

to the House in general may be evolved. These things should not be allowed to be decided on the spur of the moment and on the floor of the House.

Great things have happened meanwhile. The Indian States have been integrated. Their opinions were never taken. I believe agricultural land is now within the purview of the Bill. This creates another new situation. Therefore, in the light of important amendments coming from Government, and in view of the extension of the area geographically as well as to subjects. I think enough time should be given so that full consideration may be given to the Bill by members. There should be good machinery to settle these differences so that some agreed or some largely agreed formulae may be evolved. On a controversial legislation like this, we should be given sufficient time. I submit that the point of view I submitted during the first reading stage was fully justified in view of the fact that at that time, the Hindu community's attention was not sufficiently drawn to it. My objection has again been justified by the fact that Government, itself has come forward with a large number of substantial amendments. My task is done. I supposed at that time that I was doing a public duty in drawing attention to certain defects which would have otherwise escaped attention. What kind of law would suit this House and the Hindu community is really primarily a matter for the Hindus. I am not primarily interested in the exact form and shape in which the Hindu Code is to be passed. My position is merely to indicate certain practical considerations and suggest amendments. From these points of view, I think Government should consider the matter and let us know what they want to do, and I am ready to offer constructive help to the passage of the Bill. The exact shape which the disputed clauses will take is not a matter of much personal interest to me, though not a matter in which I have no concern at all. I submit that these are matters which would induce Government to give us sufficient time and devise a machinery to solve the differences of opinion and adopt a code which would be more or less acceptable generally to the House. That is all I have to submit.

Shri Sidhva (Madhya Pradesh) : On a point of information, Sir. The hon. Member had two amendments, one for adjournment *sine die* and

Mr. Speaker : I am not permitting that.

I was just considering as to what would be the best form of the motion. One is for a special session, and the other is still a date during

the Budget Session ; the third is, sometime after the Budget Session is over. Shall we postpone till the next session ?

Shri Naziruddin Ahmad : I am entirely in the hands of Government.

Mr. Speaker : “The usual amendment is of course till the next Session. Shall I say : “That the debate on the Hindu Code Bill be adjourned to a date during or after the next Budget Session ?”

3 P.M.

Dr. Ambedkar : So far as the objective is concerned, there is, of course, no dispute between Members of Government and others who are in perfect harmony with Government's view on this subject, namely, that more time may be given to Members to study the Bill and to give their considered opinions. As the Prime Minister just now said, it is not the intention of Government to proceed *seriatim* with the consideration of the Bill, clause by clause. Therefore, my submission is this, that it should be left to Government to take up the Hindu Code Bill next session whenever they want to take it. They may have a special session, they may have a larger Budget session, so that part of it may be devoted to the Hindu Code Bill and part to the usual Budget discussion or it may call for some other session after the Budget Session. I do not want Government's hands to be tied down by any particular motion. As I said, I do not propose to carry through this Bill during this session. It is quite impossible. And it might probably be quite unfair. All the same, I want to oppose the motion, because I do not want to postpone the consideration of the Bill as a result of the motion moved by Mr. Naziruddin Ahmad. Government have given an assurance and Government will abide by it.

Shri Naziruddin Ahmad : I do not know why I should become the target of these oblique remarks.

Mr. Speaker : Therefore, I need not seriously consider the form of the motion.

Dr. Ambedkar : He may move all the motions and we shall negative them.

Shri Tyagi : Or we may move the previous question and this question may be postponed.

Mr. Speaker : I do not think that is necessary. Well, supposing I say that the matter is adjourned and we take the next business ?

Dr. Ambedkar : May I suggest that it would be very good, in my judgment, if you, after disposing of the motion by Mr. Naziruddin Ahmad

Shri Naziruddin Ahmad : Dispose of me!

Dr. Ambedkar : If after disposing of it, you merely say that clause 2 stand part of the Bill. And then I myself will move that the further consideration of the Bill be now postponed. I am prepared to put the Hindu Code Bill at the bottom of Government's agenda.

Shri R. K. Chaudhari : I had tabled an amendment, though I cannot say exactly what it is, because I have not got the papers with me now. I was not prepared for this subject. But if I remember a right, my motion was that we may have a special session for the purpose of dealing with the Hindu Code Bill. My grievance against bringing this sort of discussion in the midst of a very busy session is that we cannot get proper opportunity to study the subject. Therefore, I want to have this question considered in a special session.

Shri M. A. Ayyangar (Madras) : After all, Mr. Naziruddin Ahmad's motion only asks that sufficient time should be allowed to Members. And the Prime Minister has also agreed to this. Therefore, I would request Mr. Naziruddin Ahmad not to press his motion, and now, in view of the Prime Minister's statement, this may be adjourned to some day next session. And it is for Government to fix the date during the next session, or call for a special session immediately thereafter. Now that we agree that we should not take up the clause by clause consideration of the Bill, I think both sides are satisfied. Therefore, let the Prime Minister's statement be accepted and Mr. Naziruddin Ahmad need not press his amendment. Therefore, this may be adjourned to some day next session and it will mean that the Prime Minister or Government will fix the date that is suitable and convenient.

