PROF. G. RANGA : That is most important.

SHRI C. C. BISWAS : If the judiciary does not stand as high as it should, there are proper methods to bring it to the notice of Authority. But this is an indirect way, not a direct attack. It is not playing the game, if I may use that expression.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

SUGGESTION *RE.* HOURS OF SITTING OF COUNCIL

SHRI C. G. K. REDDY : May I make a submission, Sir ? We find it rather inconvenient to have two half-sessions during the day. I should like the House to consider if it would not be more convenient to start at about 1 or 2 P.M. and continue. If we start at 1 P.M., we can finish off at 5-45. That gives us more time to make some study in the morning and more time in the evening also. Now, what happens is we break at one and by the time we go and come back, it is just time enough to have lunch. I think it would be well if the House could agree to have one continuous session and $4\frac{3}{4}$ hours is not a long session. I should like the House to consider this suggestion because we find the present arrangement highly inconvenient.

PROF. G. RANGA : Let us give ourselves some time to think about it.

MR. DEPUTY CHAIRMAN : Yes. let the other Members think it over.

SHRI C. C. BISWAS : On this point, if I may make a submission. Some consideration ought to be shown for the poor Ministers. That House will start from 10-45 and continue till 1 and again assemble at 2-30 and go on till 5. It is suggested here that we sit from 1 P.M. and go on till 7 P.M. When will the poor Ministers get a little time to carry on their ordinary administrative work ?

SHRI C. G. K. REDDY : Ask the other House also.

THE MINISTER FOR REVENUE AND EXPENDITURE (SHRI MAHAVIR TYAGI) : Sir, we also take lunch.

SHRI J. R. KAPOOR : Sir, I think the difficulty has been that it will be 1 to 5·45. At present we are closing at 5. So, the hon. Minister's objection.....

MR. DEPUTY CHAIRMAN : The other House also sits.

SHRI C. C. BISWAS : They have got to take their lunch between 1 and 2.30.

(Shri J. R. Kapoor stood up.)

MR. DEPUTY CHAIRMAN :Order, order. No further discussion. Mr. Biswas.

SHRI J. R. KAPOOR : May I Sir,. with your permission.....

MR. DEPUTY CHAIRMAN : I have called Mr. Biswas.

SHRI J. R. KAPOOR : I was not entering into a discussion. I only wanted to submit that this subject should not be treated as closed.

MR. DEPUTY CHAIRMAN : No. The Members will consider it.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 1952

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS) : Sir, I beg to move :

That the Bill further to amend the Code of Civil Procedure, 1908, as passed by the House of the People, be taken into consideration.

Sir, the Bill is a very simple one but one does not know how simple matters have a knack of getting complicated. Sir, it seeks to amend section 44A of the Code of Civil Procedure, 1908. That section, if hon.

[SHIR C. C. Biswas.]

Members have read it, provides for the execution in India of decrees of foreign courts on a reciprocal basis This section was introduced for the first time in the Code of Civil Procedure, I believe, in the year 1937, shortly after the enactment of the Foreign Judgment (Reciprocal Enforcement) Act, 1933, of the United Kingdom. By that Act, it was provided that 'His Majesty'— I am quoting the words of that enactment— "His Majesty, if he is satisfied that, in the event of the benefits conferred by this Act being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respect the enforcement in that foreign country of judgment given in the superior courts of U. K.....". The whole object was to provide that judgments given in countries outside the U. K. should be enforceable in courts of the U. K. on certain conditions. That will be done only if the other countries are prepared to act on a reciprocal basis, i.e., if they give facilities for enforcement in those countries or judgments given in the United Kingdom. When section 44A was enacted, it ran in these words : "Where a certified copy of a decree of any of the superior courts of the United Kingdom or any reciprocating territory has been filed in a District Court, the decree may be executed in India as if it had been passed by the District Court." You will find that the United Kingdom has been specifically mentioned in this section. Then, there is an Explanation about "reciprocating territory" ; it says "reciprocating territory" means any country, or territory, situated in any part of His Majesty's Dominions which the Central Government may, from time to time, by notification in the Official Gazette, declare to be reciprocating territory for the purposes of this section ; and, 'superior Courts' with reference to any such territory, means such courts as may be specified in the said notification". In other words, the benefits of this provision were to apply to judgments passed by superior courts in the U. K. and by superior courts of countries within the British Commonwealth.

Now, after the attainment of independence, the Government of India considered that it was not right to limit this only to the U. K. or to countries within His Majesty's Dominions. Any other country outside India might be admitted to these benefits, and for that purpose, when the Bill was introduced, the definition of 'reciprocating territory' was altered so as to include not merely countries which form part of His Majesty's Dominions but other countries as well, provided they were situated outside India. When the Bill was brought before the other House—the House of the People—objection was taken not to the merits of the provision but to the retention of specific mention of the United Kingdom. It was argued that the U. K. should be placed on the same footing as any other foreign country. There was a good deal of cogency in that argument, and that was accepted by the House. But I suggested that having regard to the fact that these reciprocal relations had been subsisting between the United Kingdom and this country for such a long period, it would be just as well that before we introduced this change we gave them intimation. Therefore the matter stood over. Intimation was given to the United Kingdom. There has been no objection, and now, therefore, the Bill is brought before you in an amended form. In fact I moved an amendment in the other House which was accepted without any opposition, and the Bill which is now before you is in that amended form.

3 P.M.

You will find that there is no specific mention of the United Kingdom ; there is only mention of countries outside India— reciprocating territories— and it will be open to the Government of India to issue a notification declaring any particular country as reciprocating territory and then all these provisions will apply.

Sir, I find that there is notice of an amendment. My hon. friend will

move that amendment doubtless, and he will explain it. But as I see it, there is no occasion for moving that amendment, and for this simple reason. The amendment says that this Act should apply only to a country which accords reciprocal treatmen' on equal terms to the decrees passed in the Indian Union. I may assure my hon. friend that it is not necessary to insert this provision, thereby necessitating a reference back to the other House. It will be the duty of the Central Government to issue the notification, and I can assure the House that that will not be done until and unless the Government are satisfied that reciprocal facilities are accorded in the other country. This will be absolutely on a reciprocal basis. Suppose we believe that the other country will do likewise, and acting on that expectation we issue a notification declaring that country to be reciprocating territory, and ultimately we find that that country does not reciprocate, we may cancel the notification straightaway. So, there is no fear that this Act will in any way benefit any country unless that country agrees to enter into reciprocal relations with the Republic of India. That is the position.

