

MR. DEPUTY CHAIRMAN: No; no. Do you agree or not? ...*(Interruptions)*...

श्री विजय गोयल: सर, हाउस यह भी डिमांड कर रहा है कि एक तारीख की भी छुट्टी हो। गवर्नमेंट के पास बिजनेस बहुत है। मुझे लगता है कि सवेरे भी और बाद में भी यह तय हुआ था कि शॉर्ट ज्यूरेशन डिस्कशन को पहले लिया जाये और इसके बाद यह जो रिपीलिंग और अमेंडिंग बिल है, इसको हम ले लेंगे और रेजॉल्यूशन पास करेंगे। तो मैं समझता हूँ कि ज्यादा समय नहीं लगेगा और अगले आधे घंटे के अंदर यह बिल पास हो सकता है।

MR. DEPUTY CHAIRMAN: Okay. We have already taken a decision to extend. So, I have to proceed because there is no consensus for reconsidering the matter. ...*(Interruptions)*... The extension was with the consent of all. For reconsidering that decision, I should get a consensus which is not there. Therefore, I have to.....

SHRI SUKHENDU SEKHAR RAY: Sir, in that event, the time allotted by the Business Advisory Committee should be maintained.

MR. DEPUTY CHAIRMAN: Yes, it is one hour. Absolutely one hour. Shri P.P. Chaudhary.

GOVERNMENT BILLS — *(Contd.)*

The Repealing and Amending Bill, 2017

And

The Repealing and Amending (Second) Bill, 2017

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE; AND THE MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS (SHRI P.P. CHAUDHARY): Mr. Deputy Chairman, Sir, I rise to move:

That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Lok Sabha, be taken into consideration.

Sir, I also move:

That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Lok Sabha, be taken into consideration.

Sir, there are two Bills and both are identical.

MR. DEPUTY CHAIRMAN: I know.

SHRI P.P. CHAUDHARY: Both may be taken together.

The questions were proposed.

MR. DEPUTY CHAIRMAN: Okay. Thank you very much. Now, Shri Prof. M.V. Rajeev Gowda.

PROF. M.V. RAJEEV GOWDA (Karnataka): Thank you, Mr. Deputy Chairman, Sir.

Sir, the logic of bringing forward the Repealing and Amending Bill is very appropriate and valid. Essentially, over time, various laws become obsolete and they need to be removed from the statute books. While I commend the Government for its effort at looking into a variety of Bills that have no more relevance today and, actually, coming up with a Bill that will remove or amend 104 legislations through these two Bills, basically, there are many instances where this Government has not paid attention to views of other important bodies such as the Supreme Court, the Law Commission, the National Human Rights Commission etc. In the course of my speech right now, I am going to give the Government certain suggestions that have been made by other bodies, which the Government needs to incorporate in its Repealing and Amending Bill, and for which purpose I am also moving amendments.

Sir, the very first issue that I want to bring to your attention is Section 377 of the Indian Penal Code. Sir, you may recall that in a Delhi High Court judgement, the very famous NAZ Foundation judgement, the High Court ruled that a part of Section 377 that criminalises consensual sexual activity is unconstitutional. Afterwards, the Supreme Court said that the Government has to take the lead in removing the Section which criminalises consensual penetration on the part of men with the same gender. Sir, this part of section 377 has no place in a modern society and this is an opportunity for the Government to basically say, yes, we will pay attention to the NAZ Foundation judgement and also to the Supreme Court's observation that this is discriminatory and unconstitutional.

Therefore, in this Bill, they should add and accept the amendment, that I will move, to essentially remove a portion of Section 377 that criminalises carnal intercourse against the order of the nature. They can retain this for non-consensual penetration which is, essentially, rape and that is, perfectly, fine to be criminalised. But any action which involves consensual sexual activities, there is no logic for that to be criminalised; it is between the two consenting individuals.

