are, and whether amendments to the amendments should be sent because that is what will form the main basis of discussion, namely the amendments of Dr. Ambedkar. These are the difficulties that are facing us. In order that the Code may go through the House properly and ultimately the decision of the House may be such as to evoke respect in the country, it is desirable that some time is given so that the amendments may be read. You will remember, Sir, that when the Bill was introduced and sent to the Select Committee there was a Select Committee report. After that Dr. Ambedkar sent a large number of amendments. On the one side we have the amendments, on the other side the Select Committee's report; now, even those amendments are no more there-fresh amendments have been sent. All these are to be consolidated and placed in a manner in which they can be conveniently considered, and considered in a manner which the importance of the Code deserves. I think we should adopt some procedure by which these amendments can be considered carefully. I would also like the Law Minister to let the House know what is the latest decision of the Government with regard to the procedure to be adopted with regard to the Hindu Code.

Shri R. K. Chaudhari : I will put another question so that it may be answered along with this ...

Shri B. Das (Orissa) **:** May I submit, Sir. ...

Mr. Deputy Speaker : Nothing more.

So far as the amendments are concerned, a set of amendments were tabled by the Hon. Law Minister originally and subsequently to these amendments he has tabled another set of amendments.

The Minister of Law (Dr. Ambedkar) : A few—verbal.

Mr. Deputy Speaker : Even if they were substantial they have all been circulated as early as the 5th September. But if any hon. Member, during the course of the debate, move an amendment to any particular amendment, and if it is reasonable, we will consider it.

Dr. Ambedkar : Certainly, I have no objection.

Mr. Deputy Speaker : I am not going to be too technical with respect to those matters here. After all, the Hon. Minister has been saying that he would like to have as much as agreed solution to these problems as possible. Therefore, every efforts will be made on all sides of the House towards it. I shall never be wanting, if it is possible, in trying to smoothen and to get over the rules of procedure or to suspend standing orders for bringing about an amicable settlement so far as any clauses

are concerned. Hon. Members may have no difficulty. But so far as once again piecing the amendments together and circulating them again is concerned, hon. Members know too well how we were in an ocean of amendments so far as the Representation of the People Bill was concerned ; the Speaker could not know the amendments, a number of new amendments were given to the hon. Minister himself. This is not such a forest in which we cannot get in. After all, there are a few amendments to the original amendments and we can proceed.

Shri Syamnandan Sahaya : One other submission, Sir.

Mr. Deputy Speaker : Hon. members must make up their mind to go on with the Bill.

Shri Syamnandan Sahaya : That we have made up.

Shri B. Das : Is he permitted to speak again ?

Shri Syamnandan Sahaya : There is one other submission which I will make, Sir. We have been following a procedure, namely that all the amendments are first moved, then they are discussed together and then decisions are arrived at. I would submit that in the case of the Hindu Code that will not be possible because every amendment has a particular significance ; it is not a question of a cut motion being discussed or of a budget demand being discussed ; it is a question of every amendment having a particular significance, having a particular importance. Therefore, I would submit that in the case of the consideration of the Hindu Code these amendments should be taken up one by one ; each amendment should be taken up, discussed and then decided upon—either accepted or rejected—and only then the next amendment taken up. That, I submit, ought to be the procedure with regard to this Bill.

Shri R. K. Chaudhari : May I ask for only one piece of information ? There are certain amendments which have been tabled now after we had a discussion on this Bill in February last: these are new amendments which have been tabled since. I want to know whether those Members who had taken part in discussion in February will be entitled to speak on the new amendments now.

Mr. Deputy Speaker : I shall consider the suggestion when the time arises. So far as these amendments are concerned what I propose doing is this. Normally the procedure is that each amendment is taken up and disposed of and then we go to the next. But here, if there are amendments of like nature, except the form of expression if the

substance is the same then I will ask hon. Members to move all those amendments together so that a single discussion may proceed. Those amendments which are substantially different. I will place separately. It would be helpful if the Hon. Minister is able to tell me what all amendments are of like nature ; hon. Members may also consider the point when amendments are moved ; if they find other amendments which are substantially of a like nature they may also rise and ask that they be moved together, and the discussion will proceed on all of them together.

