

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Why should you get provoked? There is no question of being provoked.

SHRI Y. B. CHAVAN : The hon. Member has raised many questions, some of which are certainly legitimate and I will answer them. There are some things which our country also must know but at the same time, I cannot now discuss the strategy or any operational plans in regard to this particular matter.

The hon. Member asked about our assessment of the political intentions of China. It is very obvious that China is certainly very keen to see that the hostilities between Pakistan and India remain alive. So, they will probably do everything that is within their power to achieve that objective. Naturally, the harassment tactics have their own value. It certainly is political pressure being exercised by the Chinese leadership to demonstrate that they are prepared to play their part of the game. It is quite possible. It may be to sabotage the Tashkent Conference. For that very purpose we should not allow ourselves to be provoked into taking any action or making wrong statements on this occasion. We have repeatedly given the assurance to the country that we will defend our areas. We do not have any wrong designs against any neighbour and even in the case of Pakistan, we never had any aggressive intentions. It was only when they undertook very serious operations *on* the international border that we had to take certain defensive steps. In this particular matter, Sir, it is not our intention to take any wrong step. We do not propose to be provoked into any action. We want to demonstrate to the world and to everybody that we are a peaceful country and we will remain peaceful but at the same time, we would not like to be pushed about by any country, however big it is.

SHRI N. SRI RAMA REDDY (Mysore): I would like to know what the situation all along the McMahon Line is. Thagla Ridge is only one point in the frontier. I would like to know whether such probing actions are taking place in other places too. I am quite happy about what he has said.

SHRI Y. B. CHAVAN : I do not propose to go into any further details. Sir.

SHRI DAHYABHAI V. PATEL (Gujarat) : I would like the Defence Minister to tell us and the country categorically that there is not going to be any repetition of the "Not a blade of grass grows there" policy. That is the assurance that we want from him.

MR. CHAIRMAN: He has said that everything possible would be done.

SHRI R. S. KHANDEKAR (Madhya Pradesh) : Apart from infantry activity, was there any air activity there ? Did the Chinese Air Force take part ? If it is so, I would like to know what are their nearest bases in Tibet and whether any parachutes were dropped there ? Is the Government in a position to tell us the exact points near our territory where there are heavy concentrations of Chinese troops, the number of points in NEFA, Sikkim, all along the line, as my friend asked ?

SHRI Y. B. CHAVAN : I am sure if the hon. Member reads the statement, I think possibly he should receive replies to most of the questions. There is no air activity on the side of China. We have not seen it.

SHRI M. RUTHNASWAMY (Madras) : In the possible moves of the Government against the incessant Chinese intruders, have Government considered the possibility of closing the Chinese Embassy in Delhi and of opposing China's admission to the U.N. ?

SHRI Y. B. CHAVAN : No, Sir.

SHRI P. N. SAPRU (Uttar Pradesh) : I hope the Defence Minister is going to do nothing of that sort.

MR. CHAIRMAN: I pass on to the next item.

## II. STRIKE AND DEMONSTRATION BY THE LAW APPRENTICES AT DELHI

SHRI K. S. RAMASWAMY (Madras) : Sir, I would like to call the attention of the Minister of Law to the recent strike and

demonstration by the law apprentices at Delhi.

THE MINISTER OF LAW AND SOCIAL SECURITY (SHRI A. K. SEN): *Mr. Chairman*, the Advocates Act, enacted in May, 1961, provides for one class of legal practitioners only, namely, advocates, who are entitled to practise in all the courts in India, including the Supreme Court. It was considered necessary that a law graduate should undergo a course of training and also pass on examination to be prescribed by the State Bar Councils, before he is entitled to be enrolled as an advocate. A provision to this effect was made in clause (d) of sub-section (1) of section 24 of the Act. This provision was based on the recommendation of the All India Bar Committee and the Law Commission. This section also came into force on the 1st December, 1961, and a person who obtained his degree in law before that date was exempt from undergoing any course of training or passing any examination.

