

SSS-SH/6.00/3N

**DR. HARSH VARDHAN (CONTD.):** Shri Rajeev Shukla and some other Members said that probably we don't know what the cause of pollution is. Sir, it is not like that. I will refer to a study and let all the Members know about it. There was a study which was done by IIT, Kanpur. It was the most relevant study on this subject and where they have said that the PM 2.5 levels are at least 4.7 times higher here in the capital and there is a difference in the national ambient air quality in summers and winters. They have said that in winters, the secondary particles contribute 25 to 30 per cent, vehicles contribute 20 to 25 per cent, bio-mass burning contributes 17 to 26 per cent and municipal solid waste burning also contributes 8 to 9 per cent and to a lesser extent soil and road dust and, of course, in summers the particles contribute 10 to 15 per cent, vehicles contribute 6 to 9 per cent, bio-mass burning 7 to 12 per cent, municipal solid waste 8 to 7 per cent and of course, in summers the soil and road dust contribute significantly. That is about 26 to 27 per cent and coal and fly-ash contribute 26 to 37 per cent. Sir, there is a report of the Ministry of Earth Sciences. That is also headed by me. Between 6<sup>th</sup> and 16<sup>th</sup> of

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November, 2017, till November, 6th, PM 2.5 was in the range of 140 to 190 microgram per cubic millimeter. On November, 8<sup>th</sup>, when this entire crisis was happening, pollution levels peaked to higher levels, there was gulf dust storm which was contributing almost 40 per cent to this and the stubble burning was contributing 25 per cent and the remaining 35 per cent was local. We should also be aware of this fact as to what are the various types of things, not from inside the country, but from outside the country which are actually contributing. Finally, Sir, somebody raised an issue about Diwali. Let me update him about the figures of Diwali this year. Sir, this year, between the last year's Diwali and this year's Diwali, PM 2.5 decreased by 39 per cent, Sulphur decreased by 20 per cent, potassium decreased by 30 per cent, calcium, copper, zinc etc. decreased by 35 to 40 per cent, iron, barium decreased by 50 and then aluminium chloride decreased by ten per cent. This is all scientific; this is all official. So, we should be able to appreciate that if there is a participation and if everybody works, then, ...(Interruptions)... Sir, finally, what I wish to say is that these are all interventions, but, ultimately we need to develop a good quality social movement in the society with the involvement of youth

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also and more particularly, the school children. Educate them about the causes of air pollution and other types of pollution. Promote good green deeds in the society in a big way. All the Members of this august House can pledge that they will help in developing a movement in their respective areas. I am sure that in times of come, with the speed with which we are getting conscious about this fact, by developing new policies and updating ourselves with everyday advancements, I am sure that we should be able to handle this issue of air pollution in a big way. Once again, I thank all the Members for their positive suggestions and for all the objective thinking on this issue. Thank you. (Ends)

(Followed by NBR/30)

-SSS/NBR-RPM/30/6.05.

**MR. DEPUTY CHAIRMAN:** Thank you very much.

Now, let us take up the Statutory Resolutions. The first one is by Shri Shiv Pratap Shukla.

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**STATUTORY RESOLUTION RE. INCREASING RATE OF BASIC  
CUSTOMS DUTY ON SOYABEANS**

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI  
SHIV PRATAP SHUKLA):** Sir, I move:

"In pursuance of section 8A (1) of the Customs Tariff Act, 1975, read with sub-section (3) of section 7 of the said Act, this House hereby approves of Notification No. 88/2017-Customs, dated 17th November, 2017 [G.S.R.1431 (E), dated 17th November, 2017] which seeks to increase the basic customs duty on Soyabeans, falling under Tariff items 12011000 and 12019000 of the First Schedule to the Customs Tariff Act, 1975 from 30% to 45%."

*The question was put and the motion was adopted.*

(Ends)

**MR. DEPUTY CHAIRMAN:** Now, the second Statutory Resolution.  
Shri Shiv Pratap Shukla.

**STATUTORY RESOLUTION RE. INCREASING RATE OF  
BASIC CUSTOMS DUTY ON CERTAIN GOODS**

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI  
SHIV PRATAP SHUKLA):** Sir, I move:

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"In pursuance of section 8A (1) of the Customs Tariff Act, 1975, read with sub-section (3) of section 7 of the said Act, this House hereby approves of Notification No.80/2017-Customs, dated 27<sup>th</sup> October, 2017 [G.S.R.1339 (E) dated 27<sup>th</sup> October, 2017], which seeks to increase the rate of basic customs duty on the following goods:-

(a) From 10%/15% to 25% on:-

<b>Tariff heading</b>	<b>Description</b>
5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock).
5004	Silk yarn (other than yarn spun from silk waste) not put up for retail sale.
5005	Yarn spun from silk waste, not put up for retail sale.
5006	Silk yarn and yarn spun from silk waste, put up for retail sale; silk-worm gut.
5007	Woven fabrics of silk or of silk waste.
5101 (except tariff items 5101 21 00, 5101 30 00)	Wool, not carded or combed.
5102	Fine or coarse animal hair, not carded or combed.
5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock(except Shorn wool and carbonized wool)
5109	Yarn of wool or of fine animal hair, put up for retail sale.

