

FULL BENCH
MISCELLANEOUS CIVIL

Before Bhandari, Harnam Singh and Soni, JJ.

GIAN CHANDRA SHARMA,—*Petitioner.*

versus

THE STATE OF PUNJAB,—*Respondent.*

1951

Civil Miscellaneous Case No. 533 of 1950.

May 28th.

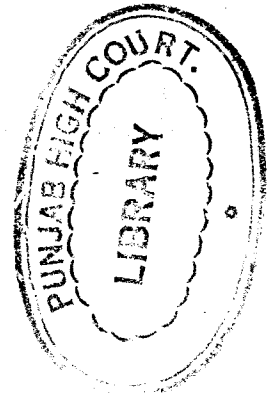
Legal Practitioners Act (XXIII) of 1879—Letters Patent of the Lahore High Court clauses 7 and 9—Pleader's Licence cancelled by High Court for concealing fact of discharge from Public Service—Application under clauses 7 and 8 of Letters Patent for re-admission as Pleader—Considerations for reinstatement—Test to be applied for reinstatement—Failure to disclose material facts in application for enrolment or reinstatement—Consequences thereof.

The test for re-admitting a person as a pleader, who had been debarred from practice, is whether the sentence of exclusion from the profession has had salutary effect of awakening in the delinquent of a higher sense of honour and duty and whether in the interval his conduct had been so irreproachable that he might be safely entrusted with the affairs of his clients and re-admitted to the profession without the profession suffering degradation.

Held, on consideration of the facts of the present case, that the petitioner had failed to satisfy the Court that since his dismissal he had borne an unimpeachable character justifying his return to practice.

Held (Per Bhandari, J.) that though the language of rule 12 of the Rules framed by the High Court under clause 8 of the Letters Patent is extremely wide and gives full power to the Court to cancel an order of suspension or dismissal at any time, the court would not be justified in setting aside the order on the ground that an error had been committed in the disbarment proceedings or that disbarment was not warranted by the circumstances of the case. The power conferred by this rule should ordinarily be exercised if and when the court is satisfied, on the production of evidence, that the applicant has reformed himself and is fit to be re-admitted as a member of an honourable profession.

A person, who applies for reinstatement, should prove that he is a person of honour and integrity and not merely



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that he has escaped the penalties of criminal law. Reinstatement cannot be ordered on sentimental grounds, for the Court owes a duty not only to the members of the legal profession but also to the public at large. Clear and convincing evidence of reformation must be produced.

Petition under Clauses 7 and 8 of the Letters Patent, praying that the petitioner may be admitted as a Pleader and allowed to practice as such within the jurisdiction of this Hon'ble High Court of Judicature for the State of Punjab. The petitioner was dismissed by an order of the Division Bench of the Lahore High Court and Mr Justice Blacker, dated the 21st October 1938.

K. L. GOSAIN, and K. C. NAYAR, for Petitioner.

D. K. MAHAJAN, for Respondent.

A. R. KAPUR, on behalf of the Bar Council of the Punjab High Court.

ORDER

Harnam
Singh J.

HARNAM SINGH, J. *Pandit* Gian Chandra applies under Clauses 7 and 8 of the Letters Patent for admission as a Pleader.

Pandit Gian Chandra was given the Pleader's licence on the 17th of July 1936. On the 21st of October 1938, *Pandit* Gian Chandra was dismissed under the Legal Practitioners Act 1879, by a Division Bench of the Lahore High Court on the ground that in applying for the grant of the pleadership licence he had concealed from the consideration of the High Court that he was discharged from Government service on the 12th of December 1933.

In discharging *Pandit* Gian Chandra from service the Registrar, Co-operative Societies, Punjab, said—

“Obviously these offences in the aggregate are extremely serious and show *Pandit* Gian Chandra to be utterly unfitted for a position of trust and responsibility ; he has shown himself to be dishonest, unreliable,

careless and indisciplined. The Deputy Registrar recommends his immediate dismissal. *Pandit Gian Chandra* was appointed to the Department in 1927 and transferred to the Industrial side in 1931. He was due for confirmation in that year but his work was not of a standard to justify his being conferred. There is, therefore, nothing in his past record to suggest special clemency. I agree with the Deputy Registrar that dismissal is the only fitting punishment. I, therefore, discharge *Pandit Gian Chandra* with effect from the date of this order."