[Prof. M.V. Rajeev Gowda]

Sir, this is further strengthened by the Right to Privacy judgement in the recent Justice K.S. Puttaswamy versus Union of India case where the Court argued that the Right to Privacy is a fundamental right and sexual orientation is an essential part and component of identity and equal protection demands protection of the identity of every individual without discrimination. So, there is no more role for Section 377. I am moving an amendment to get the Government to include 377 as one of the obsolete provisions of the IPC that needs to be removed.

Sir, this is also supported by the National Human Rights Commission which has actually, suggested to the Government numerous amendments to decriminalise consensual activities. This Section 377 has the deleterious effect of discrimination against the people who are transgenders, who are members of the gay community, etc., and that is not the kind of situation we want in a modern democracy.

Sir, the second provision, again, for which I am moving an amendment, which the Government should have included in the Repealing and Amending Bill is the anti-sedition law, Section 124-A of the Indian Penal Code. Sir, this is a law which has a long history. This was the law which the British used to target Lokmanya Bal Gangadhar Tilak. This was the law which the British used to target Mahatma Gandhi, and you know what Mahatma Gandhi said when he was so targeted. He said, 'Section 124A under which I am happily charged is perhaps the Prince among the political sections of the IPC designed to suppress the liberty of the citizen.' Sir, such a law has no place in this modern society. But everywhere you see that this law is being easily invoked to target students, to target protestors against nuclear plants, to target anyone and everyone by various Governments. I am not making it a Party issue. I am pointing that out.

[THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY) *in the Chair*]

Sir, basically, in Parliament itself, Prime Minister Jawaharlal Nehru in 1951 said, "Now so far as I am concerned, Section 124A is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better." That was in 1951. We are in 2017 and that law is still on the Statute Books. The Law Minister needs to take account of this fact and accept the amendment to get rid of this particular aspect.

Sir, on anti-sedition, if you are worried about the whole issue of inciting violence, disorder or disturbance of public peace by resorting to violence, that is actually dealt

with by other Sections of the IPC, for example, by Sections 121, 122 and 123 which deal with insurrection movements or acts of war against the State. There is no need to have this kind of a vague law which is misused time and again. In any case, if you look at the Shreya Singhal case, the Supreme Court had ruled that vague penal laws are arbitrary and that is *ultra vires* to the Constitution. This clause is a perfect example of that and should be removed.

Sir, there is one more issue that I want to offer this Government as an amendment to this particular Bill and this is the anti-adultery law. Sir, the anti-adultery law, at this moment, Section 497 of the IPC again, criminalizes a man for engaging in adultery with a married woman. Sir, what I am saying is that adultery, if it is consensual, essentially involves a voluntary action on the part of a man and a woman. You cannot in this day and age treat a woman as some person without agency, without the capability to make decisions about sexual activity and argue that only a man should be penalized under this particular law. Get rid of the law altogether or make sure that you have gender equality. That has been the recommendation of the Law Commission of India which the Government has not paid attention to it.

Sir, similarly, I want to move one more amendment focused on Exception 2 to Section 375 of the IPC. This Section gives legal sanction to marital rape. Today, in the other House, the Government has waxed eloquent on how much it cares for women and their protection. It is criminalizing activity related to divorce when it does not criminalize activity which constitutes rape. What is the meaning of this inconsistency? This is something that needs to be changed, and changed urgently.

Sir, once again, there are Supreme Court Judgements, *Independent Thought vs. Union of India*, etc., that this exception doesn't apply to minor wives. But it should not apply to any wives at all and the Government should essentially go ahead and accept the amendment that I am moving which says, marital rape must be criminalized.