The other part of the amendment says that certain foreign decrees ought not to be allowed to be executed in this country, and the conditions on which such decrees should be enforceable are mentioned. But, Sir, it is commonsense that if that decree was not enforceable in the other country, objection would be taken here by the party against whom it is sought to be executed. The executing court no doubt cannot go behind the decree, but at the same time if the decree is obviously invalid in law or has no legal life left in it, no executing court would take any notice of it. What happens if execution proceedings are taken in this country ? Although the executing court cannot go behind the decree, if the decree is within jurisdiction, then the executing court cannot execute it. The question of jurisdiction will be gone into. Section 47 of the Civil Procedure Code will apply to the proceedings taken for the execution of foreign decrees. Therefore, reasonable objections which it is open to any judgment debtor to take in an executing court, will also be open to the debtor in this case. So we need not lay down in the Act itself that decrees of certain kinds shall not be executable. Only decrees which will be enforceable there will be enforceable here.

I can quite understand why my learned friend has given notice of these amendments. If you look into the English Act, it is rather an elaborate Act which contains all sorts of provisions. It requires that the foreign judgment must first be registered in the High Court, and then upon such registration execution can proceed. And then certain grounds are set out there on which an order for registration can be set aside, and so on and so forth. Some of the grounds on which registration can be set aside are what you find in this amendment of which notice has been given. But the provision in our Act is quite simple. It says that if a certified copy of the foreign judgment is produced, it shall be accepted for execution and it will be dealt with in the same manner, as a decree passed by that court. All objections which are open to the judgment debtor under section 47 will still be open to the judgment debtor in such a case. We need not go into the details. It is provided in sub-section (3) of section 44A that the provisions of section 47 "shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (*a*) to (*f*) of section 13".

So, Sir, I suggest that the amendment which is proposed in this Bill is quite sufficient to meet all reasonable requirements and we need not encumber our Code with all the elaborate provisions which you find in the English Act.

Sir, I move.

SHRI KISHEN CHAND (Hyderabad): On a point of clarification under this Bill, will an appeal lie to a higher court in India against the judgment of a foreign court ? Secondly, will the judgment debtor have to pay the same court fee as is payable in India if he makes an appeal to a higher court ?

SHRI C. C. BISWAS : As regards the first point, an appeal will not lie to a higher court. The decree which will be presented to the District Court will be executed as it is. But suppose it is the decree of the original court there, and not the decree of the appellate court in that foreign country; then it will be open to the judgment debtor to point that out in that court. The decree of the original court will not be valid at all. It will have been superseded by the decree of the appellate court. It is only the decree of the ultimate court which is open to execution. And suppose the decree-holder, instead of producing a certified copy of the final appellate decree, produces a copy of the original decree; that will be pointed out by the judgment debtor, and the application will be thrown out at once. So, there is no question of providing an appeal against the decree which is presented for execution. That decree will have to be accepted for the time being at any rate, till the judgment debtor appears and shows cause against it, as a valid decree passed by the court whose name and seal appear on the document.

SHRI K. S. HEGDE (Madras): Probably the hon. Member wants to know whether there can be an appeal under section 47 against the foreign decree.

SHRI C. C. BISWAS: No. The other point was about costs. It will have to be presented to the court, and if execution petitions have got to bear any stamps those stamps will have to be affixed to it.

MR. DEPUTY CHAIRMAN : Motion moved :

> That the Bill further to amend the Code of Civil Procedure, 1908, as passed by the House of the People, be taken into consideration.

SHRI KARTAR SINGH (Pepsu) : Sir, the amendment that is made is most essential. It is necessary in the interests of justice that judgments of foreign courts, where the courts have given a fair trial, should be acceptable, and the decrees of those courts should be executed here on a reciprocal basis. This act was most essential and it was, as the learned Law Minister has put it, in 1937, after the Act was passed in the United Kingdom, that this section 44A, was inserted in the Civil Procedure Code of India. If you read that original section along with the amendment you will find that no possible objection can arise in respect of the amendments or in respect of the original section. Now every possible safeguard that could be made, is made in this case. It is clearly provided there, that in the first place previously this section applied to decrees passed in the United Kingdom—it is now applicable to all countries on a reciprocal basis. After independence we have so many countries with whom we have independent relations. Previously we had not. The United Kingdom was doing things for us. Now we have got relations all over the world. It is therefore in the interests of trade and commerce that this amendment should have been made earlier.

Most of the objections that have been made were with regard to certain *ex parte* decrees etc. Now, if you read carefully section 44A—this applies to section 13 C.P.C. also—you will find that every necessary safeguard mentioned in section 13 C.P.C. does find a place in this section. Section 44A again provides that the provisions of section 47 C.P.C. shall apply to the proceedings of a District Court executing a decree. Matters decided under section 47 are decrees, and as such shall be in my opinion appealable to High Court. The judgments of the foreign courts are conclusive as between parties, with regard to matters directly adjudicated upon in that court. But certain exceptions are given in section 13

They are six in number. That is to say, when a judgment of a foreign court and a decree passed by it is presented to a court for the purpose of execution, it is open to the judgment debtor to come forward and plead that the decree may not be executed for the following reasons. He can very well agitate in the court that that decree is inexecutable because the court that passed the decree had no jurisdiction to pass it. This is a fundamental principle of law that when a court has no jurisdiction over a matter its judgments and orders are null and void. So if a foreign judgment was NOT pronounced by a court of competent jurisdiction, the decree based on that becomes null and void.

Secondly, there may be cases in which the decree may not have been passed on the merits of the case. That subject is covered by section 13, clause (*b*), which provides that the judgment of a foreign court is binding only when it is made on the merits of the case. If the foreign court has not taken into account the merits of the case, then the judgment of that foreign court would not be binding.