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In these proceedings the jurisdiction of the High Court to reinstate *Pandit Gian Chandra*, who was dismissed, for misconduct is not disputed. Paragraph 16, Chapter 6-G, Vol. V of the Rules and Orders of the High Court provides :—

"Any order of suspension or dismissal made or confirmed by the High Court, may, if sufficient cause appear, be reconsidered and cancelled or modified by the Bench which made the order—

Provided that, if for any reason, any member of the Bench is unable to sit on the Bench for reconsideration of its order, the Chief Justice may nominate another Judge, in his place." ○

Article 13 (4) of the High Courts (Punjab) Order, 1947, provides *inter alia* that subject to the provisions of Article 13 (1) (2) (3) of the said order with respect to appeals, any order made by the High Court at Lahore before the 15th of August 1947, shall for all purposes have effect not only as an order of the High Court at Lahore but also as an order made by the High Court of East Punjab.

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Mr K. L. Gosain, urges that since his dismissal, *Pandit* Gian Chandra had borne an honourable character and had suffered considerable pecuniary loss.

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In paragraph 6 of the petition, under Clauses 7 and 8 of the Letters Patent *Pandit* Gian Chandra states that in January 1939, he was appointed as Under-Secretary by His Highness the Raja of Bilaspur State where he worked till 1941, when he resigned due to the illness of his wife. Sometime later he was selected to work as Secretary, Sirmur State Council by His Highness the Maharaja of Sirmur State and worked in that post till October 1942. On the 13th of October 1943, *Pandit* Gian Chandra was appointed District and Sessions Judge, Baghal State, on a salary of Rs 90 per mensem and he worked in that post till the 3rd of November 1943. In March 1948, *Pandit* Gian Chandra was appointed Inspector (Urban Resettlement) and he worked in that position till the 16th of January 1949.

On the 11th of September 1950, *Pandit* Gian Chandra applied under Clauses 7 and 8 of the Letters Patent for admission as a Pleader in the High Court of Judicature for the State of Punjab.

As stated above, Mr K. L. Gosain urges that since his dismissal *Pandit* Gian Chandra has borne an honourable character and has suffered considerable pecuniary loss. In this connection counsel relies on the certificate given to *Pandit* Gian Chandra by His Highness the Raja of Bilaspur State, Rai Bahadur Radha Kishan, Foreign and Political Minister, Sirmur State, Mrs K. Webb wife of Major W. F. Webb, Political Agent, Punjab Hill States, and the Assistant Recruiting Officer, Hamirpur. Counsel also relies on the affidavits of *Sardar* Ajit Singh, *Shri* Mangoo Ram, *Shri* Mehr Chand, *Shri* Charan Dass Puri and *Shri* Shankar Singh. The affidavits relate to the work of *Pandit* Gian Chandra in the Rehabilitation Department.

Now the question that arises for decision is whether *Pandit* Gian Chandra has realised the gravity of his unprofessional conduct and is willing to lead an honest and straightforward life. In my opinion, the answer to the question must be in the negative.

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As stated above, *Pandit* Gian Chandra was dismissed from service in the Baghal State on the 3rd of November 1943. On the 3rd of January 1944, the Raja of Baghal State reported at Police Station Saddar Simla that he had given a cheque of Rs 3,000 to *Pandit* Gian Chandra who had converted that cheque into a cheque of Rs 33,000 and withdrawn Rs 33,000 from his account with the Imperial Bank, Simla. In the Police investigation the Raja of Baghal State produced the counterfoil of Cheque No. 300354, dated the 30th of November 1943, showing that he had drawn a cheque for Rs 3,000 on the Imperial Bank of Simla on that date. The accounts of the Imperial Bank of India, Simla, show that on the 1st of December 1943, *Pandit* Gian Chandra presented a cheque of Rs 33,000 and withdrew that amount from the account of the Raja of Baghal. On the relevant date a sum of Rs 50,632-13-0 was in the credit of the Raja in the Imperial Bank of India, Simla. Police investigation followed and on the 1st of February 1944, *Shri* Thakar Dass, Advocate, Counsel for *Pandit* Gian Chandra gave to the investigating officer a copy of letter from the Raja of Baghal State to *Pandit* Gian Chandra reading—

“ Baghal House, Simla,

Dated 1st December 1943.