Sir, finally, compared to these powerful changes that I am proposing, there is one more Act which is totally obsolete and this is the Sarais Act of 1867. I have again moved an amendment to repeal this Act entirely. Basically that is an Act that makes the whole tourism sector and the hotel industry highly-regulated. If you get ill while living at a hotel, the establishment has to report it to a police station. Sir, hotels are regulated by State Governments. There is no reason for 1867 Sarais Act to be on the books today. So this is another Act where the Government should actually go ahead and remove because it is redundant and it really comes in the way of tourism activity and its promotion, and,

[Prof. M.V. Rajeev Gowda]

of course, it provides an opportunity for local police and others to harass hoteliers for not complying with this obsolete Act.

Sir, fundamentally, the purpose of my moving these Amendments is to alert the Government that the Government might be removing and repealing Sections of various laws over the years but the most important ones that are having an extraordinary impact on human beings, on their sexual relations, on their consensual activities, those the Government is blind to. Through these amendments, I request the Government to be broad-minded enough and forward-thinking enough, to be empowering to all genders and promoting equality between men and women, by accepting these amendments that I am proposing, and ensure that going forward, we truly live in a free society where dissent is not charged with sedition, where we create an environment where democracy can truly flourish in the best sense of that term. Thank you very much, Sir.

SHRI LA. GANESAN (Madhya Pradesh): Hon. Vice-Chairman, the hon. Member has made some points. What I could understand from his speech is that he has no objection to the present Bill, but wants to add some more Acts to the list of sections to be repealed. I have confidence with the team that has been appointed to go into all the irrelevant rules and laws that have been listed here. If we go through these laws one by one and discuss on merits, it would take hours and even days to finish. Even the colleague here, did not object to any of the laws enlisted here. He only wants some more laws to be repealed. Though I am not thorough about the laws, to discuss about the laws that he has mentioned would take hours together. There are some controversial laws too. I don't think we have that much time now. So, instead of going into the merits of each case that has been listed here, or to add more to this list, better we could bring up a separate motion later, so that it can be discussed in detail by the House. As it is, my request is that this Bill should be approved by one and all in this House.

Sir, the whole nation would be celebrating *Makar Sankranti* in another 20 days. In Tamil Nadu, we celebrate it as *Pongal*. In Tamil Nadu, the day before *Pongalis* celebrated as *Bogi*. In *Bogi*, all things in the house that are unused, unnecessary and irrelevant are collected and burnt in a bonfire. It is called *Bogi*. So, my suggestion is, instead of doing it once in three years or once in four years, the Government could have a permanent arrangement that at the end of every year the collect all unnecessary, irrelevant and redundant laws and do away with them. They can form a committee permanently and *Bogi* can be celebrated in this way by repealing those unnecessary laws and regulations.

This is my suggestion. There are two popular words, *dharma* and *achara*. *Dharma* cannot be changed; it is permanent. But *achara* can be changed. It is called *deshachara* and *kalachara*. *Kalachara* is observed with changes from place to place. *Kalachara* also changes from time to time. In that way, whatever is there in the Preamble is *dharma*, to quote the Constitution, and the *achara* are all the Acts and regulations. So, that is *kalachara*; every time it can be changed. So, the process of repealing is *Kalachara*. This idea, is a good idea. Certain things are irrelevant. Let me quote just one example. I was really surprised to see in the list "Ordinances made by the Governor General" in the years 1941, '42, '44, '45 and '46." These are items listed here. So, with this example, I wish to say that the entire list is qualified to be repealed. So, I support this move. This should become a periodical exercise. The hon. Prime Minister, Narendra Modi, soon after coming to power, announced that we would be doing this exercise. Now it has been put into action. So, I appeal to one and all to support the move.

Thank you.

PROF. M. V. RAJEEV GOWDA: Sir, the hon. suggested that it requires a lot more discussion. So, please extend the time. Let's discuss the amendments in detail. These are important matters before the nation.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Not today. Now, Dr. Anil Kumar Sahani to speak.

