961 says quite simply:

"The term of office of the elected members of a State Bar Council shall be six years, but as nearly as possible one-third of the members first elected to each such Council (reconstituted on the....) shall retire on the expiration of every second year in the prescribed manner, and the vacancies so caused shall be filled by the election of new members in the prescribed manner,"

Then, among the powers to make rules there is a clause that the Central Government or the Bar Council may prescribe the manner in which the order of retirement by rotation of members of the State Bar Council shall be determined.

Sir, until I read the Objects and Reasons of this Bill I was one of those simple people who had considerable respect for the legal fraternity and I could not imagine, until I saw this, that they could not give effect to a simple thing like this, that the elections shall be once in six years, that one-third of members shall retire once in two years and there will be fresh elections once in two years to replace these gentlemen who are supposed to retire. What seems to have happened is that they completely forgot about it and some gentlemen did not retire, others who did retire apparently thought that they ought not or should not have retired, and there was complete confusion all over the place in many States; which confusion was sought to be corrected by all kinds of attempted amendments including, finally, an utterly illegal order by the Government called "The Advocates (Removal of difficulties) Order, which should really have been called "Advocates (Removal of) Order"—the whole lot of them. These, Sir, are the gentlemen who are supposed to be not merely attempting to interpret the law for us, but to advise the ordinary per-

sons as to the manner of carrying out the legal provisions of the various Acts. They, Sir,—God help us—are the fraternity from among whom the so-called gentlemen qualified to become Judges of the High Court eventually become Judges of the High Court and later on, in due course, Judges of the Supreme Court. I will not, at this stage, go into this, but I do ask the Minister what are these things happening in the country about the Law Council, the Bar Council, the All-India Bar Council and all that kind of claptrap, the whole lot of claptrap that is there today which constituted the framework within which the legal fraternity is supposed to be organised. It is they who are supposed to be enrolling advocates, it is they who are supposed to be laying down, after a young man has acquired a Low Degree, the kind of training that is necessary and the period of training that is necessary, it is they who are to decide the kind of persons qualified to train a young advocate and so on. Are these people really competent to do all this? I would say the Minister has by implication given the answer that they are utterly incompetent. I, therefore, ask the Minister, why is he tinkering with this kind of thing? Why does he not consider a real, thorough, total overhaul of this organisation, of this whole concept of Bar Council, Bar Councils of various States, then the All-India Bar Council, everyone laying down all sorts of requirements, all sorts of minimum training periods and so on, creating a complete jungle in which they themselves are unable to tread? I ask myself, is it not time that the leading members of the legal profession and the Ministry of Law came to the conclusion that these gentlemen are really incompetent, disorganised as they are in so many numerous bodies, to run their own affairs and that it is, perhaps, time to constitute one All-India Bar Council with, perhaps, zonal councils subordinate that kind of a body? This is not some new kind of structure that

I am suggesting only for the Bar Council. I know something of the origin and the working, for instance, of the Institute of Chartered Accountants. There is an all-India body called the Institute of Chartered Accountants, which has a Council, which has a statutory structure, and then there are, for purposes of convenience, certain administrative or regional councils along with it, and the whole set up has actually worked and is working perfectly well. It has resulted in organising the profession of chartered accountants of exceedingly high standards, both of training, minimum educational requirements at the start, examinations both during the period of training and at the end of the period of training and a whole set of rules and standards and prerequisites which, over the last hardly twenty years has ensured for this country a very high standard of professional competence and a high standard of professional ethics, which is just as important as technical professional competence in the field of accountancy. So, I would really suggest that this sort of radical reform might have to be undertaken in the present case. I suppose it is this business of these gentlemen not knowing how to conduct elections that creates the extraordinary proposition that persons who have retired shall be deemed not to have retired. I do not know what happens to anyone of those who is dead between the date of retirement and the date of the passing of the Bill. I suppose such gentleman who may have already been cremated or buried has to be pushed up from the gravestone and be deemed not to have retired from the Bar Council. I suppose all this has got to be done by law because these gentlemen do not know how to run the business of conducting elections.

I think the Law Ministry must consider the whole thing over again, in terms of competence and in terms of an Act to lay down uniform standards

of professional competence, professional ethics, training, matters of disciplinary action and so on and so forth so that there may be one professional body regulating the whole thing. Otherwise, this kind of thing will continue and will, in fact, bring the legal profession into contempt and make them a laughing stock in the eyes of the people. It has brought these people into contempt in my eyes that they could not run this business of one-third of the people retiring every two years to be re-elected every two years. Frankly speaking, they have gone down greatly in my estimation. I begin to wonder what makes them qualified to be High Court judges, for instance. In fact, another Bill is soon to come before the House, the Unlawful Activities (Prevention) Bill, under which a Tribunal will have to be constituted, and one of the members of the Tribunal shall be a member of the High Court and two members shall be persons of this kind, qualified to become a High Court Judge. These gentlemen, with a certain number of years at the bar, a certain standing at the bar, they do not know how to conduct their own elections, they are qualified to become Judges of the High Court and, God help us, they will be sitting in judgment over the people as members of that Tribunal. And if I am suspected or alleged to have created a serious situation and thereby committed an offence under that Act, these will be the gentlemen who will look into the question whether Government have rightly decided to put me behind the bars.