Dear Mr Gyan Chand,

Your letter of date to hand per bearer. The proceeds of the cheque issued by me for Rs 33,000 (thirty-three thousand only) on the Imperial Bank of India, Simla, have been duly received by me through the bearer of the letter mentioned above.

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I shall be glad if you, could find some time to see me as I have certain business to discuss with you. With regard to your solicitations on the letter of my *Wazir* I might inform you that the matter is still under correspondence with the Political Agent and a formal reply is still awaited. I know that it is only I who can order dismissal or retention of a State servant in my State getting pay more than Rs 49 per mensem except that in cases of lower paid establishment the *Wazir* can also do so. You may as well recollect that I appointed you as my District and Sessions Judge and I am not in any way inclined to dispense with your services unless it is forced upon me. You will please wait for my formal reply for a fortnight.

Yours sincerely,

SURENDRA SINGH,

Raja of Baghal State."

On the 6th of February 1944, the Raja of Baghal State reported to the Police that *Pandit* Gian Chandra had committed theft of State papers including the budget files. In the investigation of that case the house of *Pandit* Gian Chandra was searched on the 16th of March 1944. In that search a number of State papers including the budget files were recovered from the house of *Pandit* Gian Chandra. At the time of the search *Pandit* Gian Chandra was not to be found and the search was conducted in the presence of *Shrimati* Prem Kaur, wife of *Pandit* Gian Chandra. On the completion of the investigation, Criminal Cases Nos. 17|2 and 18|2 of 1944, under sections 380 and 420 of the Indian Penal Code were put in Court on the 25th of September 1944. On the 22nd of December 1944, Criminal Cases Nos. 17|2 and 18|2 of 1944, were dismissed as having been withdrawn by the prosecution.

On the facts given above, Mr Gosain urges that *Pandit* Gian Chandra was free from blame in Criminal Cases Nos. 17|2 and 18|2 of 1944. In this connection counsel points out that between the 25th of September 1944, and the 22nd of December 1945, the Raja of Baghal State failed to give evidence at the trial. The final step in the argument is that the Raja did not give evidence at the trial for the cases were false to the knowledge of the Raja. I do not accept the argument raised.

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In Criminal Case No. 18|2 of 1944, the prosecution case was that *Pandit* Gian Chandra had stolen State papers including the budget files. As stated above, those papers were recovered from the house of *Pandit* Gian Chandra and the recovery of those papers is not disputed in this inquiry. Under these circumstances it was for *Pandit* Gian Chandra to explain as to how those State papers came to his possession. During the police investigation *Pandit* Gian Chandra refused to give his defence. On this point the application dated the 8th of April 1944, made by *Pandit* Gian Chandra may be seen. The Raja of Baghal State could not be examined before he died on the 1st of December 1945, for his attendance could not be compelled in Court at Simla and he was to be examined on commission at Hardwar. From letter No. 356, dated Simla, the 18th of June 1945, it appears that the relevant files were ordered to be sent through Mr Yog Raj, Head Constable, No. 67, to the Magistrate at Hardwar on the 18th of June 1945. That being so, the Raja could not have given evidence between the 25th of September 1944, and the 18th of June 1945.

Subsequent to the 25th of June 1945, the Raja could not be examined as he insisted on the presence of the Public Prosecutor at the time of his examination and in case that was not possible the Raja wanted to engage a private counsel to protect him in cross-examination. In this state of affairs I do not accept the suggestion made by Mr Kundan Lal Gosain that

Gian Chandra the Raja failed to give evidence in Criminal Cases
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In Criminal Case No. 17|2 of 1944, *Pandit* Gian Chandra mainly relied on the letter of the Raja written on the 1st of December 1943. In that case the Raja produced the counterfoil of cheque No. 300354 showing that he had drawn a cheque of Rs 3,000 on his account with the Imperial Bank of India, Simla, on the 30th of November 1943. The letter, dated the 1st of December 1943, however, shows that the Raja received the proceeds of the cheque issued by him for Rs 33,000 on the Imperial Bank of India, Simla, on the 30th of November 1943. As there were no proceedings in Court it is difficult to give a definite finding whether the cheque issued by the Raja was for Rs 3,000 or for Rs 33,000. In this connection it will be well to bear in mind that in Criminal Case No. 17|2 of 1944, on a personal search of *Pandit* Gian Chandra a sum of Rs 1,000 was recovered on the 14th of January 1944. The case was withdrawn on the 22nd of December 1945. *Pandit* Gian Chandra applied on the 4th of February 1946, that the sum of Rs 1,000 may be given to him. In deciding that application the Court said—

“In the circumstances as there *appears to be a genuine doubt as to the ownership of this amount I reject this application of Pandit* Gian Chandra accused and direct him to move a competent civil Court to have his claim to this amount properly established before it can be returned to him.”

