or some other provision might be introduced into the treaty, whereby voluntary transfer of nationality may be made a condition of cession. As it involved citizenship and nationality, the British Government always felt that it was desirable to place before Parliament any treaty though it was made by the prerogative of the king and by virtue of which did not require the sanction of Parliament. It was felt that Parliament should be given a voice in determining the nationality of the people in the territory which was being ceded.

The third thing is that under the English law, while it was the prerogative of the king to transfer territory, the treaty by itself could not affect the right of the people. If for the performance of the treaty certain existing laws were abrogated or affected, then the treaty itself was not competent to do it. It required a separate sanction of Parliament to alter those laws which regulated the rights, obligations and liabilities of the people in order to bring them in conformity with the provisions of the treaty.

These were the principal reasons why under the English law, although the right to transfer territory was a prerogative of the king, the British Government introduced the practice of placing all such treaties before Parliament for sanction. That is the reason why the Government in this case felt that it was desirable to bring this matter before Parliament and obtain its sanction, because in this very Bill I do not exclude the possibility of Parliament introducing certain changes with regard to the nationality of the people in the territory which is sought to be transferred to a foreign State like Bhutan.

These are my submissions with regard to the various points raised. My first submission is that it is not necessary to rely on Articles 2 and 3 of the Constitution, because they relate to a different matter. The purpose of this Bill and that of this treaty come under entries 14 and 15 in legislative List No. I of the Seventh Schedule. In my judgment, according to the interpretation put upon the content and the ambit of these two entries, it is sufficient to give authority to Parliament to sanction a measure of this sort.

Shri Kamath: Before you proceed further, Sir, may I request you to summon the Attorney General to be present here during the course of the debate, as important matters are being raised in the House ?

An hon. Member: He is in Australia.

Shri Kamath: Is not his Deputy here ?

Several Members : *rose—*

Mr. Deputy Speaker: Hon. Members who have already spoken need not rise. They have no right to speak just because the Law Minister has raised certain new points.

Dr. Pattabhi (Madras)**:** Several points which are neither in the Bill nor in the statement of Objects and Reasons have now been adduced by the Law Minister and the whole discussion assumes a *de movo* form, if you have followed it carefully. There was a reference in the Statement of Objects to part (c) under Article 3 of the Constitution. There is the statement of the Law Minister that the Bill has nothing to do with Article 3 of the Constitution. You must reconsider your decision, Sir, and allow a fresh discussion on the matter.

Dr. Ambedkar: Article 3 comes in only incidentlly, because the cession of territory cannot be carried out unless until the boundaries of Assam are adjusted. To that extent Article 3 is relevant. Otherwise Article 3 has no relevance.

Dr. Pattabhi: You were not present in the House yesterday when certain statements were made

Dr. Ambedkar: I am sorry I was not here. If somebody had told me I would have been here. (*Interruption*). Article 3 comes in only incidentally. The cession of the territory was the consequence of readjustment of the boundary of Assam. So far as there, there should be reference in Article 3.....

Dr. Pattabhi : For which there is no provision in the Act— I mean for cession of territory.

Dr. Ambedkar: That is a difference in opinion. Entries 14 and 15 contain, if you want, the basis of action for the union territory.

Dr. Pattabhi: Then do not quote Article 3.

Dr. Ambedkar: Article 3 has been reported in an incidental manner because it has reference to the readjustment of the boundaries of Assam.

Shri Kamath: Is it clear then, that the matter at issue is cession and not, as the Prime Minister said yesterday, the adjustment of a boundary dispute ?

Dr. Ambedkar: The cession of territory may have been the consequence of a boundary dispute. Where then is the difficulty ?

Shri Kamath: Which is the cause and which is the effect?.....

Dr. Ambedkar: That I do not know. The administrative department will tell you but I cannot see any difficulty there.

Shri R. K. Chaudhuri (Assam)**:** Would you request the Attorney General to be here, Sir ? We are entitled to hear his views.

Mr. Deputy Speaker: The Attorney General is in Australia. I do not think it is necessary to hear the Attorney General. The House has heard the Law Minister. (*Interruptions*). Order, order. Hon. Members have had ample opportunities to speak. Let others also have the opportunity to speak. Merely because an hon. Member who had the right to speak urged a particular point in favour of a particular proposition, another hon. Member who has already spoken cannot have additional time to speak again. That would be endless.

