
SECTION IV

9TH FEBRUARY 1951

TO

21ST APRIL 1951

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(26)

*** DENTISTS (AMENDMENT) BILL**

The Minister of Law (Dr. Ambedkar) : As the Hon. the Health Minister is ill, I am asked to take charge of this Bill and I therefore beg to move :

“That the Bill to amend the Dentists Act, 1948, be taken into consideration.”

The Bill is a very short one and it does not involve any controversial matters. The Dentists Act of 1948 came into force on the 29th of March 1948. It was made applicable to Part A, Part C and Part D States. Under Section 49 of that Act, it is provided that no person shall be entitled to practise dentistry after the 28th March 1950 unless his name appears on a register of dentists which the Act required should be prepared in accordance with the rules contained therein. It was hoped that that register would be ready by the 28th of March 1950. Consequently, the operative portions of this Act were so framed as to come into operation on the 28th March 1950. Unfortunately, this expectation has not been fulfilled. It was reported from various States that the register would not be ready by the 28th March 1950 and consequently it became necessary to extend the period by one year in order to enable the States concerned to prepare the register. As the Parliament was not then sitting, Government issued an Ordinance giving effect to the necessary provision expending the period up to the 28th March 1951. This Bill is intended to convert the Ordinance into law. The main provision therefore is to extend the period for the purpose of preparing the register.

Advantage has been taken of the present occasion to amend the law in order to remove some of the difficulties which have been felt in giving effect to the original Act. Firstly, the

* P .D. Vol. 4, Part II, 11th August 1950, p. 841.

original Act contained two provisions. One provision was not to allow any person who was not placed on the register to be employed in Government hospitals. Obviously, it was expected that this provision would become operative after the registers ready. As the registers are not ready, persons who have not been placed on the register by reason-not of their not being qualified, but of the register not being ready would become disabled from holding any office in Government hospitals. Therefore, it has become necessary to extend the period and permit such persons to hold office notwithstanding the fact that they are not placed on the register.

Secondly, there is a Dental School in Bengal which used to grant Diplomas in Dentistry. At the time when the Act was passed there was a controversy as to whether the diplomas granted by this Dental School of Bengal should be recognised to enable persons holding diploma to be placed on the register. It was felt that the diplomas granted by the Dental School of Bengal were not sufficiently qualified to place them on the register. There has been considerable agitation by persons holding the diploma granted by the Dental School of Bengal that this disability should be removed. A compromise has been suggested by the Government of West Bengal according to which persons who have received their diploma before the year 1940, subject to certain conditions, may be treated as persons qualified to be entered upon the register. That compromise is also given a place in this Bill.

The Bill, therefore, contains three provisions :

(1) to extend the period, (2) to permit names of persons holding diplomas of the Dental School of Bengal in certain circumstances to be placed on the register and (3) to continue the employment of unregistered dentists in the Government hospitals till 1951 until the register is prepared.

This is all that the Bill contains and I hope that the House will not find any difficulty in giving its assent to the Bill.

Mr. Speaker : motion moved :

“That the Bill to amend the Dentists Act, 1948, be taken into consideration.”

Shri Sidhva (Madhya Pradesh) : First of all I take strong exception to the issue of an ordinance when the House was sitting in the month of March.

Dr. Ambedkar : The ordinance was issued some time in May. I wish that the points that were raised by my hon. Friends Mr. Sidhva and Pandit Thakur Das Bhargava had been reserved by them to the time when their amendments were taken up. It becomes somewhat embarrassing to reply on matters which would, I have no doubt, be raised again when their amendments are moved. But, I cannot help now having to reply to the points raised by them : I shall do so rather briefly, because I know I shall have to say

Mr. Speaker : I do not propose to allow any arguments on the amendments.

Pandit Thakur Das Bhargava : I am not going to move any amendment if my hon. friend dose not accept it.

