

*Reasons for the Report of the Lords of the
Judicial Committee of the Privy Council
on the Appeal of Chanda Singh, a Pleader
of the Chief Court of the Punjab, from the
Chief Court of the Punjab; delivered the
22nd February, 1910.*

Present at the Hearing:

LORD MACNAGHTEN.

LORD COLLINS.

SIR ARTHUR WILSON.

[*Delivered by Sir Arthur Wilson.*]

Their Lordships have already intimated that they would humbly advise His Majesty that this Appeal should be dismissed. It remains now to state the reasons which have led their Lordships to tender that advice.

The Appeal is against two orders of the Chief Court of the Punjab dated 16th March, 1908, and 5th February, 1909. By the first of these orders, the Chief Court removed the present Appellant permanently from the list of Pleaders entitled to practise, on the ground of professional misconduct. By the second order, the Court reviewed its former decision, and reduced the

[3] P.C.J. 203—L. & M.—100—20/1/10. Wt. 98.

penalty imposed upon the Appellant to suspension from practice for a period of three years.

The material facts are not in doubt, in their Lordships' opinion. The Appellant acted as Pleader in a Pre-emption Suit, first for one Partab Singh, and after the death of the latter for his minor son, Harbans Singh, who was under the guardianship of his mother, Ishar Kaur. He was said to have taken advantage of that position of trust in order to cheat his client out of the subject-matter of the Suit, and obtain it for himself.

It is unnecessary, in their Lordships' opinion, to examine in detail the various proceedings which took place before the Chief Court in connection with this matter. It is enough to say briefly that, the attention of the Court having been called to the conduct of the Appellant, an explanation was called for from him, and a formal enquiry ordered. The charges against him were embodied in a document printed in the Record. Those charges are not perhaps very formally drawn, but, as will be seen, the substance of what was imputed to the Appellant was perfectly well understood by all parties. In the Judgment of the Court, dealing in the first instance with the charges, their substance and effect were thus stated :—“ We think the extreme impropriety of “ the conduct of this Pleader is established. He “ has made false and contradictory statements on “ matters of fact, and these false statements “ must have been made in bad faith. He entered “ into an improper agreement with the Client. “ When that Client died, leaving a minor son “ with a mother as guardian, Chanda Singh, “ taking improper advantage of the position, “ plotted to secure for himself the benefit of the “ litigation, and to further his aims he made a “ tool of the Minor's next friend . . . getting

“him to make applications in his favour and
 “to write collusive letters pretending that
 “Mussammatt Ishar Kaur was agreeable to
 “Chanda Singh’s taking the benefit of the
 “litigation.” On this finding was based the
 order of the 16th March, 1908.

The Appellant presented a petition asking
 for a review of the last-mentioned Order.

What took place when that petition came on
 for hearing is recorded in the Order of the Court
 dated 5th February, 1909, as follows :—

An application has been made for a recon-
 sideration of our Order, dated 16/3/1908, which
 directed that the name of Chanda Singh be struck
 off the roll of pleaders of this Court. Many reasons
 for a review of our Judgment have been put forward
 in the application submitted by Mr. Kharak Singh,
 but all that is now pressed upon us is that Chanda
 Singh has already suffered a very severe punishment,
 that he has been deprived of his means of livelihood,
 that the principles involved in our Order and the
 necessity for the maintenance of purity in their trans-
 action by pleaders in dealing with their clients has
 been sufficiently vindicated, and that the Order may
 now be rescinded and Chanda Singh be restored to
 the roll as an act of grace. Chanda Singh has, through
 his pleader, expressed sincere contrition for passed
 lapses and a determination to act in future in a
 manner to satisfy the requirements of probity and
 uprightness in the exercise of his profession.

It was with feelings of much pain and regret
 that we passed an Order striking Chanda Singh’s
 name permanently off the list of pleaders. It is
 always much pleasanter to show mercy than severity.
 But we cannot disguise from ourselves that the offence
 committed by Chanda Singh was a very serious one
 indeed. We do not think that the sentence passed
 was in any way too severe. It is only because Chanda
 Singh is a blind man, and therefore incapacitated
 altogether from earning his livelihood otherwise, that
 we find ourselves prepared to consider his application
 for mercy at all, and even now we feel that it would
 not be consistent with our duty to make the sentence
 in any way light. Seeing, however, that Chanda Singh

is a blind man, that he has expressed deep contrition, and made promises of amendment, we think that we are justified in recommending that his sentence be reduced to one of suspension for three years from the date of our Order, dated 16/3/1908, and if the learned Chief Judge agrees to that course (Rules Regulating Enquiries into the conduct of Legal Practitioners—Rule 3), we propose to pass an Order modifying our previous one and directing that Chanda Singh be suspended for three years from 16th March, 1908, *i.e.*, until 16th March, 1911.

The facts are also stated in the remarks of the learned Judges of the Chief Court with reference to the present Appeal.

Having mentioned the Petition for review presented by Chanda Singh, the learned Judges proceed to say :—“That petition was admitted to
 “a hearing by a Division Bench by an Order of a
 “Judge in Chambers dated 10th October, 1908,
 “and the Judges of this Court were prepared to
 “hear arguments, and to dispose of that Petition
 “on the merits. When the Case came up for hear-
 “ing however, Chanda Singh himself appeared,
 “accompanied by his Counsel, and his Counsel
 “specifically stated that Chanda Singh withdrew
 “all the grounds alleged in his Petition as
 “grounds for review, admitted that the facts
 “were as found in the Order of this Court of
 “16th March, 1908, and that he had been guilty
 “of grave professional misconduct.” Again they
 “say, “We think it will be agreed on all hands
 “that there can hardly be any misconduct on the
 “part of the legal practitioner more serious than
 “the use of the position in which he stands to
 “his client, to the disadvantage of the Client
 “and the advantage of himself. We found on
 “the facts, and this was admitted by Chanda
 “Singh on the 5th February, 1909, explicitly
 “before us, that Chanda Singh, in plain English,
 “has used his position as legal adviser to

“Mussammat Ishar Kaur to cheat her in respect
“of the property in Suit.”

From what has been quoted, there can be no doubt that the Appellant, and his Counsel on his behalf, deliberately admitted the charges made against him in the sense in which those charges were understood by the learned Judges. That being so, it appears to their Lordships that the learned Judges had ample justification for the orders appealed against, and that the latter of those two orders went as far in the direction of mercy as it properly could go.

**IN THE MATTER OF
GHANDA SINGH.**

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