Shri Shiv Charan Lal (Uttar Pradesh)**:** May I ask one question by way of.....

Mr. Deputy Speaker: Not now. Dr. Mookerjee.

Dr. S. P. Mookerjee (West Bengal)**:** While rising to speak on this Bill I would like to state at the beginning that I do not wish to dwell at length on the merits of the Bill. Whether a small tract of territory should be given to Bhutan or not is a question which is not immediately before you. I know that what the Prime Minister said yesterday strengthens the

case of Government and perhaps there may be special reasons why the proposal which Government has made should be implemented. But I take the strongest objection to the extraordinary procedure which is being followed for implementing the wishes of the Government and it took my breath away when I heard the defence of the Law Minister. Of course he said that he was the author of the Constitution—not the sole author.....

Dr. Ambedkar: I did not say I was the author but I was one.....

Dr. S. P. Mookerjee: He had the largest part to play in the framing of the Constitution. That being so one would have expected that he should have been the first person to defend the sacredness or sanctity of the Constitution. I could have understood a speech like the Law Minister's from any other Member, even the Home Minister. But so far as the Law Minister is concerned he should have explained very clearly what the implications of the proposal were.

The Law Minister referred to certain judgments passed by the Supreme Court of America. After my experience last time while we were discussing the Constitution (Amendment) . Bill, I hesitate to accept the hasty recommendations of the Law Minister unless I can verify.....

Dr. Ambedkar: I must protect against this kind of a thing. If my friend is going to challenge a statement that I made then I shall reserve to myself the right to challenge whatever he has stated. I must make it very clear.

Dr. S. P. Mookerjee: The Law Minister is protesting too much.

Dr. Ambedkar : It is not protesting too much, but I heard you said something the other day when I was not present.

Dr. S. P. Mookerjee: You were here, but when I was speaking you had run away.

Dr. Ambedkar: You are not such a formidable man as to make me run away.

Dr. S. P. Mookerjee : So far as Shri Bhim Rao Ambedkar is concerned who can frighten him ?

Dr. Ambedkar: I dont't like these reflections. You have made the statement. I know, I am not here to challenge it but I would.....

Mr. Deputy Speaker: Should the hon. Members exchange words like this ?

Dr. Ambedkar: No, Sir, it is going too far. It is deliberately saying that I have misquoted and misrepresented.

Dr. S. P. Mookerjee: I have not said that.

Dr. Ambedkar: I have been eager enough to allow my friend, Mr. Kamath to have the reference to the book and the pages. I do not like these things. I am treating you with great respect—if you won't do it then I shall descend to your own level.

Dr. S. P. Mookerjee : You have descended to your own level.

Mr. Deputy Speaker: Both are highly respected Members of Parliament. It was not necessary for the hon. Member to say those things about the last version. The Law Minister may have given his opinion but the hon. member has always got the opportunity of reading the relevant judgment himself. All that I can say is that as far as possible, consistent with their own position in the House, and the position of the House itself, they should meet argument by argument. That is my appeal to hon. Members.

Dr. S. P. Mookerjee : I had no desire to wound anybody's feelings. I said I hesitate to accept the hasty recommendations of the Law Minister.

Dr. Ambedkar: There are no recommendations. I said these are the judgments—I quoted the pages.

Mr. Deputy Speaker: Hon. Members are aware that from the same book different persons can interpret differently, and therefore, it was open to the hon. Member, Dr. Mookerjee to read it differently.

Dr. Ambedkar: If he had the judgment before him and after reading it he refers to it, I would have respected it. But to say I have misquoted or misrepresented is going too far.

Dr. S. P. Mookerjee: I never said misquoted.

Dr. Ambedkar: I am not going to allow this kind of a thing.