Therefore, Sir, while I suppose this sort of Bill has to be passed in order to save these gentlemen who have retired from having retired, those who have been elected from being diselected; of course, by this sort of *force majeure* this Bill has to go through. But I suggest the Minister had better make a thorough job of it and have complete overhaul of the whole structure.

श्री विश्वनाथ पाण्डेय (सलेमपुर) : विधि मंत्री की ओर से जो अधिवक्ता संशोधन विधेयक यहां प्रस्तुत किया गया है मैं उसका समर्थन करता हूँ। यह विधेयक बहुत ही सरल है सुगम है और सस्ता भी है। इस देश के अन्तर्गत अखिल भारतीय बार कौंसिल भी है और प्रदेश बार कौंसिल भी। यह आवश्यक बात है कि हम के अन्तर्गत कोई कानूनी पेचीदगी न हो बल्कि ऐसा हो जिस से सुन्दर तरीके से साधारण तरीके से बगैर बहुत खर्च किए हुए लोग निर्वाचित हो जायें क्योंकि यह संस्था भारतवर्ष में बहुत ही पढ़े लिखे कानूनदां और पेचीदगियों को जानने वाले लोगों की संस्था है और इस संस्था के माध्यम से कानून के अन्तर्गत देश के अन्दर जो कानून है उस में बहुत सुन्दर ढंग से काम हो सकता है। जज महोदयों को भी इस से फायदा हो सकता है और जो जनता है उस को भी काफी फायदा हो सकता है। मैं तो समझता हूँ कि यह ऐसा विधेयक है जिस को हम स्वीकार तो अवश्य कर लें। लेकिन मंत्री महोदय एक ऐसा विस्तृत विधेयक भी लायें जिस में जो अखिल भारतीय बार एसोसियेशन है उस में और प्रदेश बार कौंसिलों में बहुत अंतर न हो बल्कि यह हो कि अधिवक्ता लोग सरलता से उस के मदस्य हो सकें और काम को अच्छी तरह से चला सकें।

जो संशोधन विधेयक प्रस्तुत किया गया है उस में और पुराने एक्ट के खंड 8 में थोड़ा सा अंतर है। पहले यह था कि 6 वर्ष के लिए निर्वाचन होंगे और एक तिहाई सदस्य हर दो वर्ष के बाद हट जायेंगे। अब यह कर दिया गया है कि वह चार वर्ष के लिए चुन लिये जायेंगे। पहले जो पेचीदगी थी और बहुत खर्च होता था उस को हटा कर हमारे मंत्री महोदय ने चार वर्ष कर दिया है। इस के करने का कारण था। मद्रास हाई कोर्ट ने कुछ ऐसा फैसला किया था कि जो केन्द्रीय बार कौंसिल है उस को मान्यता के तरीके को रद्द कर दिया था। इस लिए भी इस की

आवश्यकता थी ताकि आसानी से और सरलता से काम किया जाये। फिर जो राष्ट्रपति का अध्यादेश था उस की तरफीम भी करनी थी। इस लिए मंत्री महोदय ने जो संशोधन विधेयक रखा है छः वर्ष के बजाय चार वर्ष करने का उस का मैं समर्थन करता हूँ।

Shri N. C. Chatterjee (Burdwan): Mr. Deputy-Speaker, I have got to defend my profession and fellow members of the great Bar of India from the attack levelled by Shri Dandekar. Most of them were unfair. It all started from a misapprehension of the real situation. I want to point out that I had the privilege of being a member of the first Bar Council constituted in India, I think forty years back, in 1926. The Bar Councils Act was passed and, thereafter, in my High Court, the Calcutta High Court, the first Bar Council was constituted. There was some difficulty. The Advocate-General of Bengal was the then *ex officio* Chairman of the Bar Council. Sir George Rachui, the Chief Justice, nominated two High Court Judges to be members of the Bar Council. They refused to serve on the Council because they said it was derogatory for a High Court Judge to serve under the chairmanship of an Advocate-General. Of course, that Advocate-General was one of the greatest lawyers that India has produced and he, later on, became the Law Member of the Viceroy's Council, Sir N. N. Sircar. Although Sir N. N. Sircar was a distinguished lawyer, since these two judges refused to serve under his chairmanship in the Bar Council, although I was a very junior member of the Bar then, I was nominated by the Chief Justice to serve in the place of one of the two judges.

We have been struggling very hard indeed for building up a uniform bar. You know, Sir, there were difficulties because there were different traditions. The English Bar had certain privileges because of a historical

accident. We wanted to level them down and to have one bar. There were pleaders, *muktiars*, barristers and so on and it was a very difficult job to level them down and to build up one uniform centralised profession under one agency.

I will now explain what has happened. The Government of India appointed a very important Commission, and that was presided over by one of the great Judges of India, Justice S. R. Das, who later became the Chief Justice of the Supreme Court of India. The S. R. Das Committee made certain recommendations. On that basis, the Advocates Bill was drafted, it was made into an Act and it has been functioning.