डा. अनिल कुमार साहनी (बिहार): उपसभाध्यक्ष महोदय, आपने जो मुझे महत्वपूर्ण विषय, निरसन और सशोधन विधेयक, 2017 पर बोलने के लिए समय दिया, इसके लिए धन्यवाद। साथ-साथ मैं इस सरकार को भी धन्यवाद देता हूँ कि सदियों से, अंग्रेजों के ज़माने से जो कानून चले आ रहे थे, जिसे मकड़जाल के रूप में हम कह सकते हैं, जिस प्रकार से मकड़जाल छाया हुआ था, उसे समाप्त करने की कोशिश की गई है। इसके बाद 105 कानून समाप्त हो जाएंगे, जिसकी आड़ में गरीबों, शोषितों को इस कानून का डर दिखाकर फंसाया जाता था। मैं खास कर के भाई नरेन्द्र मोदी जी को इसके लिए बधाई देना चाहता हूँ कि उन्होंने इस कार्य को करके उन गरीबों, शोषितों की बात को रखा है। अंग्रेजों के टाईम के बाद से देश को आजाद हुए अब तक 70 वर्ष हो चुके हैं और इसकी ओर किसी को सोचने का समय नहीं मिला कि ये जो व्यर्थक कानून हैं, जिनकी आड़ में गरीबों को सताया जाता है, जिसमें गरीबों को फंसाया जाता है, उस पर किसी का ध्यान नहीं गया। मैं एक दूसरा उदाहरण आपके समक्ष देना चाहता हूँ। महोदय, निरसन और सशोधन विधेयक, 2017 के तहत जो अंग्रेजों द्वारा 1867 में चुंगी अधिनियम बनाया गया था, जो आपको इलाहाबाद से लेकर दानापुर तक गंगा में नाव चलाने वाले चुंगी वसूली का कानून बनाया गया था, जिसमें कहा गया था कि उससे 12 आने वसूले जाएंगे, आज तक इस ओर किसी का ध्यान नहीं गया, खास करके इसकी आड़ में गरीब मछुवा समाज के लोगों को परेशान किया जाता था। आज नरेन्द्र मोदी जी की सरकार इसे भी खत्म करने जा रही है, इसके लिए

[डा. अनलि कुमार साहनी]

मैं नरेन्द्र मोदी जी को हार्दिक बधाई देता हूँ और इस बिल का समर्थन करता हूँ। इस प्रकार के बहुत सारे कानून हैं, जिनको भी समाप्त किया जाना चाहिए, जिसमें गरीबों को फंसाया जाता है। जयहिंद, जय भारत!

(MR. DEPUTY CHAIRMAN *in the Chair*)

MR. DEPUTY CHAIRMAN: I must specially thank Shri Sukhendu Sekhar Ray for helping me and giving me ten-minute relief. Now, Shri Sukhendu Sekhar Ray to speak.

SHRI SUKHENDU SEKHAR RAY (West Bengal): Sir, I rise to support the Bills which have been taken up together for discussion. A question may arise as to what prompted the Government to go for repealing so many Acts at a time. To my mind, the reply is that most of the Acts which have been listed in the Bill have either gone obsolete or redundant because of newer Acts coming into being or because of different rulings of the Supreme Court or the international Covenants ratified by India. Possibly, these are the reasons for which the Government has come out with repealing and amending the Acts. Sir, there are many Acts listed for repealing which date back to pre-Independence era, as rightly pointed out by some of the hon. colleagues, such as the Public Servants (Inquiries) Act, 1850, the Sheriffs' Fees Act, 1852, the Converts' Marriage Dissolution Act, 1866, etc., etc. Sir, these Acts ought to have been repealed much earlier than today. But, unfortunately, they escaped the attention or notice of the successive Governments at the Centre. That is why, I support these Bills which have been taken together. Now, Article 372, clause (1) of the Constitution says that pre-independence laws continue to remain in force unless amended or repealed by a competent Legislature. Now, which is the competent Legislature in regard to certain Acts, which have been listed in List 1, List 2 and List 3? Now, based on the reading of Article 372, clause (1), the Law Commission of India, in its 248th Report, published in September, 2014, mentioned and I quote, "If the subject matter of a pre-Constitutional law falls into the State List, the State Government is the competent Legislature to repeal that Act." I sincerely hope that the Government has followed this recommendation of the Law Commission, which is otherwise a legal requirement.