Dr. S. P. Mookerjee : The point I was developing, Sir, was this. The hon. Minister referred to some case which was dealt with by the American Supreme Court—he did not read out the judgment. So far as the American judgment is concerned it is not relevant to the subject matter that we are discussing here now. The Law Minister referred to certain things which are done by the king in England; the King has prerogative powers by virtue of which he can cede certain territories. That also, I would submit, has no relevance to the topic that is under discussion today. All that we are discussing is this : can Parliament cede any portion of the territory of India without following some specific procedure which is laid down under the Constitution ? Is there any Article in the Constitution which makes a provision for the purpose of allowing Government to cede any portion of the territories within India ? That is the simple question that we have been called upon to consider. Here, Sir, If you look at Articles 2 and 3 you will see what the arrangement was when Part I of the Constitution was enacted.

Mr. Deputy Speaker: Are we to understand that the hon. Member feels that cession of territory is possible under the Constitution but only the procedure under Article 3 has not been followed ?

Dr. S. P. Mookerjee: There is no specific provision in respect of cession of territory under the Constitution, but even there I am prepard to concede that if by reason of a treaty the position arises that a portion of Indian territory is to be ceded, naturally somebody has got to give the final sanction to such a decision and the matter has to come before Parliament. Here you are not only ceding the territory but you are automatically adjusting the boundaries of one of your

existing States and in respect of this matter at any rate there is a specific procedure laid down under the Constitution which you are bound to follow.

Mr. Deputy Speaker: It is claimed it has been followed.

Dr. S. P. Mookerjee: No, Sir.

Dr. Ambedkar: With your permission, Sir, I would like to clear the point in a few sentences because I am very grateful he has put the point very clearly now. The question seems to be, what is the procedure.....

Dr. S. P. Mookerjee: Well, let me finish. I won't speak for long.

Dr. Ambedkar : I am not speaking, I am only explaining.

Dr. S. P. Mookerjee: I thought, Sir, when the Law Minister spoke earlier also, he was explaining.

Mr. Deputy Speaker: If the Hon. Minister feels he can explain a particular point he may do so. I think the procedure has been followed. The President has given his sanction, the resolution has been passed by the Assam Assembly. The recommendation of the President has been printed on the back page of the Bill.

Dr. S. P. Mookerjee: I have seen that. But so far as the provision for ceding out any portion of Indian territory is concerned, that is practically bound by the provisions of Articles 1 and 2 and in such circumstances is it open to Parliament to pass a Bill ceding a portion of Indian territory ?

Mr. Deputy Speaker: That is another matter. It is not one of procedure.

Dr. S. P. Mookerjee : I was referring to both the matters. It is a question of functioning within the Constitution here. If you want to deal with such a case and if you find that your Constitution does not provide for such a contingency—it might have been a mistake ; you might have overlooked it—in whatever way it might have been done, the only thing which you can do is to amend the Constitution and Parliament should then take the necessary power to give effect to it.

As I said at the beginning, I am not worried so much about this particular case. Here it is a small portion of the territory which is proposed to be given to Bhutan. There may be special reasons why you should do so. There are historical reasons why such a step if approved by the Government of India and the people of this country might lead to the creation of better relationship between those people and ourselves.

Mr. Deputy Speaker: It appeared from the earlier portion of the argument of the hon. Member that he was conceding the position that by virtue of entry 14 relating to treaties the power is there. It is only the question of procedure.

Dr. S. P. Mookerjee: What I am prepared to concede is this. If there is war or if a treaty is entered into between two. countries, or if it is decided that a portion of our territory should be ceded or some other portion of territory which is outside India should be included in the Indian territory, there is certainly no bar to the Government of India entering into such a treaty. The whole question is how to implement it, and that is what we are discussing today. Of course, I am not speaking on the merits of the proposal. So far as the implementation goes, there is nothing in the Constitution as it stands today which empowers this Parliament to cede out any portion of the territory which is included within India that is Bharat. It is specific, clear and unambiguous. If it is thought necessary that this particular step should be taken, then what I would suggest is that this Bill should be withdrawn and a necessary amendment of the Constitution . should be made so that the thing may be done properly and constitutionally. In this instance, the territory involved is very small. It really does not matter much. But the question of principle involved is a highly important one and we should not allow even Parliament much less the executive, to be given the power to cede out this territory which is included within the framework of the Constitution unless there is some specific provision made in the Constitution in that behalf and that is strictly followed. So far as the powers of Parliament go, there is no residuary power vesting in Parliament outside the four corners of the Constitution. It is our Holy Book, Bible, Gita or whatever you may call it and you must remain

confined within its four corners. If we find that there is a lacuna which has to be covered, we should not proceed in a manner which may give rise to any feeling of fear or distrust in the minds of any section of the people but we should first amend the Constitution, withdraw this Bill and bring it up again in proper form.