Now what has the Minister done or is doing? He has done nothing improper and there is no question of thorough incompetence, as Shri Dandekar points out, on the part of the profession. He will be amazed to know that the UP Bar Council represented to the Bar Council of India that if you insist on biennial elections, it will cost them Rs. 17,000 at every election. What can the Bar Council of India do? The Andhra Pradesh Bar Council made a representation that "if you compel us to hold these biennial elections, one-third retiring every second year, it would cost us Rs. 15,000". In that way, they all expressed their difficulties. So, it is not a question of the lawyers not being able to hold the elections. Shri Dandekar said that these people are so incompetent that they do not know even how to hold an election. It is not so. There are 1,25,000 lawyers today in India and they have all been brought under one agency, under one system, under one uniform mechanism which has itself been a very difficult job.

Now, take for instance one fact. The Attorney-General was appearing before the Select Committee the other day and he was telling us frankly that this Bar Council Act wants one common roll for the whole of India showing the gradations and the seni-

ority. How is it possible for 1,25,000 people to be placed on one roll and the seniority to be properly assessed, specially when they come from different High Courts and different places? Therefore, the Attorney-General was pleading before us that there should be regional rolls and they should be accepted as a roll for the whole of India.

These difficulties crop up. What is being said is that they said that for heaven's sake do not make this rule of six years' tenure and one-third going out every second year. We have to spend Rs. 15,000 or Rs. 17,000 on the election and another Rs. 15,000 or Rs. 17,000 after two years and another Rs. 15,000 or Rs. 17,000 after another two years. It is a colossal thing. As a matter of fact, if you insist on triennial or biennial elections, you will have to raise the fees to be imposed upon advocates. The fees are heavy even now but if you want to have that, you will have to say, "Pay Rs. 5,000 or something like that as admission fee and some periodical recurring fee". Shri Dandekar, therefore, did not realise the situation.

There is no demonstration of incompetence, inability or incapacity to run the professional house which we are trying to build up. These difficulties do arise. After all, We are a poor country. You know, junior members of the Bar have got a very hard time and if you impose a very heavy fee and admission fee, stamp fee and all that, it will be very difficult for them. Therefore they rightly pleaded before the Bar Council of India to eliminate these biennial elections. They want elections at the end of four years or so.

What does section 8 say? Section 8 provides:—

"The term of office of the elected members of a State Bar Council shall be six years, but as nearly as possible one-third of the members first elected to each such Council... shall retire on

[Shri N. C. Chatterjee]

the expiration of every second year in the prescribed manner, and the vacancies so caused shall be filled by the election of new members in the prescribed manner.

The Bar Council Secretary came to us. I had discussions with him. He says that all the State Bar Councils want this thing to be deleted and there should be a term of four years just like the Lok Sabha—one election based on adult suffrage. He said, "Make it like that; do not make it like the elections for the Council of States or Rajya Sabha—a period of six years, one-third retiring every two years and biennial elections."

Therefore, in the interest of the State Bar Councils and in the interest of the profession itself the Minister has come forward with this Bill. They stopped the elections also in anticipation of the proper provision being made. It could not be made; therefore, they had something like an Ordinance, but the Ordinance was practically struck down by the Madras High Court. I am not going to criticize the Judges. You may criticize the judgements. Some judges deliver right judgements; some deliver wrong judgements. Yesterday I was listening to a great speech by Mr. Justice Stewart of the American Supreme Court, who has come here. He is a brilliant judge. He was saying that some of them are very good, some mediocre, some brilliant and some just carry on. So, you may not like the Madras High Court Judgement; you may criticize it; you may object to it; you may think that it is rather a shocking judgement, but the judgement is there. What has the Minister got to do? The Minister says that in view of this he has got to amend this Act. The Bar Council of India has approved of it; the Attorney-General has approved of it; everybody wants it the State Bar Councils want it. Therefore, he says to put the house in order do not have these biennial elections. At least in UP it will save Rs. 34,000 and you will have only one

election costing Rs. 17,000. Assuming that there are 40,000 voters you have got to hold the elections in different places and these elections are a very costly affair. Therefore, they say, "Save us at least Rs. 34,000." Andhra Pradesh says that; Bengal says that; Bombay says that; every State is saying that. What has the Minister to do? Therefore the Minister is doing a thing which is perfectly straightforward. There is nothing sinister about it. There is nothing as a result of continued hopeless incompetence on the part of the profession. I do not know why Shri Dandekar took up that attitude. I want to dispel that attitude. Every Member should know that this is a straightforward Bill brought in a direct manner in order to meet a peculiar situation created by the joint demand of all the State Bar Councils having regard to our country's position.

We are poor country. It may be that in America it can be done. You know Sir, what happens in the American Bar Council or the American Bar Association. They do amazing things. Their annual meetings are attended by thousands of people. They are bringing out restatement of cases. They are bringing out hundred volumes or more than that every year. We can not afford to do that. Taking the country as it is, taking the demand of the Bar Councils and the profession, specially having regard to the precarious financial position of the junior members of the Bar, the Minister has done this.