Dr. Ambedkar : Mr. Sidhva has raised one or two points. The first point raised was why an Ordinance was made when the House was in session. The answer to that is two-fold. The first is this. The first question that was made to the Government of India in the matter of extension of time for the preparation of the Register came from the Government of Madras, and that too on or about the 15th of March 1950. That mean that only 13 days had been left for the period for the preparation of the roll to expire. That is one reason, the second reason is that after the receipt of this letter from the Government of Madras, informing the Government of India that it was not possible for them to complete the Register, naturally, it was necessary for the Government of India to find out from other States as to whether they were in a position to prepare their list by the date fixed, or whether they too wanted some extension. Naturally, there ensued correspondence between the Government of India and the various other States.

That undoubtedly took time, and must take time, with the result that by the time the Government of India had received the replies and was able to assess whether an amendment

in terms proposed by the Government of Madras was necessary, Parliament had been prorogued. That is the reason why the measure could not be brought up before the recess.

The second point raised by my friend Mr. Sidhva was this that he did not see any reason why we should make a statutory provision for the recognition of certain qualifications granted by the Bengal Dental School. According to him that was a matter which by the Act is left to the Dental Council. Now, I think my friend Mr. Sidhva has missed one important point and it is this. The power to grant recognition vested in the Council relates to qualifications or degree granted by schools to existence; but we are dealing with a matter in which degree and diplomas have been granted by a body which has become defunct. Consequently, it is for the Government of the day to decide whether the degree granted by a school giving tuition in dentistry were worthwhile recognition or not. It is not a matter which should be left to the Bengal Council under section 10, sub-clause (2). The word is "grants" which means "is granting at present" and not diplomas which have been granted before. That being so it cannot be a matter which could be left easily to be dealt with by the Dental Council under its power, and if we have to amend the Schedule, then that must be done by the law itself. That is why a legal provision is made in the Bill to cover that particular matter.

Now, what I have said with regard to the Bengal Dental School also applies to what my friend Pandit Thakurdas Bhargava said on the very same question.

I come now to the points raised by Mr. Kamath. The first point raised by him was more or less of a technical character. If I understood him correctly, he said that the law required that the Register should be ready on the 28th March, 1950, and that if a person was not on the Register, then under the provisions of Section 46 and 49, he incurs certain penalties, while the Ordinance which exempted the person concerned from these penalties came into operation on the 29th May, 1950. There is, therefore, a two months' period in which a person not being on the Register and continuing to practise or holding office was liable to certain penalties. What

is the position with regard to these persons? I think my friend Mr. Kamath, if he had read clearly the terms of the amendment proposed in the Bill itself, he would have seen that the provisions say that :

“In sub-section (3) of section 46 and sub-section (1) of section 49 of the said Act, for the words ‘two years’ the words ‘three years’ shall be substituted and shall be deemed always to have been substituted.”

Therefore, it is clear that that point has been adequately covered by the present clause.

Shri Kamath : My point was that if during these two months, from March 29th to May 29, if a dentist had not been registered, then under the Act, and because the Ordinance had not come into force, how could mere executive instruction from the Government prevent a prosecution, or some other penalty being imposed on that dentist ?

Dr. Ambedkar : I quite agree that that could not have prevented prosecution. But fortunately no such case happened and it cannot happen now because the period is carried back to the original Act.

Shri Kamath : But then, Sir

Mr. Speaker : Order, order. The point is very clear.

Dr. Ambedkar : My friend Mr. Kamath in dealing with the reasons as to why this Bill was brought in, has made, if I may say so, certain very serious allegations. The contention on behalf of the Government is that this Bill has become necessary by reason of the fact that the States which were required to carry out the provisions of preparing the list have not been able to do so. My friend suggests that there is another reason, and that reason is that there are certain British dentists working in this country who do not propose to become domiciled and get themselves registered, and that this Bill is intended to benefit them. Now, I first of all do not understand how an extension of one year is going to benefit a British dentist working here who has no intention of becoming a domicile of this country. I cannot understand it. But if my friend persists in making that suggestion, which I think is a very serious allegation against an hon. Member

of Government, then it should be his duty when that Member returns, to specifically put the question and ask her reply, whether this was the real motive in bringing forward this particular Bill. I am unable to give any categorical answer; but I may say that I find it extremely different to believe that an hon. member of Government should venture to bring forth such a Bill for no other except, the paltry purpose of benefiting one or two European dentists now in this country. It seems to me a most extravagant allegation.