Sir, the Law Commission also recommended that the Appropriation Acts, that are older than ten years, should also be repealed, and in the recent past, we have repealed so many Appropriation Acts. Now, we should follow the Australian-formula. What happens in Australia? The Australian Legislation Act of 2001 mandates for automatic repeal of

Appropriation Acts on the last day of a particular financial year. So, if we adopt that Australian model, then there shall be no need to bring out a long list of Appropriation Acts for repealing. So, I would urge upon the Government, through you, Sir, that on the expiry of the last day of a financial year, the Appropriation Act should automatically be repealed, for which the Government should make a separate legislation. That is my suggestion.

MR. DEPUTY CHAIRMAN: That is a good suggestion.

SHRI SUKHENDU SEKHAR RAY: Sir, all the time, we do not oppose. We play the role of a constructive opposition. Sir, I sincerely believe that while introducing the Bills, the Government must have taken care of the provisions of Section 6 and Section 6(A) of the General Clauses Act of 1897. Otherwise, a situation may arise where so many litigations will unnecessarily come that the Government will have to face.

Sir, it must be made clear that the Government does not end with repeals and amendments. The bigger idea behind this Bill being deliberated today must be to reform the idea of India. As law makers, we should move away from enacting legislations every now and then, which are counter-productive to the well-being of the citizens. We should go for a legislation only where a necessity arises. Just to appease one section or other sections of the society, the Government must not bring any law. Otherwise, we will have to face similar situation for repealing and amending the Acts, and it will be a continuous process. With these words, I support these Bills.

MR. DEPUTY CHAIRMAN: Now, hon. Minister. You should give a brief reply. Don't give a long reply. Please give a brief and to-the-point reply.

SHRI P.P. CHAUDHARY: Sir, I extend my thanks to all the Members who have participated in the deliberations. Mr. Rajeev has referred to some of the provisions of the Indian Penal Code for repealing these provisions, like Sections 377 and 124 which relate to anti-sedition law, and Section 497 which relates to anti-adultery law, and Section 375. So far as these provisions are concerned, I would like to inform the hon. Members that for repeal and amending these Acts, a two-Member Committee was constituted to identify all the laws. Even the laws which were not required to be repealed but where minor amendments were required because of some minor defects, those have been taken into consideration. The Law Commission has also identified those laws. Apart from this, the Legislative Department of the Ministry of Law and Justice also examined these laws and opined that these laws are required to be repealed, and, so, those laws have been

[Shri P.P. Chaudhary]

included. Finally, the concerned administrative Ministries have examined these laws, and thereafter, these Bills have been introduced before the Lok Sabha and this august House. So, Sir, all the laws have been examined.

Sir, the total number of laws identified for repealing and amending is 1,824 and so far, we have already repealed 1,183 laws. If we include these two Bills covering 245 repealing and amending Acts, this figure will further go up. As far as remaining Acts are concerned, they are under consideration. With regard to the provisions of the Indian Penal Code, it is within the domain of the Ministry of Home Affairs, which has to look into these issues.

PROF. M.V. RAJEEV GOWDA: Sir, I pointed out to the Minister that in many cases, the Supreme Court has made recommendations, the Law Commission has made recommendation or the National Human Rights Commission has made recommendations. Those are also bodies or authorities that need to be paid attention to. So, while I commend the fact that we are putting a lot of Bills into the bonfire, the fact is that through the issues that I have raised and through the amendments, I intend to ask you to...

MR. DEPUTY CHAIRMAN: Let the Minister reply. ...*(Interruptions)*...

PROF. M.V. RAJEEV GOWDA: Please accept them as well. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let him reply. ...*(Interruptions)*...