Dr. Ambedkar: May I clear the point ? It seems to me that Dr. Mookerjee's observations have reduced the point to very narrow limits. He concedes, if I understand him correctly, that there is the power of ceding territory under the entries to which I have referred. I believe it is difficult to imagine a case where the cession of territory will not involve the readjustment of the boundary of some province. At least I cannot imagine a case like that. Therefore, the question is one of procedure. If a law has to be made under any of the entries in List I or II of the Seventh Schedule, the ordinary procedure is the procedure of the Bill. Is that not so ? You bring in a Bill, put it through the House in its three stages : the Bill is passed and the thing is complete. With regard to the provisions coming under Article 3, you have got to follow the necessary procedure that has been laid down there. My submission is this. In deciding whether the ordinary procedure as to Bills is applicable to this case or whether the procedure laid down in Article 3 is applicable, we have to make reference to one single point and that is this : what is the main purpose of the Bill ? Is the main purpose of the Bill to readjust the boundaries of Assam or is the main purpose of the Bill to cede territory to Bhutan and make the necessary consequantial adjustments in the boundary of Assam from which this territory is taken ? In a matter of this kind where both aspects are present (and must be present in any cession because cession must necessarily have the consequence of readjustment), my submission is that the procedure to be followed must be the procedure for carrying out the main purpose of the Bill and not the subsidiary or the incidental purpose. Although this Bill has been drafted in a way as to make readjustment of boundaries appear to be the main purpose, the real purpose is to cede the territory. That being so my submission is that the procedure which is prescribed

by the Constitution to effect laws on any of the matters mentioned in the entries to the Seventh Schedule is the correct procedure, and Government has followed the most correct procedure laid down by the Constitution.

Mr. Deputy Speaker: Even if it be an adjustment of boundaries has not the prescribed procedure been followed ?

The Deputy Minister of External Affairs (Dr. Keskar): It has been done.

Dr. Ambedkar: If that is so, then that point also does not stand.

Mr. Deputy Speaker: The procedure has also been followed as laid down in Article 3. I therefore understand Dr. Syama Prasad Mookerjee to say that he does not concede the right of cession under entry 14 and that is why he says that a constitutional amendment is necessary.

Shri Naziruddin Ahmad (West Bangal) **:** *rose*—

Mr. Deputy Speaker: I do not propose allowing hon. Members who have already spoken when this matter was raised as a point of order yesterday to speak again.

***The Minister of Law (Dr. Ambedkar):** I have already made a motion that this Bill be taken into consideration. All that remains for me is to say a few words in order to explain the nature of this particular measure, and the necessity for bringing it forward. The Notary Public is an official who discharges certain functions relating to certain documents which arise out of what are called 'mercantile' transactions. The position with regard to the Notary Public in India is that under the Negotiable Instruments Act the Government of India has got the power to appoint Notaries public in order to deal with the documents which are negotiable instruments under that Act. But there are also other mercantile transactions which create certain other mercantile documents but which are outside the purview of the Notaries Public appointed under the Indian Negotiable Instruments Act. Those Notaries

*P. D. Vol. XIV, 17 August 1951, pp. 832-35.

Public which are outside the Indian. Negotiable Instruments Act are appointed by authorities in Great Britain.