When section 24 came into force, the necessary rules had not been made by all the Bar Councils and representations were received from various quarters for extending the date of exemption. Having regard to the circumstances then prevailing, the date was extended from time to time until the 31st March, 1964 by the Advocates (Amendment) Act, 1964. This Act further provided that examinations can be taken by a candidate even before the period of training was over. In order to meet any unforeseen circumstances, the Act further empowered the Bar Council of India and also the Central Government to extend the date of exemption. In pursuance of this power, the Bar Council of India extended the date up to the 31st December, 1964. Several representations have again been received both by the Bar Council of India and the Central Government from individuals as well as associations. These representations demand various reliefs but the main demand is that the system of training and examination should be abolished or that the date of exemption should be further extended. Parliament has provided by law that there should be a system of training and examination before a law graduate can be enrolled and this system cannot be abolished without any amendment of the Act. As regards the question of extending

the date of exemption, the position is briefly as follows :—

All the State Bar Councils have made the necessary rules for training and examination of the law graduates. It appears from the rules that in the Bar Councils of Delhi, Uttar Pradesh, Rajasthan, Andhra Pradesh, Orissa, Punjab, Mysore, Gujarat and Madras, the examinations can be held under the rules during the period of training, while in the Bar Councils of Kerala, West Bengal, Bihar, Madhya Pradesh, Assam and Maharashtra, the examinations are to be held under the rules after the period of training. The arrangements which have been made by the various Bar Councils for lectures and examinations are indicated in a statement which I am placing on the Table of the House. From the statement it will be seen that the first term examination has already been held in Uttar Pradesh. The date for the second term examination is yet to be fixed. In other cases, examinations are to be held on various dates from January 1966 to September, 1966. It will thus be seen from the statement that the necessary arrangements for training and examination have already been made by all the Bar Councils in India. In regard to Punjab, it may be stated that the lectures and examination which were proposed to be arranged by the Bar Council of Punjab during the period October-December, 1965, have been postponed for some months as it was considered by that Bar Council that, owing to Indo-Pak conflict, it might be inconvenient for the candidates receiving training in the border districts of Punjab to come to Chandigarh and make suitable arrangements for their stay there. The question of fixing the dates of lectures and examinations will be considered by the Bar Council of Punjab in January, 1966.

The matter was considered by the Bar Council of India at its meeting held on the 4th December last, and they did not agree to extend the date of exemption any further. Their view is that having regard to the fact that all Bar Councils are now ready with their rules and have also made arrangements for training and examination, the date of exemption should not be extended any further.

Sir, I want to add one more sentence to the printed answer that so far as the case

[Shri A. K. Sen]

of the Punjab, Rajasthan and Jammu and Kashmir was concerned it appeared that there might be a little justification for exemption having regard to the fact that the lectures and other arrangements were held in abeyance during the few days when there were hostilities between Pakistan and India. These facts were forwarded to the Bar Council and they considered that they did not see any ground for exemption on that ground. Well, the Bar Council has the power to exempt under section 49 of the Act. If the Bar Council did not think it fit to exempt students from examinations, it will be odd if the Central Government came in and exempted notwithstanding the opposition of the Bar Council. But that is a very limited question. With regard to toe-wider question which the students have been demanding, namely, complete abolition of the system of examination and training, that is hardly a question which can be answered here unless the Bar Council feels that there is a case for abolition altogether of examination and training.

SHRI K. S. RAMASWAMY : According to the rules, in Punjab, two examinations are to be held in a year, one in September and another in April. They have lost an opportunity to take the examination in September and they have not received lectures. So what is the remedy for them ? Secondly, the list of seniors has not yet been published in many of the States. When are they going to publish it ? And lastly, I want to know whether there is a proposal to introduce three years' degree course and abolish the system of apprenticeship.