Dr. Ambedkar : May I again intervene ? I do not want a repetition of what has been taking place in this House. Every time this Bill comes in, some hon. Member takes it into his head to move a dilatory motion. Now this thing must stop. We have reached a stage when it is proper that the Bill should be taken up clause by clause, and therefore, in token of the fact that the House has consented to the consideration of the Bill, clause by clause, I would request you, that you should put clause 2 to the House ; and thereafter we may adjourn the discussion.

Shri Naziruddin Ahmad : I think the object of these oblique remarks is my humble self. I can give even a fuller undertaking that I will not bring in any dilatory motion.

Mr. Speaker : But there are not only the positions stated by the Law Minister and Mr. Naziruddin Ahmad, but there is also the difficulty of Mr. Chaudhari. Therefore, I think what I should do is this. I shall place the motions before the House and it can vote upon them.

Shri R. K. Chaudhari : But I have to explain my motion, Sir.

Mr. Speaker : The hon. Member has already explained it. I don't think any further time need be taken over this.

Shri M. A. Ayyangar : May I tell Mr. Chaudhari that as the object of his motion is that this question should be adjourned to a special session, we will assume that it is defeated. It is impossible to have a special session. Anyway, let us leave the entire matter in the hands of Government. They may tag it on to the Budget session to fix some convenient time. Why should he commit to have a special session ? If government finds it necessary to have one, they may have one. It does not serve any purpose committing them to have a special session.

Dr. Pattabhi (Madras) : The attitude of Government has more or less taken a change favourable to a more leisurely consideration of this subject. I do not want to dilate upon the subject at any great length. But I shall certainly object to the Hon. the Law Minister saying in a pedagogic manner that this kind of asking for adjournment will not be allowed. It must be allowed. It is the right of every member of this house to use all legitimate methods of opposition where there is an honest and sincere conviction on the side of opposition. I do not go the length of Balfour who said that it is the duty of the opposition to oppose the Government by all fair means if possible, and by all foul means, if necessary. But I will only say this much that if the Prime Minister in the abundance of his wisdom admitted that there are two schools of thought, and he has conceded the adjournment of the proposition very generously and very fairly, in view of that for the Hon. Law Minister to assume this professorial, pedagogic and pontifical attitude, is not desirable. It will only alienate attitudes that have almost been reconciled.

Shri Naziruddin Ahmad : And persons call up an opposition where there is none now!

Shri Jawaharlal Nehru : I want to make it perfectly clear that I stand by every word that the Hon. Law Minister has said. The position is this. Everyone feels that there should be fuller time for the consideration of this question, and therefore we decided to suggest to the House that the clause by clause consideration might take place

later. We should decide clearly the nature of the motion. If it is a dilatory motion and if the hon. Member wants the motion to be considered, let us consider it here and now. We are not going to postpone that motion. I do not want to prevent any motion. If we have a dilatory motion, it must be decided here and now.

Pandit Malaviya (Uttar Pradesh) : We know that there are very emphatic differences of opinion on this point; that acute differences of opinion exist between different sections of this House. Our Prime Minister has taken the practical view, and as we have the right to expect always, he has given us a lead in this matter and has said that this is a controversial issue on which a great deal of time has, in the very nature of things, to be given. May I appeal that since the matter is to be postponed, since no practical purpose is going to be served by our continuing this debate today on any motion or on any section; since there is a very keen and definite difference of opinion on this issue; and since the question of the enactment of the Hindu Code itself will not in any way be advanced by its being taken up now, may I respectfully submit that no section, no viewpoint, will lose anything if we leave the matter where it stands, as the item is going to be postponed. If the intention were to take the Bill into consideration and make any real progress, I would have nothing to say because, then, every Member would have the opportunity of expressing his views, and then whatever the house decided in its collective wisdom, would come on the Statute Book. But, since, according to the course suggested, no real progress is going to be made, I suggest that the very great opposition, the very great anxiety which prevails in the country should not be worsened, should not be deepened. I know that one view unfortunately is that it does not matter what the country thinks on this matter. But there is the other view that every side of the question should be carefully considered and respected. I do not wish to go into that matter in detail now. But I most earnestly appeal to Government not to do an unnecessary thing which will serve no useful purpose, but which will, on the other hand, create still greater resentment and dissatisfaction in the country. I submit that if we are going to postpone this matter and I fully approve the proposal—we should do so wholeheartedly instead of saying that we are postponing and yet we are not postponing, we are not taking it up now and yet we are taking it up, we are not going on with it and yet we are going on with it. Therefore, if the matter is to be

postponed it should be postponed immediately as it is till such future date as Government may fix for it.