The history of this institution is probably interesting. Originally, the appointment of the Notary Public all over England and perhaps even Europe was made by the Pope. It was an ecclesiastical office and the function of that officer was to deal with eccelesiastical matters, that is to say, if a dispute arose as to the seating arrangement in a particular Church, the dispute was decided by the Notary Public. If a question arose as to whether a person who had died was entitled to a public burial or whether he was to be doomed to what was called a private burial in some unrecognised part of the Church, that matter was also decided by the Notaries Public. Later on, certain commercial duties were also attached to the Notaries Public under which they performed the duties of noting, protesting, or preparing or noting honour or dishonour about these transactions. When the Protestant Revolution took place, the authority of the Pope so far as Great Britain was concerned ended, and it was assumed by the British King and the British King transferred the jurisdiction that he had acquired from the Pope in the matter of the appointment of the Notaries Public to the Archbishop of Canterbury who also became his officer, because under the Protestant Revolution, the State became supreme as against the Church and all the officers of the Church became the officers of the State. The Archbishop had attached to him what was called a Court of Faculty, an officer who dealt with the Church matters to which I have already made some reference and in England all the Notaries Public were appointed by what was called the Court of Faculty under the superintendence of the Archbishop of Centerbury. That body also continued to appoint Notaries Public in India. All that we did was that we cut out a little portion from the authority of the Court of Faculty in England which had acquird this legal jurisdiction to appoint Notaries so far as the Negotiable Instruments Act was concerned.

The position today in India therefore is that a group of Notaries who deal with documents under the Negotiable Instruments Act are appointed by the Government of India

while all other documents which do not come under the Negotiable Instruments Act are dealt with by Notaries who are appointed from England. Our constitution, namely, the India (Consequential Provisions) Act, 1949 and Article 372(1) of the Constitution permitted that any officer who was appointed before the Constitution may continue to exercise that authority, so that notwithstanding the fact that India became independent and notwithstanding the fact that the President got the authority to make appointments of Notaries, by virtue of these two provisions I have quoted, these people still continue to function as Notaries although they were appointed by an authority not subject to the Indian Constitution. It is felt very desirable that this anomaly should be ended and that the right of appointment which is now enjoyed by the Court of Faculty should be discontinued. That is the main purpose of this Bill and I do not think that any Member of Parliament can have any objection to it. On the other hand, I believe that many Members of Parliament might well ask as to why these officers were allowed to function even after the Constitution had come into existence. All I can say is that it is better to be late than never. That is the only justification.

The main clauses of the Bill are these : Clause 3 empowers the Central Government to appoint Notaries with authority to practice as such any where in India. Each State also is empowered to appoint Notaries within its own territory to function within its jurisdiction.

Clauses 4 and 5 say that the Notary will not be entitled to practice unless he gets his name registered and obtains a certificate of practice. He is required to pay a certain fee under the rules. These are prescribed under the authority of Clause 14(2).

Clause 6 deals with the annual publication of the lists of Notaries. The Central Government as well as the State Governments are required to maintain a register of Notaries who have got their names registered.

Clause 7 deals with the seal of the Notary.

Clause 8 deals with the functions of the Notary. They are the normal functions which a Notary is required to perform both under the English Law and practice. They have practically been taken from Halsbury's Laws of England.

Clause 9 prohibits any person from practising as a Notary without a certificate of practice. Persons who are already Notaries have been given one year's time to get themselves registered under this Bill.

Clause 10 is the usual clause dealing with the removal of names from the Register of Notaries, if the Notary has committed any act which is said to disqualify him from holding the post of Notary Public.

Clause 11 provides that any reference to a Notary Public in any other law is purely interpretational and shall be construed as a reference to a Notary entitled to practice under this Act.

Clauses 12 and 13 deal with penalty and congnizance of offences.

Clause 13A is a new clause which has been inserted to validate on a reciprocal basis the Notary's Act done in any foreign country.

This is all that the Bill does and I hope that the House will see its way to grant its accord to my motion.

Mr. Chairman : Motion moved.

> "That the Bill to regulate the profession of Notaries be taken into consideration."

Shri Sidhva (Madhya Pradesh)**:** This is a very simple Bill. I am very glad that the Hon. the Law Minister has given us a very interesting history. I did not know that the Notaries who were appointed in India were appointed by the Archbishop of Canterbury. I thought it was done by the Government of India. This was really a place of news. I think, to several of us—at least I did not know that.

I want to know the meaning of the word "duly qualified". Does it mean duly qualified in law ?

Dr. Ambedkar: Not at all.

Mr. Chairman: That will be governed by rules framed under clause 14, perhaps.