Shrimati Renuka Ray (West Bengal)**:** If people are willing, we might have a time-limit on speeches.

Hon. Members : No, no.

The Minister of Works, Production and Supply (Shri Gadgil): It will be better for the Chair to select a group of amendments which contain the same substance, and that group may be put down for discussion. That will avoid wastage of time.

Mr. Deputy Speaker : That is exactly what I said. I have no time to group them myself. I shall ask hon. Members, as soon as an amendment is moved by Dr. Ambedkar, whether they have amendments of a like nature relating to the same subject. If they have, then I shall piece them together and have a common discussion. That is for tomorrow.

As for today, let us proceed with the business. Clause 2 was under discussion.

Shrimati Renuka Ray : Would you put my suggestion to the House, Sir?

Shri Syamnandan Sahaya : Has the Hon. Minister got nothing to say on the points that I made ?

My Deputy Speaker : I do not think he wishes to say anything. Does he want to say anything ?

Dr. Ambedkar : No. Sir.

The Minister of Education (Maulana Azad) : The Prime Minister will explain it.

The Prime Minister (Shri Jawaharlal Nehru): I am sorry I was not here when the hon. Member spoke.

Mr. Deputy Speaker : He wanted to know if there are any portions of this Bill that are not to be considered. Clause 2 was under discussion previously and naturally I wanted the discussion to proceed and I was

about to allow amendments to be moved. Meanwhile, the hon. Member wanted to know whether the Hon. Minister is taking up any particular portions of this Bill first and giving them preference.

Shri Syamnandan Sahaya : In view of the reports in the Press, I wanted to know the correct position.

Shri Jawaharlal Nehru : I think the day before yesterday I did say something on this very subject, that is, we propose to take up Parts I and II of this Bill and if time permits we shall take up more. In any case, we do not want to leave the matter unfinished in regard to these two parts. We should like to finish them, even though in regard to the rest what we shall do depends on time.

Shri Kamath : Has any definite number of days been earmarked for the consideration of this Bill ?

Shri Jawaharlal Nehru : We expect that we shall finish it within this week.

Shri Syamnandan Sahaya : This month or this week ?

Shri Jawaharlal Nehru : This week, I said.

Dr. Ambedkar : With your permission, I should like to move amendment No. 4, in list No. 1. It seeks to substitute 'tribe or community' to bring it in conformity with the rest of the clause. I beg to move:

In the amendment proposed by me, printed as No. 3, after part (l) (i) insert:

"(ia) in part (c) (ii) for 'community' substitute 'tribe or community'; ".

Mr. Deputy Speaker : Amendment moved :

In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, after part (l)(i) insert:

"(ia) in part (c)(ii) for 'community' substitute 'tribe or community'; ".

Dr. Ambedkar has already moved amendment No. 3 during the last session. That amendment and this one are before the House. Has any other hon. Member got amendments relating to the same subject ?— to the same subject, and not to clause 2 as a whole ?

Shri J. R. Kapoor (Uttar Pradesh) **:** Is it your intention, Sir, that if we have amendments to the amendments No. 3 and 4 of Dr. Ambedkar, we may move them ?

Mr. Deputy Speaker : Yes.

Shri J. R. Kapoor : So, with your permission, I should like first to move No. 95 of list No. 2. As a matter of fact, I had in my original notice given it as an amendment to amendment No. 3 of Dr. Ambedkar, but here it has been given as an independent amendment. That has been done by the office for the sake of facility probably. I am mentioning this only to avoid any objection from any quarter that No. 95 is not an amendment to the amendment of Dr. Ambedkar. I beg to move :

(i) For clause 2, substitute :

"2. *Application of Code*.—This Code applies to all the citizens of India that is Bharat, who after attaining the age of majority declare in writing that they shall be governed by this Code, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

Then, in the same context, I would ask your permission to move amendment No. 97 in list No. 2, I beg to move:

(ii) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, after part (2), insert:

"(3) After sub-clause (3), the following new sub-clause be inserted, namely:—

'(4) This code or any part or parts thereof also apply to any other person who after attaining the age of majority declares in writing that he shall be governed by this Code, or any part or parts thereof as the case may be, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and. divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, have made such a declaration.' "

I also beg to move:

(iii) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in part (l)(ii) of the proposed amendment to sub-clause (1) of clause 2, after "Sikh religion" add :

"or to any other religion or faith except Muslim, Christian, Parsi, or Jew religion."