Then again, it would not apply if it is on the basis of an incorrect view of international law. So the safeguard is there—a decree of a foreign court would not be executable if the decree, or the judgment on which the decree is based does not recognise the law of the State in cases in which such law was applicable. That is, if the law of India is not recognised by that judgment, then it is open to the judgment debtor to come forward and say that an incorrect view has been taken and the law of the land has not been recognised, so the decree would not be executable. There is, further the provision that the judgments of a foreign court, however justifiable and legal it may be, if it was obtained in the proceedings opposed to natural justice, to the accepted principle of natural justice, such decree is inexecutable. Cases of breaches of natural justice have been dealt with in many High Courts—Calcutta, Bombay, Madras. In A.I.R. 1927 Lahore 200, it has been fully illustrated. It is held by various Indian High Courts that cases where no notice was given to the defendant, or cases where the parties were not properly represented, or in cases where the legal representatives of the deceased were not brought on the record, or where a court appoints a person as guardian of a minor, happens to be a person who has interest in conflict to the minor in the matter in dispute, then all these objections can be taken under section 13, which is so wide in its terms that even the question of procedure, where natural justice based on law has been denied, is included in it. So that all possible objections that can be raised by anybody on this point have been safeguarded. A decree obtained by fraud again, is also not executable. So my humble submission is that the underlying idea of section 44A read with the amendment is that a party who has once fought his case successfully, about any matter, should not have to fight it out again. It is a rule of convenience. It is based on justice. I am thankful to the British for having brought this system of jurisprudence into India. Those who are familiar with the law, will recognise that once a claim for money is decreed, and one is successful in a court of law, an obligation is placed on the person against whom the decree is passed that he should pay up the amount. It becomes the right of the person enforcing the claim. This law is beneficial to both. Supposing there is a plaintiff in India. He has got dealings of trade and commerce with one resident in the United Kingdom, or for that matter, in America, if that becomes a reciprocating territory. Suppose he gets a decree, and that decree is given by a court in India, then that decree will be executable in any other territory, that is declared by the Central Government to be a reciprocating territory. I want that the Central Government should apply this Act to all progressive countries particularly to those territories where law is administered as is done in India. I support this motion. It was long

[Shri Kartar Singh.]

overdue to be moved and passed by this Council.

SHRI K. S. HEGDE : Sir, I have very great pleasure in commending the Bill for the acceptance of the House. But before I say anything about the Bill, I would like to say a word or two about the manner in which we are amending our statutes. In other countries there is a practice to appoint a Law Commission to examine the different statutes of the land in the light of the social progress and the decisions of the superior courts of law. It is a well-accepted position. But, unfortunately, in this country, we have not yet appointed a Law Commission. Many of our statutes have become antidated and there are large numbers of defects. I had an occasion during a previous debate to invite the attention of the hon. Minister for Law to this amendment. I was anxiously waiting to speak on a resolution that had been moved by an hon. Member indicating the desirability of codifying and correcting our statutes. But, unfortunately, the resolution did not come up for consideration.

SHRI C. C. BISWAS : I may inform my hon. friend that the matter is under the active consideration of the Government.

SHRI K. S. HEGDE : In the light of the remarks of the hon. Minister I would not like to press my point of view, but I would like to pay him compliments on my behalf and on behalf of the Bar.

Now, coming to the amendment, it is a non-controversial piece of legislation to which this House should accord a warm welcome. The change in question has been necessitated by the political change that has taken place in the recent past In 1937, we were part of the British Empire and as such, our judicial concepts coincided with our political subordination. Hence section 44A of the Civil Procedure Code was made providing for reciprocity only between different States in the British Empire. Now, after the attainment of independence, we have no obligations to the United Kingdom or to the Dominions. We want reciprocity with all the countries which have similar systems of law. In fact, lack of reciprocity has created considerable difficulties specially with our relationship with Burma and other neighbouring countries. Many of of our citizens have gone and settled down in Burma and they have obtained decrees in that land. But when it came to executing those decrees in India, there have been innumerable difficulties. If anyone would care to go through the decisions of the Madras High Court, he would have found that many of the decrees could not be executed on one ground or other. It is time that we straightened out matters and the law is so amended as to cement and strengthen our trade relations with the other countries.

So far as the amendment suggested to the Bill is concerned, it is quite unacceptable. The first amendment says that reciprocity would be given only where the reciprocating country accords reciprocal treatment on 'equal terms'. The words 'equal terms' are ambiguous. The legal import of the term has to be decided. All sorts of interpretations are likely to be attached to those words by courts of law It will put our relationship with the reciprocating countries in a nebulous form and we might have innumerable difficulties. In fact, no two systems of law will be equal in all its terms and concepts and on the whole it is a question of deciding whether, broadly speaking the two pieces of legislation are equal in terms or not. This is a matter which the executive alone can decide. It ought not to be left to be decided by the courts of law. Similarly, the other amendments suggested to the Bill are also unacceptable. Everyone of these amendments is unnecessary, because the principles underlying those amendments have been uniformly accepted by the decisions of our courts. As such, they will serve no useful purpose. In fact it might open up new controversies which are already settled.

So far as the difficulties suggested by a friend of mine who thinks that any person who obtains a decree without proper or due notice to the defendant in India might execute the same in this country are not real. There is the principle called "submitting oneself to the jurisdiction of the foreign court". It is a well-accepted principle that unless a foreigner submits himself to the jurisdiction of a foreign court, the judgment of the foreign court is not binding on him. Hence such decrees will be *per se* invalid decrees.

Sir, on the whole, the legislation is in accordance with modern trends and should be accepted by the House.

SHRI B. GUPTA (West Bengal): Mr. Deputy Chairman, this amendment Bill brings in a question of principle and it is from the angle of principle that I wish to say a few words. The existing arrangement as it stands today was arrived at, as the hon. Minister stated, in 1937. At that time, the British Parliament was supreme. And it is towards that the entire British Empire turned as regards any question. Naturally, at that time, in that background, that provision was made so that the decrees obtained in those Empire countries and in the United Kingdom could be executed in India. Of course, the rules provide that the decrees obtained in India could be likewise executed in the United Kingdom. Then, came the Commonwealth—exactly the British Commonwealth—into the picture. Now this amendment amounts to this that the existing state of affairs should continue. Only what was said rather in a business-like manner in those days that the arrangement was between the Empire countries has been replaced by a seemingly more generous and universal approach by introducing the words "any country outside the territory of India". Now, Sir, everyone knows which will be those reciprocating territories. It appears from the speech of the hon. Minister that the United Kingdom Government had already been consulted in regard to this matter. Therefore he has come here with the desire on the part of His Majesty's Government to do a bit of reciprocation here. Now probably other Commonwealth countries will fall in line. We have no doubt about it. It is intended to continue as an Empire arrangement and of course now after the amendment it would have a sort of cosmopolitan pretensions. That is what I want to say.