SHRI A. K. SEN : The Government set up the All India Bar Council and the State Bar Councils with the expectation that the profession would be framing its own rules and governing itself regarding training and qualifications. How can we on every occasion, unless we give the go-by to that principle of allowing an autonomous professional body to conduct itself as beU as it can, dictate to them how they have to meet a particular situation. It has been brought to my notice that in every place there are not enough arrangements for boys who are studying for law to get training from senior advocates. It has been brought to my notice that proper arrangements are not available regarding lectures also in

every place; particularly in Punjab- this examination which was withheld in September did create a peculiar situation. I have asked the Bar Council to consider these facts all over again and let us wait and see what their reactions are. If notwithstanding everything the Government feels that there is a case for the Government to act in this matter I can assure the House that the Government will not be wanting in taking the appropriate action in this matter.

I must add, Sir, that the method adopted by the students was rather unfortunate. The day I arrived back after a long tour abroad I found a large number of boys coming in with flags and shouting 'Down with the Bar Council\*.

MR. CHAIRMAN : Welcome.

SHRI A. K. SEN : Well, I don't mind this welcome. Even if they say 'Down with me', I do not mind so much but 'Down with the Bar Council' means down with a body established by the advocates themselves. It is not a Government body. The Bar Council has been set up with the representatives of the advocates themselves in the States and also at the all-India level. I personally feel that it is a totally regrettable position that the students who are going to be advocates themselves cry down a body set up by the advocates themselves.

SHRI P. N. SAPRU (Uttar Pradesh) : ' Mr. Chairman, I entirely agree with the attitude of the Bar Council.

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh) : What attitude?

SHRI P. N. SAPRU : The attitude that has been explained by the Law Minister.

SHRI ATAL BIHARI VAJPAYEE: That is, not to make any arrangement for their examinations; is that the attitude of the Bar Council ?

SHRI P. N. SAPRU: That is not the thing. There should be no admission of advocates without examination and training. It is of course the duty of the Bar Council to make arrangements for their training and . . .

SHRI ARJUN ARORA (Uttar Pradesh) :  
What is the question ?

SHRI P. N. SAPRU: . . . examination and the Law Minister has indicated that there are certain special circumstances in Punjab which might justify relaxation of that rule in the existing circumstances but if the Bar Council thinks that those circumstances will not justify relaxation—the Bar Council has been set up as an autonomous body—I think it will not be in the interest of the profession, it will not be in the interests of the very men who are clamouring for getting into the profession that the Government should interfere at this stage. I think therefore the action of the Bar Council should be supported and the persons who demonstrate against the rule are obviously unfit for the profession of law.

MR. CHAIRMAN : That is enough.

SHRI P. N. SAPRU : And I think therefore that they should be dealt with strongly.

MR. CHAIRMAN : Probably, the Minister does not have to say much about it; it was just an observation.

SHRI K. S. RAMASWAMY: The Minister said that he has asked the Bar Council to consider this question. May I know whether the representatives of the apprentices will be called and the position explained to them. Why has no action been taken to see the representatives ?

SHRI A. K. SEN : I sent for the leader of the demonstration though I was extremely tired on that day. He came to me and it appeared to me that he had not made a very good study of the Act itself. When I discussed this matter, I gave him friendly advice that in future when he became an advocate he should make a study of the subject he was dealing with more thoroughly. He first of all said that the Bar Council had no authority in the matter. So, I told him specifically that the Bar Council has authority to exempt. After the difficulties that occurred in the past, instead of coming every time to Parliament for an amendment of the Act, the Central Government also was given the same authority. In his presence I phoned up for information as to whether there are enough arrangements for examination and training and the Attorney-General told me that he

had already instructed the Bar Council to send our Ministry a complete list, showing the arrangements made by the different Bar Council for training, lectures and examination. He admitted that there was no examination in September but that the examination would be held very shortly. He said that simply because the examination could not be held in a particular month, it was no ground. What the personal opinion of the Attorney-General is, I do not want to say, because he is also governed by the decision of the Bar Council itself. There was no ground for exemption altogether. Then, I told him, therefore, that if the Bar Council did not think it fit to exempt, how could we. We can only ask the Bar Council to reconsider the matter. Then, he said to me peremptorily : "We are going straightway on a hunger-strike in front of your residence." I was a little annoyed myself and said that he was certainly entitled to please himself.