(iv) After part (c) (ii) of sub-clause (1) of clause 2, insert:

"(iii) to any orphan or abandoned child brought up by the State."

Shri B. K. P. Sinha (Bihar)**:** May I suggest that instead of hon. Members reading all the amendments, they may only refer to their numbers. Because the amendments sometimes tantamount to a speech.

Mr. Deputy Speaker : It is no good our closing our eyes. There is a limit to this kind of suggestion. The amendments must be read ; we cannot rush through like this. Certainly I will allow all reasonable debate on the matter. I myself am not able to understand at times. Except on formal matters, when I shall ask hon. Members not to read the amendments, the amendments must be read.

Shri J. R. Kapoor : Thank you for your direction, Sir.

Mr. Deputy Speaker : That does not mean that the hon. Member can be dilatory.

Shri J. R. Kapoor : If the suggestion of my hon. friend were to be pursued to its logical length, we can even say that all the amendments standing in the name of an hon. Member are moved.

Mr. Deputy Speaker : We need not dilate upon that.

Shri J. R. Kapoor : I beg to move :

(v) for sub-clause (3) of clause 2, substitute :

"(3) The expression 'Hindu 'wherever it occurs in this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless governed, or declares his consent in the manner prescribed by the Central government in this behalf to be governed, by the provisions of this Code."

Then I come to amendment No. 272 of List 5.

Mr. Deputy Speaker : I think we might take up sub-clause by sub-clause. There are a number of sub-clauses in clauses 2. Unless any amendment can be brought under anyone of these sub-clauses we shall carry on with sub-clause (1). Then we shall take up the other sub-clauses. What is the Hon. Minister's reaction to this suggestion ?

Dr. Ambedkar : I am quite agreeable to that.

Shri J. R. Kapoor : May I submit that all the amendments might be allowed to be moved. We shall follow the procedure we adopted in the Constituent Assembly from tomorrow onwards.

Mr. Deputy Speaker : Today, I leave it to hon. Members to move whatever amendments they like. Tomorrow I shall have them consolidated under each sub-clause.

Shri J. R. Kapoor : I beg to move :

(vi) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, for part (2) substitute :

"(2) for sub-clause (4) the following be substituted, namely :—

'(4) This Code or any Part or Parts thereof also apply to any other person who declares his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code or any part or parts thereof, as the case may be.' "

(vii) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in the proviso to sub-clause (2), insert at the end 'unless he has declared his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code in respect of such matters also.' "

(viii) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, . printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) for the words 'the provisions' the words 'any or more of the provisions' be substituted."

Or, in the alternative, if that be not acceptable to the House:

(ix) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) insert at the end 'in respect of any or more of the matters dealt with herein'."

Mr. Deputy Speaker : "Any one or more" is the usual expression. Is it not?

Shri J. R. Kapoor : I agree, Sir, to your suggestion. This exhausts my amendments to amendment No. 3 of Dr. Ambedkar.

There is one amendment which I seek to move to my own previous amendment moved during the last session.

I beg to move :

(x) In the amendment proposed by me, printed as No. 93, to the proposed clause 2, add the proviso :

"Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

Mr. Deputy Speaker : A similiar amendment has already been moved.

Shri J. R. Kapoor : This is an amendment to my own previous amendment. Then I wish to move my amendment No. 125.

I beg to move :

(xi) To clause 2, add the proviso :

"Provided that the provisions of parts II or/and VII relating to marriage and divorce, and succession shall not apply to any person unless such person, after attaining the age of majority declares in writing that he or she, as the case may be, shall be governed by the said provisions, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government:

Provided further that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

There is only one more amendment, notice of which I have given this morning. It is a small amendment and with your permission I shall move it.

I beg to Move :

(xii) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendments to sub-clause (1) of clause 2, after part (1) (ii), insert :

"(iii) insert a new part (e) as follows :

'(e) to a convert to any religion or faith after the commencement of this Code'."