Now, Sir, the point here is first of all this. Is it proper for a State to extend a kind of extra-territorial jurisdiction to some other country ? Now, Sir, a decree obtained in England—shall we say—could be obtained not under the Indian law—the law that we endorse or pass here, but under the law enacted by the British Parliament. Now it may well be that the British Parliament would pass laws which would not conform to our sense of jurisprudence, which may not conform to our sense of morality and justice. Now, if a civil decree were to be obtained under that particular law, which if it had been proposed here, we would not have passed, that decree, can be executable under this existing arrangement. Why should the laws passed, the decrees obtained under the laws of the United Kingdom or of South Africa or of any other country that may by notification be considered as a reciprocating country, be executed here within the territory of India ? That is one thing.

I am not concerned with what they are going to do by way of reciprocity on the part of the Government of India. But we are concerned here with our rights and privileges. Now, Sir, if you want to introduce this thing, what does it mean ? It means that you are infringing in a way the sovereign powers of this Parliament. That is to say, our courts, our judicial system and our legal system as sought to be put into operation by the Act of Parliament here would be liable to execute the decrees obtained under laws, obtained through a judicial system over which we have no control whatso-

[Shri B. Gupta.]

ever. Now, this is a position which does not agree with any sense of sovereignty or with any sense of independence. This is an important point. In the international law, Sir, it is conceivable that a time may come when two or more States may have to reach a number of reciprocating agreements, but scarcely do we see that agreements of this sort are reached.

Now in the continent of Europe there are many countries. They had in the past good relations before all these Americans and others came into the picture. They had good relations before the war. I am talking about the period before Hitler came into power. They had good relations and all kinds of mutual arrangements were there. But this kind of arrangement was not adopted whereby one State granted a certain amount of extra-territorial rights to another State in so far as the execution of a decree of a particular court outside the territory of that country was concerned. That is what I want to impress upon this House. Because the British has its own judicial system, has its own Empire with all its business and other relations and therefore they had to pass such measures and make such provisions whereby the decree of one court within the Empire could be implemented or executed in a country outside the normal jurisdiction of that particular court.

Why should this thing be continued? Why should this measure therefore be brought at all? I say in all humility that this measure, however innocent it might look, is really revolting from the point of view of the independence of our country. If they say we are independent and the Parliament is sovereign, I don't understand how they can reconcile this measure with independence or sovereignty. What will happen is this. The masses are not concerned. After all masses don't have business interests overseas. People don't have interests overseas. It is only a very handful of people who have business connections in various parts of the Empire. Now it is they who will come into the picture. The British would naturally have all the advantages in this matter because it is not as if we have plenty of business in England.....

MR. DEPUTY CHAIRMAN : I think you are going beyond the point. Where do you see the 'Empire' in this ?

SHRI B. GUPTA : I am sorry if it is not to be called 'Empire'. My contention is this.

MR. DEPUTY CHAIRMAN : It is mere inference.

SHRI B. GUPTA : Anyway, any country within that region which used to be called British Empire. I don't want to bring in the Empire, if you so desire.

MR. DEPUTY CHAIRMAN : You have wasted the time of the House.

SHRI B. GUPTA : It would mean existing arrangement. That is my point.

MR. DEPUTY CHAIRMAN : It is only reciprocity. Even China and Russia can come in. Where do you see the Empire in this ?

SHRI B. GUPTA : If you think that is not an apposite term, I shall say any country. I would ask the hon. Minister whether he would come into an agreement with those countries having a different system of jurisprudence ? Of course, they will not. Because here there is private property. The Civil Code is modelled on British Common Law to a great extent. There are countries in the world where these things are considered to be unjust and are not to be regarded as morally tenable.

PROF. G. RANGA (Madras) : Then they need not come in here.

SHRI B. GUPTA : Therefore I say in practice it is quite right. They would not come nor would our Government go. In practice it would mean only reciprocal arrangement with

those countries which follow a particular pattern of judicial system, which follow a particular set of laws. It is inconceivable that some kind of agreement would be reached between England where the entire Common Law is based on private property and the Soviet Union where that kind of thing is not recognised in that manner at all, where no class is placed in that position as in England. This is the thing. It is not possible for that agreement to be reached. Therefore it will mean in effect whatever name you may give to this arrangement, it will only be with those countries following a particular pattern of law, which are tied to a particular legal system, which accept particular jurisprudence, where the Common Law is based on certain principles of private property. Therefore, I say even if you don't like the word 'Empire' it will be just the birds of the same feather flocking together by this reciprocal arrangement. What I say is this. From the point of view of international law it is absolutely necessary. You can have agreements, contracts, mutual contracts, mutual relations, pacts and treaties whereby certain interests are looked after but here you are having more or less an omnibus legislation where the Government is supposed to be invested with powers to declare certain countries as reciprocating countries. It is stated here—"..... the Central Government may, by notification in the Official Gazette, declare to be a reciprocating territory....." Therefore after we pass this measure it will not be necessary even for Parliament to consider whether a country should be considered a reciprocating country or not. All that the Government has to do is to come to some kind of an understanding or agreement with certain countries and declare this fact in its gracious Gazette and say that such and such country is a reciprocating country and then the country becomes a reciprocating country. They are prejudging the issue. Parliament cannot consider whether a particular country should be accorded this reciprocity. Take for instance South Africa. It may well be that if the Commonwealth case gets under way, then South Africa may establish and become a reciprocal country. Government may so declare. But it may also be that Parliament would like to have no truck with a country like South Africa, or it may be that you do not like to have this arrangement with the United Kingdom. But all these things are not left to Parliament to decide. These things are taken away from Parliament and given to the Government to decide which country should be made a reciprocating territory or country as the case may be. All these things are certainly alien to all the normal sense of jurisprudence. I am not talking about socialist jurisprudence ; I am talking of capitalistic jurisprudence. If you look into all the jurisprudence from the days of Thomas Acquinas, if you take the British jurisprudence, or the American jurisprudence or the French jurisprudence, you find that these things were not at all encouraged. Normally these things were not acceptable to them. Therefore, I say that something is being done here which is not at all in conformity with any sense of independence and sovereignty,—but something which is being taken out of the leaf of the British Empire's book and superimposed on us. I say these arrangements are absolutely repugnant to our sense of whatever rights and privileges we may possess. Therefore, the best course would be, if any arrangements are to be made, to delete that particular section in the Civil Procedure Code which gives certain extra-territorial powers to the United Kingdom. Let us settle for ourselves firmly before we decide which country we shall go to for such arrangements. Otherwise, to my mind, this would mean the continuation of the old imperialistic arrangement which we want to discard at all costs and by all means.

SHRI RAJAGOPAL NAIDU (Madras) : Mr. Deputy Chairman, This is not a Bill on which we need spend much time.