Pandit M. B. Bhargava (Ajmer): I have not been able to follow the Hon. Law Minister's proposal. Does he want the Chair to rule for all time to come that in this House no adjournment motion shall be brought forward ? It is a constitutional issue that is sought to be raised and it is for the Chair to rule. As I understand it, it is an absolute right of every Member of the House to bring forward an adjournment motion at any time. Of course it will be for the Chair to admit it or not. If the Chair thinks that it is a dilatory motion it will not grant permission. Even if the Chair rules that such a motion is admissible, then it will be for the House to discuss it and then accept it or reject it. But so far as the right of a Member is concerned, it is an absolute right and he can move an adjournment motion at any stage. If you put clause 2 to the House and say that any time during the progress of the Bill there can be no postponement whatsoever, it is a constitutional issue.

Shri Naziruddin Ahmad : That is subject to the speaker's consent.

Mr. Speaker : I do not think I will express any opinion just at present as to whether in future any motion for adjournment can or would be allowed. That will depend upon the circumstances existing at the time such a motion is brought before the House. The Hon. Law Minister's point seems to be that the House is—not constitutionally or legally but—morally committed to the position that no dilatory motions just with a view to obtain the postponement of the Bill should be brought forward

Dr. Ambedkar : That is all.

Mr. Speaker : That seems to be his only point. I do not think that he meant to fetter the constitutional rights of Members. I would, therefore suggest that instead of putting clause 2 to the House and then postponing the matter, let us adjourn straightaway without putting the motion on clause 2 of the Bill, with a declaration about our moral commitment that such a motion will not be brought forward just for the purpose of securing postponement and no other object.

Some Hon. Members : No, no.

Mr. Speaker : The point is very important one. While the Law Minister was making a statement to that effect, though I could see his point and the force of it, I myself am not expressing a final opinion. I am open to conviction. No one need think that it will be possible

to bar each and every Member of this House from bringing an adjournment motion, if one is inclined to do so. The Chair may refuse to put it on the ground that it is a dilatory motion but that will depend upon the circumstances then existing when such a motion is brought forward. From my point of view it really makes no difference whether clause 2 is put and then the matter is adjourned. Therefore, as I said ; I would make a declaration about this moral binding on the part of the members of this House not to have any dilatory motion so far as this Bill is concerned and then adjourn the matter. I would therefore not like to have that constitutional issue raised again nor keep it alive for a second time as to whether such a motion could or could not be brought forward. I will proceed to adjourn the business and Government. . . .

Dr. Ambedkar : Do these motions then stand out ?

Mr. Speaker : These motions will fall through.

Dr. Ambedkar : What is the fate of these motions ?

Mr. Speaker : The members do not press the motions. If they had pressed their motions, then I was bound to put them to the House.

Some Hon. Members : They have not said so.

Mr. Speaker : I have asked them.

Mr. R. K. Chaudhari : Because a moral question has been raised I would rather like to have my motion put to the House and the House will decide whether it is dilatory or not.

Mr. Speaker : Then the position is quite clear. I will straightaway put it to the House and then we may proceed further. I am putting Mr. R. K. Chaudhari's motion to the House now.

Shri R. K. Chaudhari : Sir, on a maturer and second consideration I, do not propose to press my motion.

Mr. Speaker : So, since the consideration of the matter is now mature, let us proceed to postpone this and Government may fix a date

Some Hon. Members : He should withdraw by leave of the House.

Mr. Speaker : Our rule is when no motion is moved no leave is necessary.

Shrimati Durgabai (Madras) : I want to know whether this adjournment motion is under consideration.

Mr. Speaker : The whole thing falls through. The adjournment motions that they have tabled fall through. Nothing remains now. They

have been asked and they do not press them. As regards the others that have tabled similar motions they were not present when they were called upon to move. That is the position. Now the debate is being adjourned. It is not possible to bind all people for all time. If the circumstances arise we shall then meet them.

Shri Tyagi : Only such persons who have moved

Mr. Speaker : Unfortunately the hon. Member does not seem to have followed the discussion. No motion has been placed before the House by me. Unless I place a motion before the House there is no occasion for putting it to the vote of the House or even to withdraw it.

Shri Tyagi : There is no moral obligation then ?

Mr. Speaker : The moral obligation is there.

Shri Tyagi : I would rather prefer to be immoral.

Shrimati Durgabai : These motions were moved but not pressed.

Mr. Speaker : These motions are not moved at all. I have not placed them before the House.

Shrimati Durgabai : The hon. Member moved and then did not press his motion.

Mr. Speaker : What difference does it make ? If he moves the motion and it is voted against, does it mean that no such motion can ever be brought again ?

Shri Tyagi : Today only we are morally bound.

Mr. Speaker : It is a moral binding for all time. Let there be no further discussion. We shall proceed to the next item of business.

Shrimati Renuka Ray (West Bengal) : *rose*—

Mr. Speaker : The matter is closed and there can be no further discussion.

DR. BABASAHEB AMBEDKAR

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