Shri Kamath : I did not say it is the only purpose, it may be one of the purposes.

Mr. Speaker : But still, the suggestion is very uncharitable.

Dr. Ambedkar : On that point also I would like to point out to him, in answer to a question that he asked, namely, to state the present position, that all the States, who were written to in order to find out how much time they would find it necessary to prepare the register, have replied that they would require not less than one year. And the Bombay Government which may be given the credit of having a more efficient administrative machinery than others, insisted that they should have two years. I think that in itself would suffice to dismiss the suggestion made by my friend Mr. Kamath that this Bill was intended to protect some Britishers in this country.

I do not think that there is any point which has been raised to which I have not adverted in the course of my reply. The Bill, as it is, is a very simple, non-controversial one. It has arisen not because of the fault of the Central Government, but because of the other burdens carried on by the Provincial Government, they could not find the time to bring a particular provision of the Act into operation. I do not know whether we can do anything else except to help the Provincial Governments to give effect to this piece of legislation and being the Dentists Act into operation as early as possible.

Mr. Speaker : The question is :

“That the Bill to amend the Dentists Act, 1948, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Amendment of section 46 and section 49, Act XVI of 1948)

Shri Kamath : I beg to move :

“In clause 3, in the proposed amendment to sub-clause (3) of section 46 and sub-section (1) of section 49 of the Dentists Act, 1948, for ‘three years’, substitute ‘two years and six months’.”

The present clause has been inserted so as to enable State Governments to complete their registers of dentists under section 46 and 49 of the Act. This is a retroactive piece of legislation inasmuch as the words used in the clause are “and shall be deemed always to have been substituted.” I for one cannot see why for registering a few hundred, dentists, such a long period is necessary. I therefore ask again the Minister to tell the House how many dentists were still to be registered on the 29th March 1950 and in what stage the process is. That would be useful for us to know how much time is necessary for the complete registration and why this extension of time by one year is necessary. If those figures are forthcoming, we will be able to judge what time would be needed to complete the work of registration. In the absence of that it would be very difficult to arrive at an idea of the time required for the registration.

Dr. Ambedkar : This is a matter of opinion. My friend Mr. Kamath with his abundant energy and administrative experience no doubt thinks that six months would be more than enough for completing the register. But, as I just now told the House, even a Government as efficient as the Government of Bombay asked for two years. I personally myself think that in view of the fact that the obligation of preparing the register rests upon the Provincial Governments, it is desirable that this House should follow what the Provincial Governments think is feasible in this matter. As a matter of fact we have curtailed the period to one year instead of the two years asked for by the Bombay Government. We have stuck to one year, which was the original proposal by the Government of Madras. I do not think it is possible

for us with safety to curtail the period for us with safety to curtail the period provided in this Bill.

Shri Kamath : I take it that the Hon. Minister has no figures with him.

Dr. Ambedkar : No figures.

Mr. Speaker : If the registers are incomplete, how can he give the correct figures ?

Mr. Ambedkar : There is no register and who knows who is a dentist and who not.

The motion of Shri Kamath was negatived,

Shri Sidhva : I beg to move :

Renumber clause 3 as sub-clause (1) of clause 3 and add the following new sub-clause (2) :

“(2) In sub-section (1) of section 49 of the said Act, after the words ‘three years’ the words ‘ from the commencement of this Act or on the completion of formalities under section 32, whichever is earlier,’ shall be inserted.”

Dr. Ambedkar : As my friend Mr. Sidhva has said, this amendment affects an important principle which underlies the provisions of this clause, namely that the registers should be operative on the same date throughout India. This is not a mere matter of academic interest

Shri Sidhva : Is it laid down in the Act ?