MR. DEPUTY CHAIRMAN : Then why speak ?

SHRI RAJAGOPAL NAIDU : But I feel I have got one or two points to refer to in connection with this measure. I would like to know if section 44A is not there as it stands in the Civil Procedure Code or as it would stand after this amendment, what would be the position. What was the law prior to the amendment in the year 1937 ? The law was, I hope I am correct, that foreign judgments and foreign decrees were executed in Indian courts.

SEVERAL HON. MEMBERS : No, no.

SHRI B. B. SHARMA (Uttar Pradesh) : They can only be executed after filing a suit and obtaining a decree on its basis.

SHRI RAJAGOPAL NAIDU : I know, I am aware of section 13 and also section 44. I am coming to them. The position then was that foreign judgments were executed in our country by filing a suit on a foreign judgment and obtaining a decree. I suppose my learned friend will agree with me on that. Now, what if section 44A is not there ? After all the person who obtains a decree in the foreign court will have to pay *ad valorem* court fees and file a suit on the foreign judgment and obtain a decree from the court where he files the suit and then execute the decree. That would be the position. That used to be the position ; that is going to be the position if 44A is not there.

Now, Sir, by the introduction of this amendment for 44A, we are losing some amount of income which we are likely to get by way of *ad valorem* court fees on the suits that would be filed on foreign judgments. Now, why should we be deprived of it ? After all, we want money and it is only for that simple reason that I would like to oppose this amendment and say that 44A may be completely deleted. Because, if 44A is there, anybody with a foreign decree can come and execute his decree without any payment of court fees. He will have the luxury of the litigation ; the court's time will be wasted but the Government would not get anything by way of income. It is only for this simple reason that I would suggest that 44A may be deleted and we are relegated to the old position, where we were prior to 1937. After all, Sir, I think I will be correct in saying that this 44A has been introduced by the Britishers only to suit their own convenience and not with any laudable purpose. What is the international law ? Ordinarily, no civil decree of one country can be executed in another country. That is the international law. *(Interruption.)* But, it is usually executed by filing suits on such judgment in the country where these decrees are to be executed. That is the international law.

SHRI K. S. HEGDE : No ; it depends upon agreements.

SHRI RAJAGOPAL NAIDU : I would like to say one or two more points about this. It may be that the country where this decree is passed, it might have been an *ex parte* decree. We may not be able to know whether that decree was passed after a full-dress trial. We will not be knowing about it. So, my point is, we cannot blindly execute a decree without going into the merits of the foreign judgment. We do not know whether it is the same procedure or a different one that was adopted in the other country.

The hon. Minister was pointing out that an appeal lies against any order under section 47, for any order passed by the executing court in this country. I wish, Sir, specific provision were made in our Civil Procedure Code. In the absence of a specific provision, I would submit, Sir, that it will lead to anomalies.

SHRI K. S. HEGDE : Order 41 provides that.

SHRI RAJAGOPAL NAIDU : It will be always better if a specific provision were made that an appeal lies against any order passed in execution of foreign decree. It is only for this simple reason that—if this 44A is

amended or if it is left as it is—our resources would be deprived and we will be losing what we are bound to get in the matter of court fees and therefore I suggest its deletion.

SHRI B. K. P. SINHA (Bihar): Mr. Deputy Chairman, this is a simple measure and a progressive measure; but, I am surprised that it has given rise to such a heated debate. My hon. friend, Mr. Gupta, is opposed to this measure on two grounds: first, that it offends against the principle of sovereignty and the principle of nationality; second, it is a peculiarly British expedient meant only for the British Empire and should not be extended to this country. Sir, it was difficult for me to understand, so far as his first point was concerned, what he was driving at. Did he mean to suggest that foreign judgments should be considered a scrap of paper in this country, that they should be taken no notice of? If that was his contention, I am afraid he wants us to revert back to the B.C.S. But we are living in the twentieth century. The law on the subject has developed. There was a time, several centuries ago, at least more than six centuries ago, when no nation enforced a judgment passed by a court of another nation. But since then, due to the growth of trade and communications, nations began to come together, and the law changed in conformity with the new situation created by the new developments. The law in respect of foreign judgments assumed two distinct patterns. In the continental countries of Europe, judgments of foreign courts were not treated as a fresh cause of action; they were subject to execution without any fresh adjudication in that country, provided that the country in whose court the judgment was passed accorded the same treatment to judgments of that country. The law in Britain, and for the matter of that in countries whose jurisprudence is based on the system of Common Law and Equity, differed in this respect, that they did not *ipso facto* enforce by execution the judgments of foreign courts; they treated foreign judgments as a fresh cause of action. That was the only difference. This distinction has to be kept in mind that in British courts the judgments were treated as a fresh cause of action, and not the original cause of action. The results in practice were the same in Britain as they were in continental countries. When judgments are treated as a cause of action, the whole gamut of defence that is open to a defendant on an original cause of action is not open to a defendant in a suit on a foreign judgment. The foreign judgment can be assailed on certain well-defined grounds only. The whole case could not be reopened. The merits of the case could not be gone into. Even if the foreign court had followed a wrong procedure, there was no ground for setting aside the judgment or reopening the case.

4 P.M.

SHRI B. B. SHARMA: That is the case even in our own courts. The executing court has no authority whatsoever to go into the merits of the decree, right or wrong. Whether the foreign court's decree is right or wrong is no concern of ours. If it is certified as the decree of that court, then it is executable here also.

SHRI P. V. NARAYANA (Madras): It falls under a different category. It is a decree passed under a different law.

SHRI B. K. P. SINHA: Some decisions have gone to the extent of laying down that even if the foreign judgment were based on a totally wrong appreciation of law, even then that judgment could not be assailed. Only a few sets of defences were open to the defendant on action on a foreign judgment, as for example, if the judgment was against natural justice, if the judgment was obtained by fraud, if the court which passed the decree had no jurisdiction to pass the decree, and a few more grounds. So, the law on this subject, in view of judicial decisions

[Shri B. K. P. Sinha.]

of various superior courts of various nations, had crystallized and left open only a few defences to the defendants in actions on foreign judgments. Those defences are open or were open to Indian defendants according to the provisions of section 13 of the Criminal Procedure Code, even before section 44A was introduced. Section 44A introduced, however, a change, a small change—that was, it applied to all judgments of U.K. and all territories within the British Empire, that reciprocated execution without fresh action. It simply simplified and shortened the process. Instead of going to court and filing a suit, the party, the judgment creditor, will directly apply for execution. In the execution proceedings, however, the same defence that was open to the judgment creditor before the introduction of section 44A was open to him after the introduction of 44A. It did not add to the grounds on which the judgment could be assailed. The only loss thereby that this country incurs, as my friend pointed out, is the loss of court fee.