Mr. Deputy Speaker : That is, if on the date of the commencement of this Code there is a Hindu, even if he changes his religion after the commencement of this Code it is this Code which will apply to him notwithstanding the change of religion. Is that the intention ?

Shri J. R. Kapoor : The intention is that if any person changes his faith after the commencement of this Code, then this Code shall apply to him. Suppose a Hindu changes his faith after the commencement of this Code and becomes a Muslim, even then it will not be open to him to have two, three or four wives at a time as he likes. That is, it should not be open to anyone to convert himself into a Muslim in order only to get over the provisions of this Code and to have more than one wife. There are other implications also of my amendment but I have explained this one important implication.

Shri Naziruddin Ahmad : One wife will be sufficiently difficult; two wives would be out of the question !

Mr. Deputy Speaker : Today I will allow all amendments to be moved to clause 2— both to the original clause and to the amendments of the Hon. Minister. I shall try to put them together tomorrow.

Pandit Thakur Das Bhargava (Punjab) **:** May I know if any of the amendments which my hon. friend has just now moved were moved in the February session also ? I think one of the amendments moved now was debated in the House—the amendment relating to a person declaring that he will be bound by the Code. I think he also made a speech on that. I do not know if that amendment has not already been moved and also debated upon.

Shri J. R. Kapoor : I may assure my hon. friend that I have taken jolly good care to see that I do not repeat any one of my previous amendments. Of course the subject matter of some of these amendments was incorporated in some form or another in a previous amendment that I have moved. But finding that, that particular amendment would not well suit the purpose, and in order to meet the objection raised then by my hon. friend Pandit Thakur Das Bhargava, I have further amended my previous amendment so as to bring it perfectly within the four corners of the Code and also to. make it otherwise acceptable.

Shri Syamnandan Sahaya : I beg to move :

To clause 2, add the proviso :

> "Provided however, that notwithstanding anything contained in this section this Code shall not apply to any person unless such person got his name registered, signifying his will to be governed by this Code, with such authority and in such manner as may be prescribed."

Sardar B. S. Man (Punjab) **:** I beg to move :

In clause 2, omit "Sikh", wherever it occurs.

Mr. Deputy Speaker : The hon. member's desire, I take it, is that it ought not be apply to Sikhs.

Sardar B. S. Man : Yes.

Mr. Deputy Speaker : At each stage let us know what the scope of the amendment is ?

Pandit Thakur Das Bhargava : Such an amendment has already been moved. The subject-matter of amendment No. 236 is the same as Sardar Hukam Singh's amendment.

Mr. Deputy Speaker : Let us forget what all has been done. Let us start. The intention of the House is to proceed clause by clause and

have a connected picture—and so there is no harm if there is a repetition or if it is moved once again so as to focus attention.

Pandit Thakur Das Bhargava : In that case in the February session I moved an amendment and also made a speech on it. Is it necessary for me to move it again ?

Mr. Deputy Speaker : It is not necessary.

Dr. Ambedkar : No, we know them.

Shri R. K. Chaudhari: May I draw your attention to amendment No, 123 ? This stands in the name of Shri Jhunjhunwala who was here just now. But he asked me to bring this to your notice because he has gone outside the House owing to an urgent call. So he will come and move it.

Mr. Deputy Speaker : Let him come. After he comes he can move it.

Shrimati Renuka Ray : You were kind enough to say this morning that amendments where the subject-matter is the same should be moved together. I want to ask whether you are allowing such amendments which were moved and on which speeches were made for three days, to be moved once again.

Mr. Deputy Speaker : They are pending.

Shrimati Renuka Ray: Certain amendments were moved and speeches made on them in the February session for three or four days. I want to know whether those are to be repeated now.

Mr. Deputy Speaker : What I propose to do is this. If any particular Member who has already moved his amendments wants to draw attention to them. He can indicate those amendments. I will make a note, the office also has a note. So that when the time comes I will put them. In so far as speeches have already been made I shall take care to see that there is no repetition of them. That is all that I can say.

Shri Kamath : But discussion on those amendments is not barred. Does it mean that all those amendments have been disposed of ?

Mr. Deputy Speaker : No. All the amendments are under discussion. No amendment has been disposed of.