You know, Sir, and every lawyer knows that the pecuniary status of the junior members of the Bar is very very difficult nowadays. All the old land tenures and land laws have gone. For instance, in Bihar, Uttar Pradesh and other States the zamindari litigation, land tenure litigation was the most productive and the most paying litigation. If you have got three big zamindari families behind you, you are assured of an income of Rs. 300 or Rs. 400 per month. Now they are all smashed they are all gone. The

whole mechanism has changed. Now it is mostly either company law or labour law or income-tax or sales tax and so on. Therefore, you have got to switch on to other walks of life. But the old people as also the juniors who have been trained up under the old system are in very great difficulty. They have lost practically the most lucrative practice which they had. The sources have dried up. Therefore they are saying, "Kindly help us; do not impose this on us."

Therefore I am submitting that this Bill should be accepted without any demur, without recording any censure on anybody. It is straightforward. He has come forward at the earliest possible time. It has been accentuated by a judgement which we have got to accept. After all, the High Court judgement is there. I do not know what view the other High Courts would have taken. I think, it is proper that biennial elections should go that there should be a centralised agency, at the top for regulating, the whole thing. We also want that there should be a proper method of training up lawyers. It is not an easy job. We are getting representations from the Delhi lawyers that the leaders do not want to take up junior members of the Bar for the purpose; they are treating them more or less as convenient bazar circles and so on. They are taken but they are not given the chance. Anybody who has been to England or to the great lawyers there would know how the junior members were treated. I was privileged to be articulated to a very big member of the English Bar. The first thing he did was to tell me, "Take this brief and come to such-and-such court; I am arguing this case; come prepared" and we started. That is a good training. But those things do not happen in every part of India.

We are trying to build up the profession but it will take some time to build it up; it will take some time to establish real conventions which will be useful and which will educate the

advocates and impart the necessary training and will equip Bar, particularly in the context of the demands of progressive welfare state. Our whole outlook has changed. In olden times, when we joined the profession, it meant fighting for the *status quo*; fighting for those people who had property and so on. Now the whole system has changed. Now it means fighting for progress, for socio-economic justice. Therefore the whole idea and contour has changed; the machinery has to be changed and we must equip the new lawyers and the new members of the profession to deal with those problems which are very serious problems and which will help India in developing into a proper socialistic welfare state based on political, economic and social justice.

Sir, I support this Bill.

Shri K. K. Verma (Sultanpur): Mr. Deputy-Speaker, Sir, I am also surprised to hear the speech of Shri Dandeker. Although the hon. Minister referred to the aims and objects of the Bill and we have been supplied with a copy of it, I would like to read paragraph 2 of the statement of objects and reasons. It reads:—

"Representations were received from the Bar Council of India and some State Bar Councils that the provisions of section 8 of the Act for retirement of one-third of the elected members at the end of the every second year and for biennial elections to fill the vacancies caused by such retirement were likely to involve considerable expenditure besides adding to the work of the Bar Councils."

15 hrs.

Here, it has been very clearly given that the main reason why the biennial elections could not be held was the difficulty about the financial resources, about the considerable expenditure being spent on those elections. Now, if the members of the Bar Councils and other responsible persons realise

[Shri K. K. Verma]

this difficulty, that there is a waste of expenditure, that a huge amount is going to be spent on these biennial elections, then, for that reason, Mr. Dandekar says that they cannot run their house, that they cannot manage their affairs and that they are thoroughly incompetent. I fail to understand how this reasoning applies when we see that there is a reasonable attitude, a very competent attitude, on behalf of the members of the Bar Councils, that there should not be a national waste, that there should not be so much expenditure on these biennial elections when an alternative remedy is possible, when we can have a system of changing the members after a reasonable period of time. So, I think, instead of condemning the members of the Bar Council, Mr. Dandekar ought to have praised their sagacity, their competence, their wisdom and their national interest, in what they have pleaded and asked for. I think, the criticism levelled by Mr. Dandekar is wholly unjustified and I would like him to reconsider his position and not to blame the Ministry or the members of the Bar off-hand without any sound reason.

I do realise that this is a belated measure. It ought to have been brought before the House before-hand. But in view of the unanimous consensus of the members of the Bar Councils, several State Bar Councils and the Advocate General, I think, this measure that has been brought before the House is quite sound but for the fact that—I agree with Mr. Dandekar on the point—clause 4 has not been adequately worded. Clause 4 reads:

“Where before the commencement of the Advocates (Amendment) Ordinance, 1966, any member of a State Bar Council has retired under section 8 of the principal Act, such member shall be deemed never to have retired and shall continue to hold office for a period of four years from the date of publication of the

result of his election as a member of the State Bar Council....”

Of course, I admit that there is a lacuna in clause 4 and, as Mr. Dandekar has pointed out, that if the member has died, it applies to him also. So, an amendment is called for and I would request the hon. Minister to consider this lacuna and either he himself brings forward an amendment or he may please allow us to table an amendment to clause 4.

Shri Himatsingka (Godda): Mr. Deputy-Speaker, Sir, this is a very simple Bill to meet the needs of the situation. The only thing that is being attempted in this Bill is to change the method of an election. Instead of biennial election of one-third members as was provided for in the original Act, the proposal is to have an election of the whole body every four years.