PROF. M.V. RAJEEV GOWDA: It is hardly a completed activity. ...*(Interruptions)*... Even the Members of the House have raised it. ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Let him reply. ...*(Interruptions)*...

SHRI P.P. CHAUDHARY: Sir, I also express my thanks to Mr. Ganesan for his valuable inputs and support to the Bill. I also extend my thanks to Dr. Anil Kumar Sahani, who supported the Bill. He also stated that this is the first time this step has been taken. If you see, after this Government has assumed office under the leadership of hon. Prime Minister, Shri Narendra Modi, every day, one Bill has been repealed or amended. It shows the Government's commitment to bring reforms in the legal system. With this process, all the obsolete and redundant laws, which have ceased to have any force, and, were unnecessary, are being repealed. Otherwise, it creates a lot of confusion if they are on the Statute book. So, to clear any doubts, this action has been taken.

Sir, there is no doubt that since 1950 to 2004, 1,929 Acts were repealed or amended but a massive exercise has been done by this Government that a large number of Acts have been identified for repealing or amending. Sir, apart from this, a concern can also be there with respect to the amendment Act. If the amendment is carried out in the principal act, then, it is basically redundant, and, it ceases to have any force. Therefore, this exercise has been done. Sir, again, repealing of these amending and repealing Bills will be taken up in the next round of repealing and amending certain amendments.

I would also like to thank Shri Sukhendu Sekhar Ray for his support to the Bill. He gave a suggestion regarding automatic repeal. Sir, so far as appropriation Bill is concerned, no doubt, the Government will seriously consider this suggestion. This is a good suggestion. I also recollect that the Parliamentary Standing Committee on Law and Justice also gave the suggestion that there must be automatic repeal so far as the Appropriation Bills or even the amendment Bills are concerned. Once the amendment Bill is enacted and that amendment is carried out in the principal Act, it is of no use. It is like when we launch a satellite through a rocket, and once the satellite is put into the orbit, then, there is no use of the rocket. So, there must be an automatic repeal provision and the Government is seriously considering it. I thank all the Members who have supported for passing of this Bill and I request all the Members that both the Bills, as passed by the Lok Sabha, may kindly be taken into consideration.

MR. DEPUTY CHAIRMAN: I shall now put the motion regarding consideration of the Repealing and Amending Bill, 2017. The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY CHAIRMAN: In the First Schedule, there are two Amendments (Nos. 1 and 2) by Prof. M.V. Rajeev Gowda. Are you moving?

PROF. M.V. RAJEEV GOWDA: Sir, the question of moving the amendments arises if the Minister cannot give me an assurance that the Government will actually take these issues into consideration and at the next round of the Repealing and Amending

[Prof. M.V. Rajeev Gowda]

Bill, these issues will be actually studied, examined and incorporated. That is what we want. Otherwise, I will move, and anyone who apposes these amendments is in favour of marital rape, is in favour of attacking consensual sex amongst men. That is what the implication is if you oppose these amendments. That is not what a modern society should be all about. So, can I have an assurance from the Minister that these issues that I have raised in the speech, in these amendments, will actually be taken into consideration by the Government? If you want to remove one Bill, an obsolete Bill, an obsolete provision every day, as he suggested their Prime Minister wants, please make him happy by removing these obsolete provisions that have no place in a modern democracy. This is not just my request. These are the pronouncements by the Supreme Court of India which said, it is in the domain of the Legislature to actually make these changes, and not in the domain of the Judiciary. That is why it is incumbent upon the Law Ministry to come up with those proposals which would accept and incorporate these amendments. What does the Minister have to say about that?

MR. DEPUTY CHAIRMAN: Mr. Minister, have you got anything to say?