Shri Naziruddin Ahmad : There is bound to be a certain amount of repetition because the House has meanwhile forgotten everything.

Mr. Deputy Speaker : The hon. Member knows how helpless I have become even if repititions are made. Therefore, I suggest to myself mat I should be a little more careful.

Dr. Tek Chand (Punjab)**:** I beg to move : -

In part (a) sub-clause (1) of clause *2,* for "members", substitute "followers".

it is only a formal amendment and Dr. Ambedkar has agreed to accept this. The clause will then read : "and followers of the Brahmo, the Prarthana or the Arya Samaj".

Shri Bhatt (Bombay) **:** I beg to move :

For sub-clause (2) of clause 2, substitute :

"(2) This Code also applies to any person, irrespective of his religion, who has been governed by the Hindu law or by any customor usage as part of that law in respect of any matters dealt with herein."

I have tabled no other amendment. But Dr. Ambedkar has used the word 'community' with 'tribe', will he not also put in the word 'clan' with them ?

Shri Barman (West Bengal) **:** I beg to move :

In the proviso to sub-clause (2) of clause 2, for "in respect of those matters" occuring at the end, substitute :

"in respect of matters which that person has not voluntarily chosen."

Mr. Deputy Speaker : The hon. member wants to give an option for him to come into the Hindu Code.

Dr. Ambedkar : Something like that.

Shri Barman : My intention is that a person who has voluntarily chosen to adopt the customs and usage of the Hindu law will not be allowed subsequently to say that he is not governed by them, but any third person may challenge or may prove that, that person was not governed by the Hindu Code and as such as regards the other matters the Code will not apply to him ; but as regards the matter which that person has himself voluntarily chosen, other persons would be precluded from challenging him.

Mr. Deputy Speaker : If he has already chosen, he will not be governed by the earlier portion of the Hindu Law. Perhaps the hon, Member wants to make it more clear.

Shri Naziruddin Ahmad : I beg to move :

(i) Omit part (b) of sub-clause (1) of clause 2.

(ii) In part (a) of sub-clause (1) of clause 2, for "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion".

Mr. Deputy Speaker : That is the same thing as the Hon. Minister's amendment.

Shri Naziruddin Ahmad : There is a verbal change.

Then, I beg to move :

(iii) For part "(b) of sub-clause (1) of clause 2, substitute:

"(b) to any person who is a Jaina by religion."

Mr. Deputy Speaker : It is an alternative amendment.

Shri Naziruddin Ahmad : Yes, Sir.

Then, I beg to move :

(iv) In part (b) of sub-clause (1) of clause 2, for "Jaina or Sikh" substitute "or Jaina".

Mr. Deputy Speaker : He wants to eliminate the Sikhs and Buddhists.

Shri Naziruddin Ahmad : Yes, Sir.

Dr. Ambedkar : There are varities of amendments.

Shri Naziruddin Ahmad : Some of them are alternatives.

Dr. Ambedkar : One amendment says that Buddhists and Sikhs should be omitted and another says Jains should be omitted.

Mr. Deputy Speaker : The hon. Member does not want the Jains to be omitted.

Shri Naziruddin Ahmad : 'Jains' should stand. These are different variations of amendments, because hon. Members do not know which will be acceptable to the House and particularly by the Hon. Minister.

Mr. Deputy Speaker : In all his amendments I find that the 'Jains 'is the common factor. He wants the others, that is, the Buddhists and Sikhs to be omited.

Shri Naziruddin Ahmad : 'Jains' I have not objected but the Sikhs have seriously objected.

Mr. Deputy Speaker : They are now governed by the Hindu Code.

Shri Naziruddin Ahmad : The whole question is whether this kind of Hindu law should be forced upon them ? They are Hindus no doubt, but should this kind of non-Hindu Law or rather un-Hindu Law be forced upon them ?

Then, I beg to move:

(v) In part (c)(i) of sub-clause (1) of clause 2, after "illegitimate" insert:

"who, if he has attained the age of eighteen years, is himself a Hindu and"

(vi) In part (c)(i) of sub-clause (1) of clause 2, after "parents are" insert "or have been".

(vii) In part (d) of sub-clause (1) of clause 2, at the end, add : "subject to his rights and liabilities before his conversion."