Now, the order set out in the preceding paragraph was passed on the 27th of March 1947, and it is significant to notice that *Pandit* Gian Chandra has taken no steps to have his claim to the sum of Rs 1,000 recovered from his person on the 14th of January 1944, established in judicial proceedings.

From what I have stated above, it appears that the conduct of *Pandit* Gian Chandra in Criminal Cases Nos. 17/2 and 18/2 of 1944 is not free from blame.

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And this brings me to the employment of *Pandit* Gian Chandra in the Rehabilitation Department. From the personal file of *Pandit* Gian Chandra it appears that he worked in that department between the 29th of March 1948 and the 16th of January 1949. On the 21st of August 1948, *Pandit* Gian Chandra applied that he may be appointed as Assistant Urban Resettlement Officer. In that application he stated *inter alia* that he was proud that he had acquitted himself as an efficient and trust-worthy official as Inspector, Co-operative Societies, Punjab, and Industrial Inspector of Co-operative Societies, Punjab. In that application *Pandit* Gian Chandra did not refer to the circumstances under which he was discharged from service in the Co-operative Department in 1933. Indeed, the personal file of *Pandit* Gian Chandra shows that when he applied for appointment as Inspector (Urban Resettlement) he did not disclose in that application that he was previously dismissed from Government service, that he was involved in a cheating case or that his lawyer's license was cancelled and that he was not allowed to practise at the Bar by the High Court. An inquiry was made and these facts were brought to the notice of the authorities and it was then that *Pandit* Gian Chandra was relieved of his duties as Inspector (Urban Resettlement) Hoshiarpur, on the 16th of January 1949.

In the application under clauses 7 and 8 of the Letters Patent *Pandit* Gian Chandra states that he was discharged from service in the department of Rehabilitation because the appointment was purely temporary and terminable without notice. In other words, in the application before us he did not disclose that he was discharged from service because of his previous conduct and that on his discharge Shri Gurbachan Singh was appointed Inspector in his place. *Pandit* Gian Chandra then made a representation to the Hon'ble the Minister, Rehabilitation, praying for

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his reinstatement, but that representation was rejected on the 9th of July 1949. Clearly, *Pandit* Gian Chandra did not conduct himself honourably in applying for appointment in the Rehabilitation Department.

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I now pass on to the examination of the petition under clauses 7 and 8 of the Letters Patent. In this application *Pandit* Gian Chandra has not disclosed the true facts. In no part of the petition is there any reference to his prosecution under section 380, Indian Penal Code, for the theft of State papers including the budget file. In support of the application *Pandit* Gian Chandra placed on record two affidavits sworn by him on the 11th of September 1950, and the 2nd of April 1951. There is not a syllable in the two affidavits to show that there was at any time a case against *Pandit* Gian Chandra under section 380, Indian Penal Code. As stated above, *Pandit* Gian Chandra mentioned in the petition for his reinstatement that he was discharged from service in the Rehabilitation Department because the appointment was purely temporary and terminable without notice. From what I have said above, it is clear that *Pandit* Gian Chandra was discharged from service not because the appointment was temporary and terminable without notice but because on inquiry it transpired that *Pandit* Gian Chandra had been previously dismissed from Government service, that he was involved in a cheating case, and that his lawyer's license was cancelled and he was not allowed to practise at the Bar by the High Court.

Mr. K. L. Gosain relies on the certificates and the affidavits in support of the application of *Pandit* Gian Chandra for his reinstatement. The affidavits as mentioned above relate to the work of *Pandit* Gian Chandra in the Rehabilitation Department. In view of the concealment of material facts in obtaining appointment in the Rehabilitation Department I do not attach any value to the affidavits placed on this record.