Dr. Ambedkar : That is why we have said three or two years throughout. Otherwise we would have prescribed different dates for different States. It is necessary and desirable to preserve the principle of uniformity. The House will see that it affects eligibility for holding posts. It cannot be said that a person is eligible for holding a post in a particular State and not eligible in another State, simply because the State has not been in a position to prepare the register. Therefore I think as it is desirable to preserve the principle I cannot accept the amendment of Mr. Sidhva. After all, the difference is only a matter of six months.

Shri Sidhva : I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker : The question is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

(MR. DEPUTY SPEAKER IN THE CHAIR)

Clause 4 (Amendment of the Schedule, Act XVI of 1948)

Shri Tyagi (Uttar Pradesh) : My amendment reads as follows :

In clause 4, for the proposed item (2A) of Part I of the Schedule to the Dentists Act, 1948, substitute :

“(2A) Any other institution imparting education or giving practical training in dentistry which the Central Government may, in consultation with the Central Council of Dentists, recognise for this purpose and on such conditions as the Government may deem fit to prescribe therefore.”

I wish to confess that Dr. Ambedkar is a hard nut to crack. He has already said in his speech that the organisation mentioned in this sub-clause was defunct, whereas I was informed by a member of the council of Dentists that a Committee had been appointed to inquire into the conditions of this institution and that the Committee was already working on it. I don't want to make any aspersions on the institution. I don't know what its standard is, I have no personal knowledge of it, and that therefore I don't want to damage the reputation of the institution. But as an enquiry-is going on. I think instead of committing the whole Parliament to recognising that institution, it is better that the Government had reserved the right in their own hands to decide . . .

Dr. Ambedkar : We are not affecting the institution in any way. We are dealing with the degrees granted by that institution in 1940—eight years ago.

Shri Tyagi : Dr. Ambedkar expects me to believe that the degrees of an institution may be recognised without the institution itself being recognised. What I am suggesting is that he may even recognise that institution. I want Government to have powers to recognise any institution

Dr. Ambedkar : That power exists in section 10(2).

Shri Tyagi : Sir, I do not move my amendment.

Pandit Thakur Das Bhargava : I beg to move :

“In clause 4, in the proposed item (2A) of Part I of the Schedule to the Dentists Act, 1948, omit all the words occurring after ‘March, 1940’.

Therefore, as you have recognised all others as dentists on the basis of practise the principle of practise should also apply to these eight or ten mens. Therefore, I would request that this amendment may be accepted.

Mr. Deputy Speaker : May I know the reason of the Hon. Minister to this amendment ?

Dr. Ambedkar : This clause is a clause which really gives effect to the suggestion made by the West Bengal Government. Personally I myself feel, however much sympathy I may have with my friend Mr. Bhargava, it involves the question of the assessment of the qualification of the dentist as distinguished from a person who makes a denture. I thought he was rather eloquent on the man who makes a denture. A person may make a denture without being a dentist. We are talking of a dentist, which is a very different profession.

Pandit Thakur Das Bhargava : But he has got a degree of L.D.Sc.

Dr. Ambedkar : The point is this. When the Act was passed, this institution was not deemed to be worthy of recognition. Subsequently there has been a considerable degree of agitation and the West Bengal Government decided to examine the position as to whether any of the persons qualified by tuition in this college were worthy of recognition. They came to the conclusion that before 1940 the standard observed by this institution was some thing which could be considered for the purpose of recognition. But there again they said that although there was a standard maintained it was also known that many boys merely attended and filled in certain terms without learning anything. Therefore, the two additional qualifications were introduced that he should not only have obtained his diploma before 1940 but in the course

of being a student in that college he should have filled in certain terms. It is to make the qualification a real one, worthy of recognition, that these limitations were put in. I am personally prepared to place myself in the hands of the West Bengal Government who know the matter better, rather than substitute my own judgment, however great sympathy I may feel with the dentists themselves.

The Minister of Law (Dr. Ambedkar) : The wording of the article is that “the President may, for the purpose of removing any difficulties, particularly etc.” “Particularly” does not mean that he has not got the general power.