Mr. Deputy Speaker : Let me pause here. Let us understand the implications of this. Shri Jaspat Roy Kapoor wants that notwithstanding change of religion by a Hindu after the passing of this Code, his rights and liabilities must be regulated by the Hindu Code. This amendment wants that if a person wants to change and become a convert, his rights and liabilities under his original religion ought not to be affected.

Shri Naziruddin Ahmad : If he is wrong, I am also equally wrong. We are in a vicious circle. That goes against the very idea of conversion. If a man is converted, he loses his past and begins a new chapter. As Mr. Kapoor has submitted his amendment, I am submitting this amendment. Both should be accepted or both should be rejected.

Mr. Deputy Speaker : Both the hon. Members want to avoid any change in their legal or civic rights as a result of conversion. Conversion ought not to affect their rights and liabilities with respect to property, succession, etc.

Shri Naziruddin Ahmad : There is an old Act which saves the past rights of Hindus converted to Christianity. That also reserves past rights and liabilities.

(viii) Then, I beg to move :

After sub-clause (1) of clause 2, insert :

"(1A) This Code shall not apply to the Scheduled Castes and Scheduled Tribes."

Dr. M. M. Das (West Bengal) **:** May I know what right the hon. Member has got to speak on behalf of the Scheduled Castes ?

Shri Naziruddin Ahmad : At present, I am only moving my amendments. I am not trying to explain them ; I am not now trying to convince my hon. Friend.

Mr. Deputy Speaker : There are some people who are more loyal to others than others themselves.

Shri Naziruddin Ahmad : I shall state my reasons. There are certain parts of the Code which would be too much for them to

assimilate. For example, they have very simple forms of marriage and divorce. You are making their life more complicated.

Mr. Deputy Speaker : The hon. Member forgets that his objection is to the whole Code. If it is said that they have got simpler forms of marriage and divorce and these forms need not be introduced, that is a matter for consideration. (The whole Code goes out as if they do not belong to the Hindu community.)

Shri Naziruddin Ahmad : My objection is to the whole Code as well as every part—singly as well as taken as a whole.

Mr. Deputy Speaker : The hon. Member forgets that there is a consolidating portion also ; by his amendment even those portions for which no exception could be taken would not apply. We are only preliminarily discussing what exactly the hon. Member wants.

Shri Naziruddin Ahmad : Then, I beg to move:

(ix) Omit sub-clause (2) of clause 2.

Mr. Deputy Speaker : This is the residuary amendment. This seems to be absolutely meaningless. What is the Code which should govern ? The Indian Succession Act ?

Shri Naziruddin Ahmad : There may be a man who may have a new religion. There is in Japan a religion known as Shintoism. If a person professing that religion comes to India, would you apply the Hindu Code or the Muslim Code ? He should be governed by his own Code. The proviso says that if it is "proved" that another law applies to him, then the Hindu Code would not apply. Upon whom will the onus lie ? Suppose a man comes to India professing no religion. He has civil rights and liabilities. Would he be governed by the Hindu Code ? Why not the Muslim Code or the Christian Code or the Sikh Code ? Every man should be governed by his own Code. I shall explain this proviso at the proper time. This proviso also goes too far. It throws the onus upon a person coming into India who is not a Muslim, Christian, Parsi or Jew by religion, to prove his status. How can he prove that the Hindu Code does not apply ?

Mr. Deputy Speaker : He would be governed by private international law. Merely because he comes here, the Hindu Code would not apply.

Shri Naziruddin Ahmad : The point is that the onus is thrown upon a stranger who might find himself absolutely in hot waters.

Shri J. R. Kapoor : This Code applies to non-Hindus to whom some portions of the Hindu law or customs under the Hindu Law are

applicable. This proviso does not apply to anybody to whom no part of the Hindu law is applicable.

Shri Naziruddin Ahmad : The whole applicability of the Code goes by the wording of the Act and not on its so called internal meaning.

Shri J. R. Kapoor : The wording is clear. The proviso says: "Provided that if it is proved that such person..." "Such person" means the person referred to in sub-clause 2 and not a person coming from America or England.

Shri Naziruddin Ahmad : I beg to move :

(x) Omit sub-clause (3) of clause 2.