SHRI K. S. HEGDE : Almost always the Indian gain.

SHRI B. K. P. SINHA : But how many cases are there ? Such judgments might be one per year. I think not more than half a dozen of such judgments are to be enforced in this country every year.

SHRI P. V. NARAYANA : Then why this Act at all ?

SHRI B. K. P. SINHA : Just to bring it in line with enlightened law on the subject in the international field.

SHRI RAJAGOPAL NAIDU : Only British jurisprudence.

SHRI B. K. P. SINHA : My friend says that this is applicable only in the British Empire, or in the British Dominions. I differ from him respectfully. Sir, I can refer my friend to the practice in Germany. In Germany, as late as 1870, when the pre-war German States federated, formed an Empire, the judgments of the various federating States were made executable without the necessity of fresh action in any other federating German State.

SHRI RAJAGOPAL NAIDU : I was speaking of democracies.

SHRI B. K. P. SINHA : In 1880, probably after the treaty of Vienna, a new law was passed in Germany, and according to that law, judgments of all foreign courts, not only of the German States, could be enforced in Germany, provided the same treatment was accorded to the judgments of German courts in those foreign countries. Take the case of Switzerland. In Switzerland also there is a similar law. Switzerland is a democracy in a fuller sense than any other country of the world—direct democracy. In Switzerland also, judgments of foreign courts have been made enforceable by law, if the foreign courts, if the countries in which those foreign courts are situated, accord reciprocal treatment to judgments passed in their (Swiss) courts. So also is the case in Italy. Similarly in Spain. So is the case in France now. In France, till as late as the nineteenth century there was no provision like this, but then there was agitation ; the matter was considered, and in France now, the law is the same as in India and in the U.K. I therefore see no reason why my friend should object to this. The section 44A, as it originally stood brought the Indian law into conformity with the practice and the law in other countries. This amendment simply widens that scope. If we confine ourselves to the United Kingdom or to the Commonwealth my friend is not satisfied. If you extend it wider, even then they object. I think, Sir, it is difficult to please them so long as they oppose for the sake of opposition.

Coming now to questions of details, I have my difference with the hon. Mover. I have moved an

amendment to which the hon. Mover referred. Sir, the first amendment was that :

In clause 2 of the Bill, in the proposed Explanation 1 to Section 44A of the Code of Civil Procedure, 1908 after the word "India" the words " which accords reciprocal treatment on equal terms to decrees passed in the Indian Union and " be inserted.

What was my intention in this ? My intention was not to leave this matter entirely in the hands of the executive. I wanted that the judiciary should also have some say in the matter. It may be noted how after all 'Reciprocating territory' is defined. It is defined as : 'any country or territory outside India which the Central Government *may.....declare to be a reciprocating territory*' That is really begging the question. I simply want that some definite standards are laid down which would be obvious to anybody or at least to the courts of law. And only when those conditions are fulfilled and only when those standards are obtained that the Government should declare a country to be reciprocating country.

SHRI K. S. HEGDE : What do you mean by equal terms ?

SHRI B. K. P. SINHA : Full reciprocity.

SHRI K. S. HEGDE : Supposing there is a maintenance decree in a country where monogamy is in practice. Is it on "equal terms", with the maintenance decree in a country where four wives are allowed ?

SHRI B. K. P. SINHA : We do not look to" the four wives" or "the one wife". But you look to the decree itself.

One country says, "we shall execute your decrees up to a thousand or ten thousand rupees, or in a particular year, the total of the decrees of your courts which we can execute is so much. If you lay some such conditions we should also lay some such conditions". Only if they fulfil some such conditions should we reciprocate.

In the British Act, however, the matter is left for the executive. My amendment takes it from the executive and places it in the judiciary. This is not based on any distrust of the executive, but on the fact that I have greater faith in the judiciary than the executive. That is why I wanted this amendment to be incorporated. But after the assurance I have received from the hon. the Mover that we will accord recognition only if there is full reciprocity, I do not think there is much point in my moving this amendment or pressing it here.

So far as the other amendments are concerned since I do not wish to move them, I shall deal with them here and now when the general discussion is going on. The other amendments are also based on the British Act. A decree shall not be considered a decree if it is not executable in the country in which it is passed. Take a concrete case here. What does this amending Bill lay down here ? It lays down that a decree of a foreign court shall be treated, as a decree passed by the district court. That means the period of limitation for purposes of execution will be three years.

SHRI C. C. BISWAS : You look at section 117 of the Limitation Act where you will find that the period of limitation for a suit on a foreign judgment is six years.

SHRI B. K. P. SINHA : Yes, yes. The British law also lays it down that the process for execution or registration can be taken within six years of the passing of the decree in the original court but then it lays down an exception also and the exception is that if a particular decree is non-executable in the original court of the original country, then in that case it will not be executed here. Suppose in a particular type of decree the limitation provided in the court which passed the original decree is two years or three years. Then after that period of limitation that decree will lapse and will become non-executable in the original court. But according to this amendment it will be executable here.

SHRI B. B. SHARMA : It will not be executable because if the decree was time-barred there, no court will certify it. It will not be a decree at all.

SHRI B. K. P. SINHA: And the second amendment is also based on the Act. That is also derived from the British Act.

SHRI C. C. BISWAS : Look at clause (*d*) of section 13. It is safeguarded by section 13. Sir, why should we waste time in discussing this and especially when he is not moving the amendment ?

SHRI B. K. P. SINHA : I have to explain it. He has referred to a certain judgment. I have also certain judgments here, Sir.

SHRI H. D. RAJAH (Madras) : Are they both contradictory ?

SHRI B. K. P. SINHA : I do not think they are contradictory. Most of the cases in which foreign judgments have been refused recognition on the ground that they were contrary to principles of natural justice were cases where no notice of the proceedings was given to the defendant. My amendment refers to cases where insufficient notice is given. That is not covered by the rule of natural justice. Only when there is complete absence of notice, the principle of natural justice comes in. When there is insufficient notice, it is merely a question of procedure and it is not hit by the principle of natural justice. It was in view of this fact that the British law laid it down as an exception and made decrees unenforceable if they were hit by this provision. Again Part 3 of my amendment says in effect that this law shall not be retrospective. I need not stress this point or expand it because jurists everywhere don't look with favour on retrospective laws. The British law on this subject also lays down that there shall be no retrospective operation. I simply want that in this case also in the matter of execution of decrees also, the law should fall in line with the practice and the law in other countries as well as in this country. That is my submission.