As has been explained very clearly and as has been suggested by the members of different Bar Councils, that the members of every State Bar Council are spread over the whole State and if an election is to be held, notices have to be sent to all the different bar libraries and all the members of the Bar and that costs a good deal of expenditure and to avoid that, to prevent such a waste of money, this procedure has been suggested. I, therefore, feel that there is no reason why there should be any adverse criticism against the Bill or that there should be any difficulty in accepting the provisions that have been placed before the House.

I whole-heartedly support the Bill and I feel that even clause 4 should not present any difficulty. If a person is dead, naturally, his position will be filled up and he shall be deemed never to have retired. His place will be declared vacant on account of his passing away. I do not think that will present any difficulty.

With these words, I support the Bill.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय यह बिल बहुत-सीधा-सादा है, लेकिन मैं नहीं जानता कि मेरे मित्र श्री दांडेकर ने इस प्रकार के आरोप और प्रत्यारोप क्यों लगाए हैं कि इस देश में लीगल ल्यूमिनरीज या लीगल ब्रान्ज का अकाल पड़ गया है। मेरा अन्दाज है कि वह किसी वकील से नाराज हो गए हैं और इसीलिए इस प्रकार के विचार प्रकट कर रहे हैं। मैं समझता हूँ कि हिन्दुस्तान में वकीलों और लीगल प्रोफेशन का स्टैंडर्ड बहुत ऊंचा है और सब इस बात को मानते भी हैं।

छोटे छोटे स्थानों पर वकीलों और एडवोकेट्स के इलेक्शन के लिए काफी इन्तजाम करना पड़ता है पॉलिग स्टेशन बनाने पड़ते हैं और काफी खर्च करना पड़ता है। इसलिए ब्राइनियल इलेक्शन के तरीके से बहुत तकलीफ होती थी और उस में खर्च भी बहुत आता था। चूंकि बार कौंसिल बहुत दिनों में इस व्यवस्था में परिवर्तन करने की मांग कर रही थी, इसलिए यह एमेंडमेंट लाया गया है। इस में केवल यही व्यवस्था नहीं की गई है कि चार साल का पीरियड होना चाहिए बल्कि यह भी है कि बाइनियल रिटायरमेंट नहीं होना चाहिये।

जहां तक "डीमड नेवर टु हैव रिटायर्ड" के शब्दों का प्रश्न है श्री दांडेकर ने कहा है कि जो व्यक्ति मर चुका होगा क्या वह प्रेवस्टोन के नीचे से निकल कर आएगा। मैं कहना चाहता हूँ कि ऐसी स्थिति नहीं है। अगर कोई व्यक्ति मर गया होगा तो उस के स्थान के लिए इलेक्शन होगा। यह बिल्कुल सीधी सी बात है।

इस प्रसंग का फायदा उठा कर मैं कहना चाहता हूँ कि मंत्री जी को इस बारे में एक काम्प्रोहेेंसिव बिल लाना चाहिए। मैं निवेदन करना चाहता हूँ कि हमारे देश में पांच सौ स्टेट्स का इन्ट्रेशन तो हो गया है, लेकिन अठारह साल बीत जाने पर

भी वकीलों का इन्ट्रेशन नहीं हो पाया है। इस समय उन में जो भिन्न-भिन्न श्रेणियां हैं— वकील, मुस्तार, प्लीडर, एडवोकेट और रेवेन्यू वकील आदि, इन सब को एकत्र करना चाहिए था। इस के अतिरिक्त आप यह भी देखें कि अगर कोई फिदट गाडी दिल्ली में रजिस्टर्ड है, तो उसी नम्बर-प्लेट के साथ ही वह मध्य प्रदेश या महाराष्ट्र में भी जा सकती है और उस को कोई नई नम्बर-प्लेट लेने की जरूरत नहीं है। लेकिन अगर कोई फिदट या एम्बैसेडर वकील दिल्ली में एनरोल्ड है, तो वह महाराष्ट्र या मध्य प्रदेश में प्रैक्टिस नहीं कर सकता है। उस को वहां पर अलग एनरोलमेंट कराना पड़ेगा। मैं समझता हूँ कि यह गलत तरीका है। अगर कोई एडवोकेट दिल्ली में एनरोल्ड है तो उस को सब जगह प्रैक्टिस करने की अनुमति होनी चाहिए। आजादी के अठारह साल के बाद भी इस भेद-भाव को नहीं मिटाया जा सका है। इस बारे में कोई व्यवस्था नहीं है कि वकील और प्लीडर को एडवोकेट के राइट्स मिले हैं या नहीं। इस बारे में बार कौंसिल ने रेजोल्यूशन पास किये हैं। इस लिए इस बारे में कानून लाया जाना चाहिए।

गोल्डस्मिथ ने कहा है, "लाज ग्राइंड दि पुअर और रिचमैन रूल दि ला।" हिन्दुस्तान में यही स्थिति है।