To me, this sub-clause is to beg the question. It says :

> "The expression 'Hindu' in any portion of this Code shall be construed as if it included a person who, though not a Hindu by, religion is, nevertheless, governed by the provisions of this Code."

This is the very question we have to clarify. To whom does this Code apply ? We say, if the Hindu Code is applicable to any one, he is bound by it. The question is to whom, apart from the Hindus, this Code should apply. It is begging the question to say that the expression 'Hindu' applies to whom this Hindu Code applies. We shall have to clarify the matters. I do not claim infallibility. But, I have felt some difficulty.

Then, I beg to move :

(xi) Omit sub-clause (4) of clause 2.

Dr. Ambedkar : That is also my amendment.

Shri Naziruddin Ahmad : I also beg to Move :(xii) After sub-clause (4) of clause 2, insert:-

> "(5) Notwithstanding anything in this section, this Code shall apply only to such areas or to such persons or classes of persons in any State and from such time or by such stages as the State legislature may from time to time by Act provide."

Mr. Deputy Speaker : So far as this amendment is concerned, we shall have to consider whether this is the proper place where this amendment should be considered, or it should be……..

Dr. Ambedkar : It should come under clause 1.

Shri Naziruddin Ahmad : If you think that it will be properly considered along with clause 1……

Mr. Deputy Speaker : This amendment stands over and will be taken up when we come to clause 1.

Shri Jhunjhunwala (Bihar) **:** I beg to move :

To clause 2, add the proviso :

"Provided however, that notwithstanding anything contained in the above clauses this Code shall not apply to such person as will get his or her name registered with such authority and in such manner, as may be hereafter prescribed by Parliament, within five years after this Code comes into force and in case of a minor within five years after such a minor attains majority, to the effect that he or she does not want to be governed by this Code."

I have moved an amendment where I had placed the burden on the persons to get themselves registered who want to be governed, and if that is not accepted, here I have placed it on those who do not want to be governed by this Code.

Shri Bhatt : I beg to move :

In sub-clause (3) of clause 2, after "nevertheless governed", insert "or desire to be governed".

Mr. Deputy Speaker : I shall formally place the amendments before the House. So far as the amendments to clause 2 that were moved last time are concerned, they are already before the House. Hereafter all amendments must be moved at the beginning of the discussion, because if they continue to be moved when the discussion is in progress, hon. Members who have already taken part in the discussion may not be able to take part and speak on those new amendments. It is not a technical objection. These may be amendments of substance and hon. Members who have already spoken with reference to other amendments earlier, may not be sole to take part in the discussion on these new amendments. But in the present case, if there are any such hon. Members I shall consider and give them also a chance, if necessary....

Dr. Ambedkar : A small chance.

Mr. Deputy Speaker : A small chance. But they may not repeat what they had already stated. Barring that, in future, my request to hon. Members is that all the amendments may be moved when a particular clause or sub-clause is begun. Otherwise we will have to go on repeating the process, allowing the Members to move amendments, and going over the whole matter once again.

I have already placed before the House the amendment moved by the Hon. Dr. Ambedkar today. I will now place before the House the other amendments moved today.

Amendments moved :

(1) In the amendment proposed by Shri J. R. Kapoor, printed as No. 93, to the proposed clause 2, add the proviso :

"Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(2) for clause 2, substitute :

"2. *Application of Code.*—This Code applies to all the citizens of India that is Bharat, who after attaining the age of majority declare in writing that they shall be governed by this Code, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(3) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendments to sub-clause (1) of clause 2, after part (l)(ii), insert:

"(iii) insert a new part (e) as follows :

'(e) to a convert to any religion or faith after the commencement of this Code'."

(4) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in part (l)(ii) of the proposed amendment to sub-clause (1) of clause 2, after "Sikh religion" add :

"or to any other religion or faith except Muslim, Christian, Parsi or Jew religion."

(5) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in the proviso to sub-clause (2), insert at the end 'unless he has declared his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code in respect of such matters also'."

(6) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) for the words 'the provisions' the words 'any or more of the provisions' be substituted."

(7) in the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) insert at the end 'in respect of any or more of the matters dealt with herein'."