(37)

NOTARIES BILL

***The Minister of Law (Dr. Ambedkar) :** I beg to move for leave to introduce a Bill to regulate the profession of notaries.

Mr. Speaker: The question is :

> "That leave be granted to introduce a Bill to regulate the profession of notaries."

The motion was adopted.

Dr. Ambedkr: I introduce the Bill.

****Pandit Thakur Das Bhargava:** The amendment has not been supplied in today's Order Paper, but with your permission. I beg to move:

> "That the Bill be referred to a Select Comittee consisting of Dr. Bakhshi Tek Chand, Dr. Panjabrao Shamrao Deshmukh, Shri Deshbhandu Gupta, Shri Gokulbhai Daulatram Bhatt, Pandit Mukut Bihari Lal Bhargava, Shri Prabhu Dayal Himatsingka, Shri Arun Chandra Guha, Shri Rohini Kumar Chaudhuri, Shri Banarsi Prasad Jhunjhunwala, Shri R. K. Sidhva, Shri C. Subramaniam, and the Mover, with instructions to report before the 31st August, 1951."

Now, this is also a new institution. I do not know what obtains in the rest of the Provinces or in the States, but so far as I know there is not such an institution like Notaries Public in all other places except perhaps in big towns. I speak subject to correction. There also the work which is assigned to them is only under the Negotiable Instruments Act.

Dr. Ambedkar: No, all. Originally it was only under the Negotiable Instruments Act.

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* P. D., Vol. 10, Part II, 18th April 1951, p. 740.

** P. D., Vol. 14, Part II, 17th August 1951, pp. 836-838

Pandit Thakur Das Bhargava: Are there other powers given to them now ?

Dr. Ambedkar: They will be the Notaries Public who will be doing the work of the Notaries Public outside even the Negotiable Instruments Act.

Pandit Thakur Das Bhargava: Under this Bill. But at present they perform their duties only under the Negotiable Instruments Act.

From a perusal of this Bill, I find that as a matter of fact a totally new institution is sought to be brought about in India now. The history of this institution is very interesting; it arose out of an ancient English statue—I did not know all this history...

Dr. Ambedkar: It is I that gave that history.

Pandit Thakur Das Bhargava: There is a reference to the Archbishop and then the Master of Faculties in England but all this is Jargon to us and we do not understand it. What I understand is this. Today in the whole of India the lawyers execute instruments—a sale deed, a mortgage deed, a gift deed—and all this is done either by petition—writers or by lawyers. I can speak with authority so far as Punjab is concerned and there every lawyer is competent to write out a deed. Where petition-writers are there, they do this business and lawyers generally do not do it. By law they are authorized to do it. So far as the Oath Commissioners are concerned, they attest documents which are produced in courts. There are certain provisions in the Civil Procedure Code according to which affidavits have got to be attested and they are to be produced in courts. Besides this, there are many other things which have got to be attested by these Oath Commissioners and whenever a person wants to create an alibi in a criminal case, then also the certificates of these Oath Commissioners are utilized for the purpose of getting a document or two attested on a particular date.

Dr. Ambedkar: I did not know that sort of thing happened in the Punjab.

Pandit Thakur Das Bhargava : If my hon. friend made an inquiry about the rest of India, he will be disillusioned to find that Punjab is not an exception. I do not know what will be the fate of those legal practitioners who are appointed Notaries Public. Will they be allowed to practise also ?

Shri Sidhva: They are now practising.

Dr. Ambedkar: Yes, they do.

Pandit Thakur Das Bhargava: If the kind of work envisaged in the Bill is to be put on them I think the Notary Public should keep a regular office.

Dr. Ambedkar: They have; each Notary Public has an office.

***Mr. Chairman:** May I suggest, if you look at sub-clause (2) of clause 8, it is provided that no act specified in sub-section (*1*) shall be deemed to be a notarial act except when it is done by a Notary under his signature and official seal. I think that would go a long way to see that this has evidentiary value of the highest order.

Pandit Thakur Das Bhargava: It means that so far as his seal and signature are concerned, they give some evidentiary value to the documents prepared. But, if you look into this Bill, there is no prohibition in the matter of appointment of Notary Public by the Government. Twenty people may be appointed in one district. They can appoint any number. This is just like the honorary magistrates affair.