मैं माननीय मंत्री जी से कहना चाहता हूँ कि जितने लाज हैं वह गरीब लोगों के वास्ते बन्द हो गए हैं और श्रीमंत लोग जो हैं वह उसके ऊपर राज्य करते हैं। आदिवासियों की मदद करने के लिए हर एक स्टेट ने कुछ रुपया इस तरह का रखा है लेकिन वह किन वकीलों को दिया जाता है? जो गवर्नमेंट के वकील होते हैं या पुलिस के प्राजीक्यूटर होते हैं, यह उनके जो अधिकारी होते हैं एग्जीक्यूटिव के वह उनको देते हैं। मैं समझता हूँ कि बार कौंसिल को अधिकार होना चाहिए उनके लिए वकील नामिनेट

[श्री बड़े]

करने का। आज न्याय इतना कास्टली हो गया है कि गरीबों के वास्ते न्याय पाना असंभव हो गया है। इसके लिए हर एक स्टेट में ऐसी व्यवस्था होनी चाहिए कि जो गरीब आदमी हैं उनको फ्री लीगल एड मिले। इस प्रकार की संस्था अमेरिका में है, इंग्लैंड में है। अमेरिका में तो बहुत सालों से है। मैं समझता हूँ कि चैटर्जी साहब इस बात में मझ से सहमत होंगे कि इस प्रकार की संस्था अमेरिका और इंग्लैंड में है और वहाँ इसकी व्यवस्था है।

Shri N. C. Chatterjee: I want to tell my hon. friend that we are amending the Act in order to include legal aid as one of the aims. We have already started legal aid organisations in Delhi, Bombay and Calcutta; they are functioning very well.

श्री बड़े : नहीं, वह तो है। लेकिन मैं यह कहना चाहता हूँ कि आज यह है कि रिच मेन रूल दि ला। बम्बई में ऐसा है लेकिन यह बीमारी तो है गांवों में, पैकवर्ड जगहों में। महाराष्ट्र में, बम्बई में, दिल्ली में तो पैसा है लोगों के पास। इसकी शाखायें तो दूर दूर तक होनी चाहिए जहाँ गरीब रहते हैं। आज अठारह साल हो गए, सब जगह लोग पूछ रहे हैं, क्या हो रहा है? पंचायती राज हो गया। पंचायती राज में वकील जा सकते हैं या नहीं? पंचायती राज में जो अन्धाधुन्ध होता है उसको कोई देखने के लिए तैयार नहीं है। पोलिटिकल पार्टी जायगी नहीं। बार कौंसिल इन्सिस्ट करता नहीं कि जाना चाहिए, तो शासन की तरफ से कोई तो वकील वहाँ भेजा जाना चाहिए जो कि उनको गाइड करे कि ऐसा नहीं ऐसा होना चाहिए।

इसी प्रकार से मैं यह भी कहना चाहता हूँ कि आज इनकम टैक्स के लिए अलग वकील, रेवेन्यू का अलग वकील, कम्पनीज ला के लिए अलग वकील, तो इसके लिए

ट्रेनिंग की व्यवस्था भी होनी चाहिए। इस के लिए कालेज में तो एजुकेशन होती नहीं। कालेजेज में थ्योरी पढ़ने के बाद प्रैक्टिस में जब जाते हैं ऐडवुकली प्रैक्टिस करने के लिए तो प्रैक्टिस और थ्योरी में बहुत फर्क रहता है। इसलिये इम के लिए लीगल ट्रेनिंग देने के लिए भी कोई संस्था होनी चाहिए। वह भी आज नहीं है। माननीय चर्जी साहब ने जो कहा कि इम प्रकार की व्यवस्था हो रही है, उसके लिए मैं उन को धन्यवाद देना चाहता हूँ।

माननीय मंत्री जी ने कहा कि वह काम्प्रोहिबिब ला लाने जा रहे हैं। तो मैं चाहता हूँ कि माननीय मंत्री जो इस तरफ भी ध्यान दें कि लीगल एड गरीब आदमियों को मिले और हमारे जो ऐडवोकेट्स एक जगह के होते हैं वह दूसरी जगह भी जाकर प्रैक्टिस कर सकें। बाकी इम कानून का मैं समर्थन करता हूँ।

Shri N. C. Chatterjee: I want to (ganj): When the hon. Minister withdrew the Bill which had come from Rajya Sabha and which was pending in the Lok Sabha, he had said:

"...it is proposed to get the Bill now pending in Parliament withdrawn, to be replaced by a more comprehensive Bill which will include, in addition to some of the amendments now contained in the pending Bill, other amendments to the Advocates Act, 1961."

I had expected that there would be more amendments which would make the Bill a more comprehensive one. Particularly I expected that I would find in those amendments some provision at least to remove what remains of the invidious distinction between the English Bar and the Indian Bar, even now. I also expected some amendments to remove the distinction between the advocates who can plead and act and the advocates who can only plead but

cannot act. I took up this latter question when the Advocates Act was passed in 1961. This distinction exists only in Calcutta and Bombay and in no other High Court. The existence of this distinction between advocates who can both plead and act and the advocates who can only plead but cannot act causes great hardship to the litigating population.