(8) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, for part (2). substitute :

"(2) for sub-clause (4), the following be substituted, namely :—

'(4) This Code or any Part or Parts thereof also apply to any other person who declares his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code or any part or parts thereof, as the case may be'. "

(9) In the amendment proposed by the Hon. Dr. B. R. Ambedkar, printed as No. 3, after part (2), insert:

"(3) After sub-clause (3), the following new sub-clause be inserted, namely:—

'(4) This code or any part or parts thereof also apply to any other person who after attaining the age of majority declares in writing that he shall be governed by this Code, or any part or parts thereof as the case may be, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, have made such a declaration'. "

(10) In part (a) of sub-clause (1) of clause 2, for "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion".

(11) In part (a) of sub-clause (1) of clause 2, for "members", substitute "followers".

(12) Omit part (b) of sub-clause (1) of clause 2.

(13) For part (b) of sub-clause (1) of clause 2, substitute :

"(b) to any person who is a Jaina by religion."

(14) In part (b) of sub-clause (1) of clause 2, for "Jaina or Sikh" substitute "or Jaina".

(15) In clause 2, omit "Sikh", wherever it occurs.

(16) In part (c)(i) of sub-clause (I) of clause 2, after "Illegitimate" insert:

"who, if he has attained the age of eighteen years, is himself a Hindu and."

(17) In part (c)(i) of sub-clause (1) of clause 2, after "parents are" insert "or have been".

(18) After part (c)(ii) of sub-clause (1), of clause 2, insert:

"(iii) to any orphan or abandoned child brought up by the State."

(19) In part (d) of sub-clause (1) of clause 2, at the end, add : "subject to his rights and liabilities before his conversion."

(20) After sub-clause (1) of clause 2, insert:

"(1A) This code shall not apply to the Scheduled Castes and Scheduled Tribes."

(21) Omit sub-clause (2) of clause 2.

(22) for sub-clause (2) of clause 2, substitute :

"(2) This Code also applies to any person, irrespective of his religion, who has been governed by the Hindu Law or by any custom or usage as part of that law in respect of any matters dealt with herein."

(23) In the proviso to sub-clause (2) of clause 2, for "in respect of those matters" occuring at the end, substitute :

"In respect of matters which that person has not voluntarily chosen."

(24) Omit sub-clause (3) of clause 2.

(25) for sub-clause (3) of clause 2, substitute :

"(3) The expression 'Hindu' wherever it occurs in this Code shall be construed as it included a person who, though not a Hindu by religion, is nevertheless governed, or declares his consent in the manner prescribed by the Central Government in this behalf to be governed, by the provisions of this Code."

(26) In sub-clause (3) of clause 2, after "nevertheless governed", insert "or desires to be governed".

(27) Omit sub-clause (4) of clause 2.

(28) To clause 2, add the proviso :

"Provided that the provisions of Parts II or/and VII relating to marriage and divorce, and succession shall not apply to any person unless such person, after attaining the age of majority declares in writing that he or she, as the case may be, shall be governed by the said provisions, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government.

Provided further that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(29) To clause 2, add the proviso :

"Provided however, that notwithstanding anything contained in the above clauses, this Code shall not apply to such person as will get his or her name registered with such authority and in such manner, as may be hereafter prescribed by Parliament, within five years after this Code comes into force and in case of a minor within five years after such a minor attains majority, to the effect that he or she does not want to be governed by this Code."

(30) To clause 2, add the proviso :

"Provided however, that notwithstanding anything contained in this section this Code shall not apply to any person unless such person got his name registered, signifying his will to be governed by this Code, with such authority and in such manner as may be prescribed."

The other amendments on the order paper against which an asterisk mark is placed and which were moved in the last session are also before the House. The clause as well as all the amendments will now be under discussion.

I will ordinarily only request hon. Members, who have not taken part in the debate so far on clause to rise in their seats. If hon. Members who have already spoken want to state any fresh points arising now, I will consider the matter and allow an opportunity, if necessary, later on.

Pandit Malaviya (Uttar Pradesh)**:** Sir, will you allow anybody to move any further amendments to this clause during the course of the discussion ?

Mr. Deputy Speaker : What I find is, normally that is a very difficult affair. It is inconvenient if amendments are allowed to be