Giving the matter my very anxious consideration, I find, *firstly*, that the conduct of *Pandit* Gian Chandra was not free from blame in Criminal Cases

Nos. 17/2 and 18/2 of 1944 ; *secondly*, that *Pandit* Gian Chandra in applying for his appointment in the Rehabilitation Department did not disclose that he was previously dismissed from Government service, that he was involved in a cheating case and that his lawyer's licence was cancelled and that he was not allowed to practise at the Bar ; and, *thirdly*, that in the application now presented to us *Pandit* Gian Chandra has not made a full disclosure of his previous history but has deliberately omitted to mention the fact of his prosecution under section 380, Indian Penal Code. Indeed, in the proceedings before us *Pandit* Gian Chandra swore a false affidavit that his services in the Rehabilitation Department were terminated because the post was purely temporary and terminable without notice.

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Now, the test to be applied to cases of the type that is now before us is whether the sentence of exclusion has had the salutary effect of awakening in the delinquent of a higher sense of honour and duty and whether in the interval his conduct had been so irreproachable that he might be safely entrusted with the affairs of his clients and admitted to the profession without the profession suffering degradation. For an authority on this point *In re Abiruddin Ahmed Mukhtear* (1), may be seen.

Applying the test mentioned in the preceding paragraph to this case I have no doubt that the applicant has failed to satisfy the Court that since his dismissal under the Legal Practitioners' Act, 1879, he had borne an unimpeachable character justifying his return to practise.

Upon the whole giving due weight to all that has been urged on behalf of *Pandit* Gian Chandra I would refuse the application for his admission as Pleader.

No order as to costs.

(1) (1910-11) 15 C. W. N. 357.

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BHANDARI, J. I am entirely of the same opinion. The petitioner was employed as a probationer in the Co-operative Department of the Punjab Government from the year 1927 to 1931. During this period of about four years he committed a number of serious offences and when the matter was examined by the Registrar, Co-operative Societies, he came to the conclusion that the petitioner was dishonest, unreliable, careless and undisciplined and that dismissal was the only appropriate punishment that could be awarded to him. In view, however, of the fact that the petitioner had not been confirmed in his appointment, the Registrar refrained from passing an order of dismissal and contended himself by passing an order of discharge. This was an important circumstance and the petitioner was under a moral, if not a legal obligation to mention it in his application when he applied to the High Court for admission as a Pleader. He made no mention of this fact and a Pleader's licence was issued to him on the 17th July 1936. The omission came to the notice of the Hon'ble Judges in due course and on the 21st October 1938 they directed that his name should be struck off the roll of pleaders. The petitioner has now presented an application for admission and the questions which arise for decision are :

- (1) whether the petition which purports to have been made under the provisions of clauses 7 and 8 of the Letters Patent should be treated as an application for admission or an application for reinstatement ;
- (2) whether it is open to this Court to cancel the order of dismissal passed by the High Court at Lahore on the 21st October 1938 ; and
- (3) whether during the period of twelve years which has elapsed since the order of disbarment was passed the petitioner has conducted himself honourably and has demonstrated to the satisfaction of the

Court that he is a fit and proper person to be readmitted as a member of the bar.

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Bhandari J.

As the petitioner's name was removed from the rolls in pursuance of an order passed by the High Court at Lahore and as Art. 13(4) of the High Court (Punjab) Order 1947, provides that an order made by the High Court at Lahore must be deemed to be not only an order of the High Court at Lahore, but also an order made by the High Court of the East Punjab, it seems to me that the application cannot be treated as one for admission but one for reinstatement.

The learned counsel for the petitioner contends that the order passed by the High Court at Lahore on the 21st October 1938, ought to be set aside as the learned Judges were not justified in removing his client's name from the roll of pleaders when he had merely been discharged and not dismissed from the service of the Crown. I regret I find myself unable to concur in this contention. It is true that rule 12 of the rules framed by the High Court under clause 8 of the Letters Patent declares that any order of suspension or dismissal made or confirmed by the High Court may, if sufficient cause appears, be reconsidered and cancelled but it must be remembered that this rule was framed not with the object of enabling the Court to pick holes in orders previously passed but with the object of according statutory recognition to the practice which has long been followed by superior Courts in England that an order of disbarment is not final and conclusive for all time and that a legal practitioner who is disbarred may be reinstated if he satisfies the Court that he has atoned for the delinquencies committed by him. It seems to me, therefore, that although the language of the rule is extremely wide and gives full power to the Court to cancel an order of suspension or dismissal at any time, the Court would not be justified in setting aside the order on the ground that an error was committed in the disbarment proceedings or that disbarment was not warranted by the circumstances of the case. The