Shri Himatsingka: That distinction is there in the Supreme Court also. Senior advocates can only plead but cannot act.

Shri C. K. Bhattacharyya: That is a distinction in seniority. But the distinction I speak of is a distinction imposed by the type of legal practice which he has to carry on as his own profession. Particularly in Calcutta there is a constant movement going on that this distinction should cease. This movement resulted in the establishment of the Civil Court in Calcutta and the right was given to the City Civil Court to try original cases of value upto Rs. 10,000. In the City Civil Court, this distinction does not exist; that is, in matters of value upto Rs. 10,000 all the advocates can both act and plead. When matters go beyond that value and come to the original side of the Calcutta High Court, this distinction comes in. I would tell the hon. Minister that the public of Calcutta and Bombay would be very grateful if he will succeed in amending the Act in such a way that this distinction is removed.

Coming to the Bill, I find that this Bill has a provision for some retrospective effect. This provision of retrospective effect had to be brought in because the Bill could not be passed in the Lok Sabha. The Bill was passed by the Rajya Sabha but could not be passed in the Lok Sabha for want of time. So this Bill is a victim of the waste of time that we find every day in the Lok Sabha. Even today the Speaker had to remark that we had passed 2 O'clock but no business has been done and

therefore, we should extend the period for government business by one hour more so that some business might be done. Thanks to our friends in the Opposition, the time of the Lok Sabha is wasted every day like this and it will continue to happen that Bills will be passed in the Rajya Sabha but may not be taken up in the Lok Sabha for want of time as was the case in regard to this particular Bill.

It has been pointed out that this Bill amends only Section 8 and consequently Section 15 and adds only a transitional provision. I am reminded of a Sanskrit saying:

“भवति विद्वत्तर क्रमशो जनः”

A man becomes wiser with the passage of time. How did we arrive at this stage? The Act brought in a council of six, of which one-third was to go out at the end of two years; then the Rajya Sabha thought that one-half of the members should retire after three years; now we are amending the Act so that all the members may go out after four years. This is the progress of wisdom which we have gradually passed through. It is now realised that the system of retirement of members by rotation, apart from being expensive, did not really serve any useful purpose. What stood in the way of having this realisation when the Act was originally passed? Mr. Chatterjee was referring to very expensive elections. The Bill also says that in its objects. The realisation that it is very expensive should have come at the very beginning. What we are doing now should have been done in 1961 when the Act was passed. At least now we are doing it. Let the Bill be accepted now.

I hope the hon. Minister will keep in mind the two requests that I have made: the first is that what remains of this invidious distinction between the English bar and the Indian bar up till now in any High Court should be completely removed; and secondly, the distinction between the ad-

[Shri C. K. Bhattacharyya]

vocates who can both plead and act and the advocates who can only plead but cannot act should also be removed.

In conclusion, I would like to mention one thing. If the hon. Minister would not take it to heart, I should say that there is one correction in English to be made in the last sentence of the Statement of Objects and Reasons which reads thus:

"The Bill seeks to merely replace the Ordinance by an Act of Parliament."

According to English grammar written by Englishmen, which we have learnt, an adverb cannot come in between two parts of an infinitive mood. So, the last sentence should be corrected to:

"The Bill seeks merely to replace the Ordinance by an Act of Parliament."

Shri Shinkre (Marmagao): Nobody in his senses could oppose this Bill which simply seeks to do away with the very expensive practice hitherto followed of compulsory retirement at the expiry of two years of one-third of the Members of a State Bar Council and the holding of fresh elections for filling up the vacancies so caused.

But, availing of this opportunity, I want to raise a larger question, namely the question of the entire legislative process that has hitherto been followed in this country. Since the Minister of Law is here, I am very hopeful that he would take into consideration the observations that I am going to make.

One of the very serious charges that are being levelled against this country today is that we have too many laws and too many amendments of the laws, and too many God-knows-what, and we have come to

such a state that even a well-established lawyer does not know where he stands regarding a particular law. Within a period of about sixteen years from the adoption of the Constitution we have reached the stage of the twentieth amendment to the Constitution. I would like to impress upon the hon. Minister that in future instead of going in for this kind of piecemeal amendment and piecemeal legislation, he should see to it that for every law, a particular time-limit is set, right in advance during which suggestions for possible amendments or rectifications could be called for and invited, and all those suggestions and corrections could be given effect to at one stage through one comprehensive amending Bill. This is the practice which is being followed in several countries.

For instance, France has adopted a practice whereby every new Act will have a proviso or a clause wherein it will be clearly stated that during a period of five years or ten years, no amendment shall be made to this law or to that law, and whatever suggestions are made by the public or by the interests concerned or the concerned people would be given effect to by Government at one stage and at one time at the expiry of the time-limit which has been laid down at the time of the enactment of the particular law.

But in our country it is very unfortunate that every year we are passing so many laws. For instance, at the time of the budget every year, when a new Finance Bill is introduced, so many amendments are made to several taxation laws, particularly, the income-tax laws. Nobody knows how the income-tax laws stand today. A lawyer may be conversant with how the law stood last year, but he will not be in a position to advise either his client or himself as to what the exact position is on this very day, because the previous Finance Bill may have introduced some amendments and made some alterations.

tions and modifications in the Income-tax Act in such a manner that his understanding of the law as it was last year may not hold good this year.

