

He was painfully shy about personal matters. He always came out of his room in the morning correctly dressed, shaved, and with socks and slippers on.

2. SERVICE IN BENGAL AND ASSAM (1910-34)

On passing the Indian Civil Service examination in 1909-10, B.N. Rau was allotted to the Bengal Cadre. Within a few years he became a District and Sessions Judge. The quality of his work attracted the attention of the Assam Government, which offered him in 1925 the post of the Secretary in the Legislative Council and Legal Remembrancer to the Government. He served the Assam Government for eight years. When the Simon Commission came to India, B.N. Rau drafted the memorandum pleading for a generous financial deal for Assam from the proceeds of the duty on tea. Impressed by that work, the Government of Assam deputed him to London after the third Round Table Conference in 1933 to present its case before the Joint Select Committee of the British Parliament. It appears that Sir John Kerr, the then Governor of Assam, requested him to prepare a note on the principle of election to the Council of States by the single transferable vote. By 1934, B.N. Rau had established himself as an expert in constitutional law.³

3. ADAPTATION OF LAWS (1935-37)

The passing of the Government of India Act, 1935 offered the major opportunity to B.N. Rau for creative legal work. The Act repealed the Government of India Act, 1919. This repeal rendered it necessary to make provisions as to certain legal matters, including provisions for adapting the law in force in India to the new constitutional structure and pattern. Section 292 of the Government of India Act, 1935 provided that notwithstanding the repeal of the Government of India Act, 1919 all the laws in force in British India immediately before the commencement of Part III of the Government of India Act, 1935 would continue in force in British India,

3. B.N. Rau, *India's Constitution in the Making* (Edited by B. Shiva Rao, Orient Longman 1960) pp. xv-xvi.

until altered and repealed or amended by a competent legislature or other competent authority. It was found that all laws could not be continued in force without some immediate modifications in order to bring them in conformity with the provisions of the Government of India Act, 1935. In particular, there had to be changes in the designations of the functionaries exercising functions under the several laws. It was necessary to modify them in some other respects also. The competent legislature could not have made those changes immediately. In order to avoid any anomalous situation arising on the coming into force of the Government of India Act, 1935, section 293 of that Act provided a machinery for resolving the difficulties arising therefrom. It provided that His Majesty might, by an Order-in-Council to be made at any time after the passing of the said Act, provide that, as from such date as might be specified in the order, the laws in force in British India or in any part of British India would, until repealed or amended by a competent legislature or other competent authority, have effect subject to such adaptations and modifications as appeared to His Majesty to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the said Act. It may be mentioned that the Act of 1935 reconstituted, under different names, governments and authorities in India and prescribed the distribution of legislative and executive powers between the Federation and the provinces. The word 'law' in the above provision included any ordinance, order, bye-law, rule or regulation having, in British India, the force of law. B.N. Rau was the principal draftsman of the Adaptation of Law Order issued under section 293. It was a stupendous task. Today, the task of making such adaptations and modifications appears very easy. Several such exercises have been undertaken after the Constitution came into force and on every subsequent occasion when the reorganisation of States took place. But the model for all these subsequent adaptations and modifications was the Order-in-Council issued under section 293 of the Government of India Act, 1935. For the preparatory work for issuing the Order-in-Council, B.N. Rau was chosen by the Government of India.