Shri Sidhva: No ; not like that.

Pandit Thakur Das Bhargava: You are speaking with experience ; I am speaking without experience. I really want to know.

Dr. Ambedkar: You are expressing the fear of the unknown.

Pandit Thakur Das Bhargava : That is perfectly right. I do not want that an institution like this which is sought to be established in the whole of India should be accepted

*P. D. Vol. 14, Part II, 17th August 1951, pp. 840-41

by us without knowing what it is. I therefore humbly request Dr. Ambedkar to explain these things in the Select Committee.

Dr. Ambedkar: I could explain these things in the House itself.

Pandit Thakur Das Bhargava: He wants to bring in a new institution which is foreign to this land, which we had not got for all these years.

Shri Sidhva: It is not a new thing; it is existing in the port towns.

Pandit Thakur Das Bhargava: That is for negotiable instruments. Dr. Ambedkar says so and I accept his versions as better than yours.

Shri Sidhva: Notary Public exists today.

Pandit Thakur Das Bhargava: I have myself submitted that in Madras, Bombay and Calcutta and in some other places they do exist.

Dr. Ambedkar : Wherever there is the Negotiable Instruments Act in force, the Notary Public is there. The Negotiable Instruments Act applies throughout the whole of India, except, I suppose in some Part B States. In the Part A and Part C States, the Negotiable Instruments Act is in force.

Pandit Thakur Das Bhargava: As regards the Negotiable Instruments Act, I have no quarrel. I know it applies to the whole of India. But, we do not know how this measure will affect the public. There was the system of honorary magistrates or some other persons who used to do some work all over the land. Here you want to do something covering the whole of the country, something which is quite new. So far as patronage is concerned, the appointing authority will be the State Governments and the Central Government, and so it is there. And then, some qualifications have been prescribed. But we do not know how these offices will work. They will execute documents. But will they keep copies of the documents ? Unless and until you make provisions for keeping copies, the fears which I have given expression to now will all arise. It is not as if I want to raise any bogey. The fear is quite real. And I am sure lawyers all over the land will not like this measure.

Dr. Ambedkar: Why not ? This will afford them a supplementary occupation.

Pandit Thakur Das Bhargava: Now every lawyer is competent to execute documents and people go to them for executing these documents. But, if you make these Notaries execute the documents, then you take away that much of jurisdiction from the lawyers. This is not a small matter which should be looked at from only the lawyers point of view, what happens to the general public ? A person requiring a document to be executed will have to come to a big city and suppose the Notary charges a high fee, he will have to pay it. This here is a new tiling you are introducing. At least let us know the full implication of it. To bring in such a measure now and get it rushed through is not fair to us. If I understand it and am convinced that it is for the good of the people, then I will certainly support it. But till then, unless I am convinced, I will not touch it with a pair of tongs even. Let us first of all know whether it will be useful to the public or not. From the speech of the hon. Member I could not gather much.

Mr. Chairman : Will the hon. Member kindly resume his seat ? It is now 6-45 p.m. and further discussion on this motion will follow tomorrow.

***Mr. Deputy Speaker :** Now we proceed with the further consideration of the following motion moved by Dr. Ambedkar, on the 9th August, 1951:

> "That the Bill to regulate the profession of notaries, be taken into consideration."

Pandit Thakur Das Bargava (Punjab)**:** I was submitting to the House yesterday various reasons why this Bill ought to be referred to a Select Committee. It is a well-known fact that in some courts and big cities .....

The Minister of Law (Dr. Ambedkar): May I make a statement with a view to economise the time of the House ?

*P. D., Vol. 14, Part II, 18th August 1951, pp. 853-55.

My Friend Pandit Thakur Das Bhargava and I believe Dr. Deshmukh want to refer this Bill to a Select Committee. So far as what my friend Pandit Thakur Das Bhargava said yesterday is concerned. I was not inclined to accept his suggestion, because I did not think that he had advanced any grounds of any substance. But in so far as he pleaded that this is rather a strange measure so far as he is concerned and he might like to have more time to address himself to the examination of the provisions here, to understand the motives behind it, and so on. Out of pure compassion, I am prepared to accept his suggestion.