Mr. Speaker : As I have understood the point of order of the hon. Member, apart from the words, “any difficulties” and “particularly”, he seems to construe article 392 as empowering the President to make adaptations only for purpose of transition from the provisions of Government of India Act to the provisions of the Constitution. That is substantially the point.

Dr. Ambedkar : That cannot be because it is a wrong construction. The point raised by my hon. Friend is that under article 392 the only power which the President possesses is confined to an adaptation of any section of the Government of India Act, 1935, so as to bring it in line with the provisions of the Constitution. My submission is that that is not correct, because the opening words in article 392 are quite general, namely, “The President may, for the purpose of removing any difficulties” and then “particularly etc.” comes in. Suppose you were to drop the words “particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution” the wording would be “The President may, for the purpose of removing any difficulties, by order direct etc.”.

(27)

* CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

The Minister of Law (Dr. Ambedkar) : I beg to move :

“That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

The object of this Bill is three-fold. The first one is to make the Civil Procedure Code applicable throughout India, except in certain areas which are specified in clause 2 of the Bill. As the House will remember, while the Civil Procedure Code extends to what are called Part A states, it does not extend to Part B States. Part B States have, each of them, their own Civil Procedure Code which is although more or less the same as the Civil Procedure Code which operates in Part A States yet it constitutes a separate jurisdiction. The result is that there is a great deal of difficulty in the service of summonses and in the execution of decrees passed by courts in Part A States within the areas covered by the courts of Part B States. Since India has become one under the provisions of our Constitution, it is desirable from the point of view of establishing civil jurisdiction in the matter of suits and processes and execution of decrees that there should be one single Civil Procedure Code. That purpose is achieved by clause 2.

The second object of the Bill is that there were certain matters which were not covered by the existing Civil Procedure Code even as it operates in Part A States. For instance, there was no provision for the service of foreign summonses from foreign courts. Again, there was no provision for the execution of decrees passed by civil courts in places to which this Code did not apply. Similarly, the execution of decrees passed by revenue courts in places to which this Code did not apply was also a matter not covered. Similarly, the provision for the

* P. D., Vol. 8, Part II, 9th February 1951, pp. 2627-32.

operation of commissions issued by foreign courts is also not provided for by our present Civil Procedure Code. In order to provide for these matters, there are introduced in this amending Bill clauses 6, 8, 9 and 11 which deal with them. They are by themselves so self-explanatory that I do not think that any observations of mine are necessary to make hon. members understand what is the purport of these new clauses.

The most important clause, of course, is clause 12 and it is with regard to it that I propose to offer some remarks. As will be observed, clause 12 substitutes sections 83, 85, 86, 87 and 87B. These sections deal with suits by aliens, by or against foreign Rulers, Ambassadors and Envoys. Now, the only sections in which certain changes have been made are 86 and 87B. So far as section 86 is concerned, it is really the old section 86 with some minor changes. The one change that is proposed to be made in section 86 is in sub-clause (2) (d). It deals with the waiving of a privilege given to the foreign Rulers, namely, that they shall be sued only under certain conditions and subject to the satisfaction of certain procedural rules. The question that has been raised is whether any such person covered by the provisions of section 86 can waive this privilege or whether, notwithstanding the fact that he is prepared to waive such privilege, nonetheless the statutory provision should be gone through. Some courts in India have held that this being a statutory privilege of a procedural character, it is not open to the party to waive it and that a person who wants to sue should follow the particular procedure. Now, it does not seem very right or correct that a person who has been given a privilege should be debarred from taking the benefit of that privilege if he thinks that he does not need or does not want the benefit of that privilege. In order, therefore, to set this matter right, this provision has been introduced which expressly says that a person who has been granted this privilege may waive it if he so desires.