MR. DEPUTY CHAIRMAN : Shri Biswas.

SHRI KISHEN CHAND : May I have a word.....

MR. DEPUTY CHAIRMAN : I have called the Minister.

SHRI C. C. BISWAS : I don't think any long reply is required to my hon. friends. I will first take up Mr. Bhupesh Gupta because he struck a line which appeared to be rather queer. He seems to be suffering from what may be termed as 'Empire' complex. The Civil Procedure Code no doubt follows the pattern of the British law. The British Act itself was founded on well known principles of international law. Now, after the attainment of independence, India has entered into intimate relations with many countries with which it had no such relations before—trade relations, commercial relations, etc. In the earlier days possibly the United Kingdom and countries in the Commonwealth were the only countries with which India was trading or had trade relations. What is the object of this Act ? It is to make it easier for people who have business transactions on either side—both here and in the foreign countries—to obtain satisfaction of their decrees. Suppose an Indian merchant has some business transactions with someone in England or in Germany or in Switzerland or in France, and suppose he gets a decree against him here, it should be possible for him to take out execution in the other country where the judgment debtor may be residing or may have assets which can be attached. In such a case it would be to the advantage of Indians if British courts allow the decrees obtained in this country to be executed in England. If that is done, it is only right and fair that India should be prepared to afford reciprocal treatment in respect of decrees passed in the other country. That is the whole object. Now because we occupy a much higher position than

what we did before—we did not occupy any position of that nature before and now we occupy a special position in the international world—therefore, we cannot remain wholly isolated, and therefore there must be transactions, many more transactions than we could think of in the British days between ourselves and people residing in other countries, and in order to facilitate business, we have got to have a law of this kind.

One hon. Member referred to Burma. What happened in regard to Burma was this. Arrangements were made with British Burma in 1939 soon after section 44A was enacted for reciprocal arrangements. That was then done, and the arrangement continued. But Burma seceded from the Commonwealth in 1948 and therefore, automatically these arrangements came to an end. Now, of course, we are removing the restrictions which were there in section 44A limiting its applicability only to the United Kingdom and countries within the British Commonwealth. Now we shall be in a position to enter into reciprocal relations with Burma, just as we shall be able to do so with any other country.

Then it was said by my hon. friend who had given notice of an amendment that he would not leave it to the executive to declare the countries which will be accorded reciprocal facilities, but would rather leave it to the judiciary. In other words, he suggests that if the other country is prepared to accord reciprocal treatment, then it will be the bounden duty of this Government or this country to return the compliment. But there might be other considerations, besides judicial considerations. For instance, suppose South Africa asks to have its decrees executed in this country, then there might be political considerations for which the Government of India might think twice before granting these facilities. So it is not merely a question of judicial decision. There might be other considerations also. In England the matter is left to the executive. In other countries also, so far as I know and I speak subject to correction, there too the matter is not left to the executing court but to the Government of the country. That is a very valuable safeguard.

SHRI B. K. P. SINHA : On a point of explanation, Sir, my contention is that the matter should not be left entirely with the executive. My contention is that after the executive has done something in a particular case, or in a particular limited sphere, the judiciary should keep a watch over that. Even after my amendment is accepted, nothing prevents the Government of India from not accepting South Africa as a reciprocal country.

SHRI C. C. BISWAS : I may answer that. Suppose we declare a country a reciprocating country and then a decree passed by a superior court of that country is brought here for execution. Then objection might be taken by the executing court that this is not valid in law, because this country does not accord reciprocity and therefore this court has no jurisdiction. That objection might be taken. Then the judiciary will have a chance of going into the question. Anyway, every safeguard will be taken by the executive ; there is no doubt about that, and you can take it that in no circumstance will any country which does not deserve reciprocal facilities will be accorded such facilities.

My hon. friend Shri Gupta referred to extra-territorial jurisdiction. There are so many matters in which extra-territorial jurisdiction is recognised by courts of law that I was surprised that a lawyer of his standing should make a point of that at all. I do not profess to be a jurist like him. But with what little knowledge I have, I can say with confidence that extra-territorial jurisdiction is not something unknown.

SHRI B. GUPTA : Not in this case.

SHRI C. C. BISWAS : I will only just touch on the other points raised.

[Shri C. C. Biswas.]

Mr. Rajagopal Naidu referred to the loss of income that will result. He said that, if we adopt this amendment and allow section 44A to remain on the Statute Book, then suits on judgments will not be necessary, and we shall lose a good deal of income which we might have obtained from court fees. Suppose a suit on a foreign judgment was filed in the High Court. There would be no question of paying any court fee. But I would like him to consider this. How many cases will there be in which revenue would have been obtainable in this country ? What would be the number of cases in which suits would be filed on foreign judgments ?

If it is very small, then there is no point in the argument that there will be a considerable loss of revenue. If there is any loss, it will be completely negligible. On the other hand, if the number of such suits is very large, that shows that there is necessity for legislation of this kind and our people will benefit. Therefore, this argument based on possible loss of revenue does not, if I may say so with all respect, appeal to me. After all, how much are you going to get ? It is not much.

SHRI GOVINDA REDDY (Mysore) : What about *ex parte* decrees ?

SHRI C. C. BISWAS : There are *ex parte* and non-*ex parte* decrees. *Ex parte* decrees may be obtained by fraudulent suppression of notices : that will be hit by section 13 ; if judgment is not pronounced on the merits of the case, that will also be hit by section 13 ; if the decision is contrary to international justice, that again will be hit by section 13 ; all possible safeguards which one could foresee are provided for. And, then, remember that the decrees which are referred to here are only decrees for money, not decree for specific performance, not decrees for enforcement of contracts. It is only in respect of money that a decree will be executable. In a trade transaction, you have to get money and you file a suit, get a decree and, instead of having to execute it there, you get it transferred here and execute it here in this country. So, there is nothing very grave, no momentous international consequences involved in this simple Bill.

Sir, I move.

SHRI H. D. RAJAH : Sir, there is one point on which I would require information from the Minister of Law. As Mr. Gupta said correctly, the Soviet Union does not come under the orbit of this Bill as the property matter is not there on which a decree in this country is to be enforced in Soviet Russia. A decree by Soviet Russia can be enforced in this country because here, it is based upon property, private property. Therefore, the question of reciprocity with that country will not arise. I would like the Law Minister to explain how.