Dr. Deshmukh (Madhya Pradesh)**:** Why not accept the motion for reference to the Select Committee ?

Dr. Ambedkar: I want to save the time of the House. I am quite prepared to explain the provisions of the Bill if that would satisfy him and he would withdraw his motion. But I think that would be waste of time, because he will persist. I am prepared to accept the motion for reference to the Select Committee.

Mr. Deputy Speaker: Whatever the reasons be, the Hon. Minister is willing to accept the motion to the Select Committee. So I think not much of debate need go on now.

Pandit Thakur Das Bhargava: So far as this qsuestion of compassion is concerned .....

Mr. Deputy Speaker: No question of compassion..

Pandit Thakur Das Bhargava: Then is it passion ? I would only submit that the reasons advanced were so cogent that they moved even Dr. Ambedkar to accept the motion for reference to the Select Committee. I have as much regard for the value of the time of the House as anyone else; but I may point out that in this want of knowledge about this matter, I am not alone. There are many who want to get more knowledge about this subject.

Dr. Ambedkar: There is no catch in it.

Pandit Thakur Das Bhargava: There may be no catch ; but at the same time, we must be satisfied that as a matter

of fact there is need for the measure. I am grateful to Dr. Ambekar for having accepted this motion of mine, though for reasons which according to him are based on various other considerations. But according to me, it was accepted because the arguments are very convincing.

Dr. Ambedkar: The only request I would make of the hon. Member is to change the date to some day after the 5th of September, because I will be out of station for two or three days.

Pandit Thakur Das Bhargava: Any date suitable to the Hon. Minister, I am willing to accept.

Dr. Deshmukh: Sir .....

Dr. Ambedkar: Why make any speech now ?

Mr. Deputy Speaker: It is a sort of technical subject and it is better it goes to the Select Committee straightaway.

Dr. Deshmukh: But I gave notice of the motion and I will take not more than two minutes.

Mr. Deputy Speaker: Shall we keep the date as .....

Dr. Ambedkar: I suggest the 7th of September.

Mr. Deputy Speaker: Amendment moved:

> "That the Bill be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Dr. Punjabrao Shamrao Deshmukh, Shri Deshbandhu Gupta, Shri Gokulbhai Daulatram Bhatt, Pandit Mukut Bihari Lal Bhargava, Shri Prabhu Dayal Himatsingka, Shri Arun Chandraguha, Shri Rohini Kumar Chaudhuri, Shri Banarsi Prasad Jhunjhunwala, Shri R. K. Sidhva, Shri C. Subramaniam, and the Mover, with instructions to report before the 7th September 1951."

Dr. Deshmukh is a member of the Select Committee and following the previous rule, he will try to throw light on the Bill in the Select Committee and not speak here. Therefore I put the question straight to the House now.

The motion was adopted.

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(38)

* RESOLUTION REGARDING NECESSITY FOR AN ALL INDIA BAR

Shri Syamnandan Sahaya (Bihar)**:** May I make a submission. Sir ? The next Resolution stands in the name of Pandit M. B. Bhargava, but there is another motion in my name—I do not propose to take more than five minutes .....

Some Hon. Members: No, no.

Shri Syamnandan Sahaya (Bihar)**:** .....and I think the Hon. Minister also is not likely to take more than five minutes. So we might take it first and dispose it of.

The Minister of Law (Dr. Ambedkar): I can dispose of this motion in one minute which you cannot do.

Mr. Deputy Speaker: It is for the House to consider. The Hon. Minister wants to say that effect has been given to the substantive portion of the Resolution. The Resolution is already there next in priority. There is nothing more to be done about it than merely making a statement on either side.

Dr. Ambedkar: With regard to the other Resolution my position is the same. I have practically taken steps to appoint a Committee and I was going to tell my hon. Friend that it would be a waste of time for the House and for him to discuss that matter, if I am allowed to make a statement. I think he need not make a statement at all; he may just say, "I move".

Mr. Deputy Speaker: Yes, Pandit M. B. Bhargava may formally move his Resolution.

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*P. D., Vol. 14, Part II, 18th August 1951, pp. 1205-09.