SHRI P.P. CHAUDHARY: So far as Section 377 is concerned, the matter was debated earlier also in the Parliament and this speech was made. I am referring to that. ...*(Interruptions)*... I am coming to that point. Now, coming to the larger provisions like Section 377, merits of the Penal Code is a debatable question. I do not deny that there are merits on the one side and there are equally opponent views on the other. I am willing to take a suggestion of hon. Pinaki *babu* on board that there is a deepening concern of decriminalization of it. There is a merit in that argument but other people have equally different view. I am afraid that I am not the Minister in charge of the Indian Penal Code. It is handled by the hon. Home Minister. But what is important is that we need to have a proper national consensus on that. We need to debate, discuss and decide on these issues. So, I am referring this to an earlier debate. So far as this issue is concerned, your suggestions are valuable. Certainly, these are required to be examined. But I can't say with respect to the Home Ministry that they will take them into consideration. But the thing is, those will be examined. But it is a debatable question. That is why I am saying that equally the other side can have a different view. ...*(Interruptions)*...

PROF. M.V. RAJEEV GOWDA: Sir, please accept and initiate a debate. Let us have that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: In the light of this explanation, would you still like to press your amendments?

PROF. M.V. RAJEEV GOWDA: With your wisdom and experience, is that an assurance from the Government?

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Sir, I want to say one thing.

MR. DEPUTY CHAIRMAN: I will allow you. That is not an assurance. The assurance is only that your suggestion will be examined or considered. It is only that much, not beyond that. ...*(Interruptions)*...

SHRI P.P. CHAUDHARY: That is why I have submitted to the hon. Member, Mr. Rajeev, that yours are valuable suggestions. -Those will be examined. But I can't say with respect to the Home Ministry that they will take them into consideration.

PROF. M.V. RAJEEV GOWDA: All right. I do not move those amendments. But next time around, Sir, when such a Bill comes, we will bring these amendments. The Opposition will be in full force and we hope that the Government will be progressive and modern as a 21st century Government should be.

MR. DEPUTY CHAIRMAN: At that time also, you will be here. You will be free to move any amendment and the Chair will put the same to vote, if you press. Don't worry. Sit down.

SHRI A. NAVANEETHAKRISHNAN: Mr. Deputy Chairman, subject to correction, I think regarding Section 377 of the IPC, a review petition is pending before the hon. Supreme Court. This information has been confirmed by the senior lawyer, Mr. Sukhendu Ray also.

MR. DEPUTY CHAIRMAN: So, they will give a judgement.

SHRI A. NAVANEETHAKRISHNAN: So, it is *sub-judice*.

MR. DEPUTY CHAIRMAN: They will give a judgement.

SHRI SWAPAN DASGUPTA (Nominated): Sir, there is a difference between obsolete laws and contentious laws. I think to actually bring in contentious laws and have them repealed through the backdoor is not ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay.

SHRI SWAPAN DASGUPTA: However much I may sympathise with him.

MR. DEPUTY CHAIRMAN: All right. I got the point. The amendments are not moved. I shall now put the First Schedule to vote.

The First Schedule was added to the Bill.

MR. DEPUTY CHAIRMAN: In the Second Schedule, there is one amendment (No.3) by Prof. M.V. Rajeev Gowda.

PROF. M.V. RAJEEV GOWDA: Same thing, Sir.

MR. DEPUTY CHAIRMAN: He is not moving. Thank you.

PROF. M.V. RAJEEV GOWDA: Sir, non-consensual. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: I understood that you are not moving it.

PROF. M.V. RAJEEV GOWDA: Consensual one should not be criminalised. Anyone would understand that. Please respond to that.

MR. DEPUTY CHAIRMAN: The Amendment is not moved. I shall now put the Second Schedule to vote.

The Second Schedule was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P.P. CHAUDHARY: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: I shall now put the motion regarding consideration of the Repealing and Amending (Second) Bill, 2017 to vote. The question is:

That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 4, the First Schedule and the Second Schedule
were added to the Bill.*

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P.P. CHAUDHARY: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: Special Mentions.