The second clause in section 86 which makes a change and to which I wish to draw the attention of the House is sub-clause (4)(b). We have added to the old categories of privileged persons one more category, namely, the category of a High Commissioner stationed in India. The position of a High

Commissioner was up to now somewhat of an anomalous character. Is he an Ambassador? What is he? Whom does he represent? Does he carry the privileges as the representative of a foreign ruler does? In order, therefore, again to remove this ambiguity, it has been felt that it would be desirable to include the Ambassador in the category of privileged persons. There are, for instance, within our territory representatives of the Commonwealth who have been called High Commissioners and who from a diplomatic point of view occupy the same position as Ambassadors. Consequently, whatever may be the reason for making this distinction in their designation, factually, they do represent the heads of their Governments and it is, therefore, proper that they also should receive the same kind of consideration which an Ambassador does.

The other clause which makes a change in the old section 86, is clause 86, sub-clause (4), sub-clause (c). It says that the privilege granted to the heads of the foreign government, or to their Ambassadors and High Commissioners may also be extended to such members of their retinue and their staff as may be notified by the Government of India by public notification. Here again, from the point of view of international law there does not seem to be any unanimity. One set of international lawyers have held that when you once grant immunity or a privilege to the Ambassador as the representative of a foreign State and you do it on the ground that his little colony is a little bit of his country established here, there is no ground, legally speaking, for making any distinction between the man himself and the agents through whom he operates in this country. There are other international lawyers who have said that such privileges need not be extended to everybody, but a state is free to pick and choose as to whom it shall grant these privileges. Now as this matter is not settled in terms of international law, it is felt that the best course would be for the law to give the power to the Central Government to notify whom it shall extend this privilege. It would be possible under this clause for the Foreign Department of the Government of India to make enquiries as to the practice prevalent in other countries and to make

suitable notifications in order to be in conformity with the largest political international opinion in this country. This is all that we propose to do by way of changes in the old section 86 of the Civil Procedure Code.

Now, I come to section 87B in which I know most Members are deeply interested. Section 87 deals with the Rulers of the

12 NOON Former Indian States. The question is whether they should also be given any privileges, such as the one they had under the existing Civil Procedure Code. Obviously, since they have ceased to be rulers in the political and legal sense of the term, they of course cannot claim any immunity from the operation of the law which is applicable to the rest of the citizens of this country. But the House will know that certain commitments have been made both by the Government of India and, if I may say so, also by the Constituent Assembly when the Constitution was before them, and it is necessary that we must recognise what we have already done. What is, therefore, proposed to be done by the new Section is to make section 85 and sub-sections (1) and (3) of Section 86 applicable to the Rulers of the former Indian States. If hon. members will refer to section 85 as put down in this amending Bill, they will find that it only says that when a foreign Ruler proposes to sue or if he is being sued, he may be permitted to appoint any particular individual, and the Government of India may permit him to do so, to conduct the litigation on his behalf either as a plaintiff or as a defendant. There is nothing wrong in extending this. The only privilege, so to say under section 85 that a ruler of a former Indian State gets is that he may not be required to attend personally when the suit is proceeding against him. He can defend by proxy.

With regard to 86(1), it says that the consent of the Government of India may be necessary before any proceedings of a civil character are launched against a Ruler of a former Indian State. This matter, again, I believe, was considerably debated yesterday when we were dealing with the Bill to amend the Criminal Procedure Code. The point was that in the present circumstances, there are grounds to believe that those persons residing in the Indian States may have many grounds or reasons for giving effect to their grudge, to their

enmity, or personal hostility to a prince, and they may, without any *bona fide* reason drag him to a court and harass him. The object of requiring the consent of the Government of India is not that there shall be vested in the Government of India an absolute power to protect the prince from any kind of litigation in which the opponent may have a substantial ground for proceeding against him, but to see that the claim that is made against him is of a *bona fide* character. Beyond that there is no purpose in requiring this consent.

With regard to sub-clause (3) it gives him freedom from arrest and execution of decree against his property except with the consent of the central Government. As I said, these are merely, what I might say, fulfilment of certain undertakings that we have given in order to maintain the dignity of the Indian Rulers. Beyond that there is nothing.