Besides this, there is very little that can be said about this Bill which only aims at simplification of the procedure and the establishment of a uniform four-year term for all the members of the State Bar Councils.

Once again, I am hoping that the hon. Minister will take into consideration the observation which I have made regarding the larger question of law-making.

Shri K. L. More (Hatakanangle): I rise to welcome this Bill. This measure is very simple and straightforward, and as has been explained in the Statement of Objects and Reasons, it merely seeks to lay down a uniform term of four years for all the elected members of the State Bar Councils. This view has been accepted by the Review Committee appointed by the Minister and also the Attorney-General of India who is the chairman of the Bar Council of India. I am also of this view, and, therefore, I would submit that this measure is a welcome one and should be accepted.

As has been observed by my hon. friend Shri N. C. Chatterjee, the object of the Bill is very simple; it just seeks to remove the difficulty in the working of the Advocates Act. The hon. Minister has already accepted the view that a more comprehensive Bill is necessary, and I hope that he will bring forward a more comprehensive Bill in the very near future.

I do not like the ungenerous observations made by Shri N. Dandekar. He should have just thought over the matter, because the system of rotation is really very cumbersome and very expensive. The Bar Council and also the Bar have recommended the system that has been proposed in this Bill, and it is welcome that a uniform period of four years should

be prescribed for the term of the elected members. I welcome this measure.

Shri D. C. Sharma (Gurdaspur): When I listened to the speech of my hon. friend Shri N. Dandekar, I was reminded of the jesting Pilate, who is mentioned in the Bible. The jesting Pilate asked 'What is truth?' and would not stay for the answer. My hon. friend made a speech and did not stay for the reply that he might get to the point that he had made. It is rather unfortunate. The points that he made are not in conformity with the spirit of the times or in accordance with the requirements of legal practices these days or in keeping with the manifold functions of justice which a welfare State has to perform. I think a reference was made to that by my hon. friend Shri N. C. Chatterjee.

Of course, many things have been said. I also say that legal education should be made as comprehensive as possible. So far, people have only been dealing with criminal and civil laws. But there are so many other types of laws which are coming into being. For instance, there is one kind of law which is not very much in evidence in this country and that is international law. I would like to know how many of my countrymen will be able to go before the World Court at the Hague and plead our case. There are not many of them. When we were fighting the Portuguese in the World Court at the Hague I think we had to get the services of a professor of international law from the United Kingdom. International law is one of those things which we have neglected up to this time.

Mr. Deputy-Speaker: This Bill is very limited in its scope.

Shri Surendranath Dwivedy (Khandrapara): He has also only limited time at his disposal.

Shri D. C. Sharma: I wish that the scope of legal education is ex-

[Shri D. C. Sharma]

tended. I also wish that legal aid may be given to the poor. But I do feel that the system of rotation has not worked well anywhere.

I am sorry to say that even in our Rajya Sabha, even in our Legislative Councils, this system of rotation has not been all that we wanted it to be.

Therefore, it is good that we are going to have elections at one step. The tenure may be a little longer than the period stipulated. Four years is a very brief period. A Member of the Lok Sabha goes on for five years, a Member of a State Legislative Assembly goes on for five years; I do not see any reasons why a member of a State Bar Council or a member of some other Bar Council should not go a little longer than the period stipulated in this Bill. I would, therefore, request the Minister to look into this and see that this change is made.

Another point is this....

Mr. Deputy-Speaker: Does he want more time?

Shri D. C. Sharma: Yes.

Mr. Deputy-Speaker: He can continue on the next day.

15.32 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
NINETY-FIRST REPORT

Shri A. S. Alva (Mangalore): I beg to move:

"That this House agrees with the Ninety-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd August 1966."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Ninety-first Report of the

Committee on Private Members' Bills and Resolutions presented to the House on the 3rd August 1966."

The motion was adopted.

15.33 hrs.

RESOLUTION RE: INDO-U.S.
FOUNDATION—contd.

Mr. Deputy-Speaker: Further discussion of the following Resolution moved by Shri H. N. Mukerjee on the 6th May 1966:—

"This House disapproves of the proposed project of an Indo-US Foundation and calls upon the Government of India not to proceed with it".

Two minutes have been taken by the Mover. He might continue.

Shri D. C. Sharma (Gurdaspur): How long are we going to discuss this Resolution?

Mr. Deputy-Speaker: One hour and 58 minutes.

Shri Sidheshwar Prasad (Nalanda): Time may be extended.

Mr. Deputy-Speaker: We will see later.

Shri H. N. Mukerjee (Calcutta—Central): Mr. Deputy-Speaker, last time, as I had just begun to commend my Resolution to the House, I said how it appeared as if we were going to get another of these gilded millstones from the United States to wear around our neck.

This so-called Indo-US Foundation is a project which I wish to God Government does not proceed with, and there does appear some indications as if sense might dawn even at this stage on Government. It is a good thing that our academicians have strongly registered their protest