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power conferred by this rule should ordinarily be exercised, if and when the Court is satisfied, on the production of evidence, that the applicant has reformed himself and is fit to be readmitted as a member of an honourable profession. Again, it seems to me that the order of disbarment passed by the High Court at Lahore was right in substance for the learned Judges who were members of the Division Bench observed as follows :—

“These facts are admitted. It has been contended here, however, that the pleader was discharged from Government service and not dismissed. This in our opinion is a mere quibble. The gravamen of the pleader’s offence in this case is his concealment of these facts from the High Court in his application. Whether he was discharged or dismissed does not appear to us to matter. He dishonestly concealed this important matter from the consideration of the High Court, and there can be no doubt in our opinion that if these facts had not been concealed, a licence, would never have been issued to Mr. Gian Chand as a pleader.”

A person who applies for admission to the bar must possess good moral character so that he can be safely entrusted with the onerous duties which a lawyer is called upon to perform. He should be honest and straightforward in his dealings with the Court, with his clients, with the members of his profession and with the public at large and should scrupulously refrain from activities which are likely to reflect on his personal honesty and render him unworthy of public confidence. Although a license to engage in practice of law will not be cancelled for trivial causes, impropriety or breach of good taste, it is certainly liable to be revoked if it is proved, as in this case, that he has secured admission to practise by perpetrating a fraud on the Court or by other improper means. If, for example, a person procures

admission by making false representations as to his qualifications or by fraudulently suppressing the fact that he has been dismissed or discharged from Government service or by intentional concealment of a fact which if revealed would render the application for admission liable to dismissal, he runs the risk of being disbarred on the ground that he is not fit to be a member of the legal profession. There can, in my opinion, be no question of setting aside the order of the High Court at Lahore on the ground that it was not warranted by the circumstances of the case.

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The only other question for decision in the present case is whether the petitioner has been able to show that during the ten years which have elapsed since he was disbarred he has conducted himself honourably and that no objection remains as to his character and integrity. The answer appears to me to be in the negative. It is true that the petitioner has occupied various posts in Indian States. He appears to have acquitted himself creditably in some, but his conduct in others was not entirely above reproach. He was appointed District and Sessions Judge, Baghal State, on the 13th October 1943 and was dismissed from service on the 3rd November 1943. On the 3rd January 1944 the Raja of Baghal State reported to the police that he had given a cheque for Rs. 3,000 to the petitioner and that the latter had altered the amount to Rs. 33,000 and had withdrawn the same from the bank. A few days later, that is, on the 6th February 1944 the Raja made another report to the police that the petitioner had stolen some papers belonging to the State. These papers were recovered from the petitioner's house but the petitioner gave no explanation to the police as to the circumstances in which these documents found their way into his house. These two cases under sections 420 and 380 of the Penal Code were not put in Court and it cannot be stated with confidence that if the petitioner had been prosecuted he would have been convicted but I am inclined to agree with my learned brother that the conduct of the petitioner is

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not free from blame. It is significant that in his application for reinstatement the petitioner states that the Raja of Baghal implicated him in "a criminal case which was honourably withdrawn". Here again, there was a deliberate suppression of truth for the Raja implicated the petitioner not in one but in two criminal cases and neither of these two cases was "honourably" withdrawn.

The temptation to suppress the truth which led to the petitioner's disbarment in the year 1938, led also to his removal from the Rehabilitation Department in the year 1949. In his application for appointment as Inspector, Urban Resettlement, and as an Assistant Urban Resettlement Officer the petitioner failed to state that he had been discharged from the Co-operative Department in the year 1933 or that his license had been cancelled in the year 1938 or that he was involved in criminal cases in the year 1944. These serious omissions came to the notice of the higher authorities and he was removed from service. In his application for readmission to the bar he failed to disclose the circumstances which led to his removal and endeavoured to hoodwink this Court by stating that he was discharged from the Rehabilitation Department as the appointment was of a temporary nature and was terminable without notice. This was a clear misstatement of facts.

A person who applies for reinstatement should prove that he is a person of honour and integrity and not merely that he has escaped the penalties of criminal law. Reinstatement cannot be ordered on sentimental grounds for the Court owes a duty not only to the members of the legal profession but also to the public at large. Clear and convincing evidence of reformation must be produced. The petitioner in the present case has failed to produce this evidence and his petition for admission or reinstatement must be dismissed. I would order accordingly.

SONI, J. I agree.