SHRI R. S. KHANDEKAR (Madhya Pradesh) : Sir, I do not approve of the conduct of the students. It is certainly not commendable, but the Government should note that their grievances are genuine. The hon. Minister said that there are certain States—and Madhya Pradesh is one of them—where the period of training is worse than the examination. Is he aware that there is not a single lecture arranged ? There is no arrangement for training at all and for the last two years the graduates are running here and there. Secondly, there is no arrangement for holding the examinations in the near future. So, what is the fate of such graduates ? Secondly, what is the use of such examinations in the same papers which they have already passed in their law examination ? If it had been in Civil Procedure or practical training, it would have been understood, but the Bar Council is conducting examinations in the same subjects which they have passed in their law examination. So, will Government consider all these things and prevail upon the Bar Council 'o look into it? We understand the Bar Council, because we have elected them. I was also a member of the Bar Council for some time. So, we understand it But the Bar Councils, situated as they are today, are not functioning at all properly. That is the whole trouble.

SHRI A. K. SEN : Well, it is not for me to consider it. If the Members think that the Government should take over the affairs of the Bar, we might make an examination of that by setting up a Committee of both Houses of Parliament, but as an advocate myself I would be very loath to leave the affairs of the Bar to be conducted by the Government itself. I think that would be really admitting complete inability to conduct ourselves as a profession, but that is a different matter. About Madhya Pradesh, I did make enquiries and I have been told—■ I have to accept the statement of the Bar Council on the matter—and from the list which I shall be placing on the Table of the House hon. Members will find that Madhya Pradesh has made arrangements for training, but the dates for the examinations have not yet been fixed. The dates will be fixed shortly.

SHRI ARJUN ARORA : May I know whether the Government is keeping a watch over the work of the Bar Council of India and taking precautions to see that the Bar Council does not convert the profession into a closed shop and restrict the admission of law graduates to the profession, as is being done by the Institute of Chartered Accountants ?

SHRI A. K. SEN : There has been no complaint on that score yet. Still it will be my endeavour later on—I cannot commit myself on that—after consulting the advocate-Members of Parliament of both Houses of Parliament, and I have an intention of setting up a small committee of the advocate-Members of both Houses

SHRI ARJUN ARORA : Client-members also.

SHRI A. K. SEN : Not in this matter of training, qualification and so on. The committee is for the purpose of reviewing how these rules have been working regarding training, admission and examinations. If they find that there is any ground for interference on the part of Parliament, we shall certainly take appropriate steps.

MR. CHAIRMAN: Statement by the Minister of Food and Agriculture.

SHRI N. SRI RAMA REDDY (Mysore) : What about Mysore?

SHRI A. K. SEN : I am considering it.

SHRI N. SRI RAMA REDDY : It is an important matter.

SHRI MULKA GOVINDA REDDY (Mysore) : It is an important matter about Mysore. I have one question.

MR. CHAIRMAN : No, I am very sorry. I know many people have questions. I have a very long list of business. I will not allow any question. I have allowed 35 minutes for these two matters.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: You should be generous on this the last day.

MR. CHAIRMAN : There is a long list of business.

#### STATEMENT RE SHORTAGE AND SOARING PRICES OF EDIBLE OILS

THE MINISTER OF FOOD AND AGRICULTURE (SHRI C. SUBRAMANIAM) : Sir, I beg to lay on the Table a statement regarding the acute shortage and soaring prices of edible oils and the measures taken by Government to arrest the prices [See Appendix LIV, Annexure No. 62].

SHRI ARJUN ARORA (Uttar Pradesh) : The Minister was not audible. It is a very important statement. He should read it . . .

MR. CHAIRMAN: No, no.

SHRI APJUN ARORA: ... so that we can put questions.

MR. CHAIRMAN : No. He has laid it on the Table of the House. That is enough.