MR. DEPUTY CHAIRMAN : It refers only to money decrees : no question of property is there.

SHRI H. D. RAJAH : Money is there, that is property. What is this ? Money means property.

THE MINISTER FOR REVENUE AND EXPENDITURE (SHRI MAHAVIR TYAGI) : Soviet Russia is not altogether without money.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Code of Civil Procedure, 1908, as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN : You are not moving your amendments ?

SHRI B. K. P. SINHA : No, Sir.

MR. DEPUTY CHAIRMAN : There are no amendments to the Bill. The question is:

That clause 2 stan part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI C. C. BISWAS : Sir, I move :

That the Bill be passed.

MR. DEPUTY CHAIRMAN : The motion is :

That the Bill be passed.

SHRI KISHEN CHAND (Hyderabad) : Mr. Deputy Chairman, on paper this is a very good piece of legislation as it raises the status of our country in the international field ; but, I would request the hon. Law Minister to kindly examine it from a practical point of view. He will then find that it affects the Indian nationals adversely in every way.

I want to point out, Sir, that 60% of our trade, both export and import, is carried on with the United Kingdom. There is no gainsaying that a major portion of these cases will arise only with the U. K. Of course, there are other countries with which we have trade of 1% and there is a possibility of cases arising even with those countries but it is very remote that such occasions will arise. So, we have got to consider it from a practical point of view. In all trade agreements with the United Kingdom, there is a clause that this agreement is subject to the jurisdiction of British courts. Whether we like it or not, our position, both as a seller and as a buyer, is a weak one, and our nationals have got to agree to that clause which binds down the jurisdiction to that of British courts. Theoretically, of course, it will be a reciprocal arrangement, but in practice, as all agreements will be subject to the jurisdiction of British courts, naturally, even if our nationals want to file a suit they will have to file it in British courts. So far as the Britisher is concerned, he will be within his rights and he will file his suits there. So, it will be much easier for a Britisher to file a suit, and our countrymen will find all sorts of difficulties in defending it. A decree passed on a judgment will not be considered *ex parte* on account of the agreement, and that decree will come for execution to our country. Then section 44A will not give any relief to our countrymen. Therefore, I would suggest to the hon. Law Minister to find out a way to protect the rights of our countrymen. I suggest to him that he should add a clause whereby there should be a right of appeal against the execution of that decree in the Indian courts. That was what I wanted from him in that clarification. I wanted to place this before you on the first reading, but I did not get a chance, and therefore I would submit even now that he should so modify this Bill that there be a provision enabling our countrymen to appeal against the execution of the decree in Indian courts as an unfair clause is inserted by the Britishers in all trade agreements.

Further, I would submit that this type of appeal should be free from court fee.

DR. ANUP SINGH (Punjab) : Mr. Deputy Chairman, I rise to support the Bill. But I rise more particularly to make a suggestion which, if adopted, would save considerable time of this House in future. I am rather serious about it. I think that if the Congress Party in this House were to enter into an agreement with the Opposition that the expression "British Commonwealth" will not be used, or rather if they were to put a ban on it, I think we might save ourselves a great deal of time. For it is quite obvious that no Bill is being judged on its intrinsic merits. The hon. Law Minister was kind enough to delete reference to Britain, but still the Opposition goes on harping on the British Empire and the British Commonwealth.

SHRI P. SUNDARAYYA (Madras): Will the Congress Party move a resolution asking Government to withdraw from the Commonwealth ?

DR. ANUP SINGH : I was going to suggest also that if we were to bring a motion to the effect that this

[Dr. Anup Singh.]

House does not recognise the existence of the British Commonwealth, I am quite sure that there would be vociferous opposition on the ground that the Law Minister has been very partial becau e no reference was made either to th existence or the non-existence of the Soviet bloc. I submit that if we were to use the expression "British Commonwealth" less—ration it—we would help ourselves a great deal.

SHRI P. V. NARAYANA : Sir, section 44A itself has outlived its purpose. In the days of the British Empire it was thought fit to introduce that provision in the Civil Procedure Code, because the British Empire and all the Dominions were considered to be a single unit for several purposes, and in order to enable them to help each other this provision was considered necessary at that time. I wish Government had come forward with a Bill repealing this part of the Civil Procedure Code, that is, deleting section 44A altogether.

MR. DEPUTY CHAIRMAN : That point has been made out. The hon. Member is repeating an argument which has already been advanced in the earlier discussion.

SHRI P. V. NARAYANA : Instead of that, they want to extend this to other parts of the universe. It was introduced first in the British Empire. Now it has found a place in the Civil Procedure Code of India today, and it is now being extended to other territories. It covers all reciprocating territories outside the Commonwealth. But so far as these other countries are concerned, you will be losing a lot of money. Our Government will be losing to some considerable extent, just for the purpose of a very few capitalists, businessmen. In executing these it will mean our own lawyers will get very little fees. We have got a number of *vakils* who do not have much work. Now you are further reducing their professional work. I have nothing more to add. This, I feel, is quite unnecessary.

SHRI B. P. AGARWAL (West Bengal) : Sir, all our lawyer Members have spoken on this Bill ; so I do not want to say anything on the legal aspect of the necessity or otherwise of this Bill. I only want to put before the House the businessman's point of view for seeking this amendment. Our trade relations are not only with British Commonwealth countries, but there are trade relations with many other countries, as the hon'ble Minister has explained. We have our trade relations established everywhere. We should not forget Sir, that one third of the country which was previously one is now separate. There are trade relations between India and Pakistan. Indian nationals have established business connections with Pakistan. Similarly Pakistan nationals have business connections here. The question of reciprocity arises with respect to these countries. Unless there is some such reciprocity I know it is very difficult to carry on any business nowadays. Besides, Sir, all countries are slowly advancing towards the ideal of one world. We are also going towards the ideal of having one Government. We are considering that there must be universal brotherhood. In the light of these, I think this measure which is being provided, is a step in the right direction. From the businessman's point of view it is a great necessity, and I think, the proper thing for the House is that it should be passed.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

THE SUGAR (TEMPORARY ADDITIONAL EXCISE DUTY) BILL, 1952

MR. DEPUTY CHAIRMAN : I have to make one announcement. I have to inform the hon. Members that under rule 162 (2) of the Rules of Procedure and Conduct of Business in the Council of States, the Chairman has allotted time from 4·54 P.M. till 5 P.M. on 27-11-1952 and from 10.45