I might also draw the attention of the House to the definition of the word "Ruler" which is given in section 87B (2) (b), I think that definition is important. It is not that every Ruler of a former Indian State will get the benefit of the provisions contained in section 87B. The definition is of a restricted sort, namely, that the Ruler must be recognized by the President as one entitled to these privileges. If a prince were to behave in such a manner that the President thinks that he ought not to be recognized, it would be perfectly possible for the President to delete his name from any notification, so that he would be reduced to the status of an ordinary citizen and be liable to the ordinary process to which every citizen will be liable in this country under the Civil Procedure Code.

The other clauses are just to clear any ambiguity, difficulty and so on. The most important clause is clause 12 and think I have given the House sufficient explanation as to the fundamental basis of the amendments which have been introduced by this Bill.

Mr. Speaker : Motion moved.

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

*** Dr. Ambedkar :** There is not much that calls for a reply.

But as certain points have been made I should like to make my position clear.

The first speaker who took part in this debate said that the provision contained in this Bill with regard to the immunity to be granted to the retinue of a diplomat was not in accord with international opinion. He felt that he was convinced that there was unanimity among the writers dealing with international law that not only the diplomat should get the privilege but also his retainers. I am sorry to differ from him. I have before me several extracts from treatises dealing with international law and I do not wish to weary the House by reading them. I can assure the House that I do not find any such unanimity from the extracts before me. It is on that account that the section has been worded in the way in which it has been worded. My friend will also realise that whatever may be the method of defining the positions, the result will not be in any way different if the clause is allowed to stand as it is. Because whether the immunity is granted by the section itself or whether it is granted by a notification issued under the section, the result cannot be very different.

His second point was that we were not justified in using the word "Ruler", because there are heads of States who are not called "Rulers". I should like to draw his attention to the fact that in drafting this clause we have been following practically the same language which has been followed in the existing Civil Procedure Code. I would like to draw his attention to the heading of section 83 of the Civil Procedure Code, also to section 85, sub-clauses (1) and (2) and section 86, where the wording which we have used is also the wording used there. There is therefore no departure from the language that has been adopted in the existing Civil Procedure Code. But in this connection I would like to draw his attention to the definition that we have given of a "Ruler" which is contained in proposed section 87A of the Bill which says :

"Ruler" in relation to a foreign State, means the person who is for the time being recognised by the Central Government to be the head of that State."

* P.D., Vol. 8, Part II, 9th February 1951, pp 2646-62.

Therefore, whether any particular State has a monarchical form of Government and the Ruler is a monarch or whether any particular State has a republican form of Government with a President or some other dignitary at the head of it, it really cannot make any difficulty at all in view of the fact that our definition leaves the matter to the Central Government to State who is to be regarded as the head of the State.

Coming to the position of the Indian Rulers, I have been asked to clarify one or two things. One is how long these privileges are going to last, and then, secondly, whether the privileges are personal privileges of the present, existing Rulers or whether they have any hereditary character which will pass on from father to son. My lawyer friends will realise that a lawyer never undertakes to solve a problem unless the problem is present to him, before him. No such problem is present before me and therefore I am not in a position nor willing to commit myself to any particular interpretation.

Mr. Deputy Speaker : It is there : Rulers for the time being.

Dr. Ambedkar : Yes, for the time being. Therefore, what I am saying is that this is a matter which is open to consideration, to revision, at all times. It is not a matter which has been so to say taken out of the purview of Parliament or of Government. If Parliament so chooses, it can decide that these privileges and immunities shall end because enough time has intervened for us to suppose that these enemies of the Indian Princes have died out or disappeared without leaving any kind of progeny to harass them further, or they may take the view that these privileges may be permitted to last till the life time of the present holder. Therefore, the issue is quite open, not a closed one.

With regard to the assurances that have been demanded from me on behalf of Government as to how Government propose to utilise this power of granting or refusing consent, speaking for myself, I cannot have the slightest doubt in my mind that any Government or a Member of Government who may be dealing with this matter would ever think it advisable or proper to withhold consent in a matter where the claim