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5110	Yarn of coarse animal hair or of horsehair (including gimped horsehair yarn), whether or not put up for retail sale.
5111	Woven fabrics of carded wool or of carded fine animal hair.
5112	Woven fabrics of combed wool or of combed fine animal hair.
5113	Woven fabrics of coarse animal hair or of horsehair.
5201	Cotton, not carded or combed.
5202	Cotton waste (including yarn waste and garnetted stock).
5207	Cotton yarn (other than sewing thread) put up for retail sale.
5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m <sup>2</sup> .
5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/ m <sup>2</sup> .
5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/ m <sup>2</sup> .
5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/ m <sup>2</sup> .
5212	Other woven fabrics of cotton.
5303	Jute and other textile bast fibres (excluding flax, true hemp and ramie), raw or processed but not spun; tow and waste of these fibres (including yarn waste and

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	garnetted stock).
5305	Coconut, abaca (Manila hemp or <i>Musa textilis</i> Nee), ramie and other vegetable textile fibres, not elsewhere specified or included, raw or processed but not spun; tow, noils and waste of these fibres (including yarn waste and garnetted stock).
5306	Flax yarn.
5307	Yarn of jute or of other textile bast fibres of heading 5303.
5308	Yarn of other vegetable textile fibres; paper yarn.
5309	Woven fabrics of flax.
5310	Woven fabrics of jute or of other textile bast fibres of heading 5303.
5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn.
5407	Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of heading 5404.
5408	Woven fabrics of artificial filament yarn, including woven fabrics obtained from materials of heading 5405.
5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres.
5601	Wadding of textile materials and articles thereof; textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps.
5602	Felt, whether or not impregnated, coated, covered or laminated.
5603	Nonwovens, whether or not impregnated, coated,

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	covered or laminated.
5701	Carpets and other textile floor coverings, knotted, whether or not made up.
5702	Carpets and other textile floor coverings, woven, not tufted or flocked, whether or not made up, including "Kelem", "Schumacks", "Karamanie" and similar hand-woven rugs.
5703	Carpets and other textile floor coverings, tufted, whether or not made up.
5704	Carpets and other textile floor coverings, of felt, not tufted or flocked, whether or not made up.
5705	Other carpets and other textile floor coverings, whether or not made up.
5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading 5802 or 5806.
5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of heading 5806; tufted textile fabrics, other than products of heading 5703.
5803	Gauze, other than narrow fabrics of heading 5806.
5804	Tulles and other net fabrics, not including woven, knitted or crocheted fabrics; lace in the piece, in strips or in motifs, other than fabrics of headings 6002 to 6006.
5805	Hand-woven tapestries of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up.
5806	Narrow woven fabrics, other than goods of heading 5807; narrow fabrics consisting of warp without weft

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	assembled by means of an adhesive (bolducs).
5807	Labels, badges and similar articles of textile materials, in the piece, in strips or cut to shape or size, not embroidered.
5808	Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles.
5809	Woven fabrics of metal thread and woven fabrics of metallised yarn of heading 5605, of a kind used in apparel, as furnishing fabrics or for similar purposes, not elsewhere specified or included.
5810	Embroidery in the piece, in strips or in motifs.
5811	Quilted textile products in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading 5810.
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations.
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon.
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902.

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5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape.
5905	Textile wall coverings.
5906	Rubberised textile fabrics, other than those of heading 5902.
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like.
5908	Textile wicks, woven, plaited or knitted , for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefore, whether or not impregnated.
5909	Textile hosepiping and similar textile tubing, with or without lining, armour or accessories of other materials.
5910	Transmission or conveyor belts or belting, of textile material, whether or not impregnated, coated, covered or laminated with plastics, or reinforced with metal or other material.
5911	Textile products and articles, for technical uses, specified in Note 7 to this Chapter.
6001	Pile fabrics, including "long pile" fabrics and terry fabrics, knitted or crocheted.
6002	Knitted or crocheted fabrics of a width not exceeding 30 cm, containing by weight 5 % or more of elastomeric yarn or rubber thread, other than those of heading 6001.
6003	Knitted or crocheted fabrics of a width not exceeding 30 cm, other than those of heading 6001 or 6002.

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6004	Knitted or crocheted fabrics of a width exceeding 30 cm, containing by weight 5 % or more of elastomeric yarn or rubber thread, other than those of heading 6001.
6005	Warp knit fabrics (including those made on galloon knitting machines), other than those of headings 6001 to 6004.
6006	Other knitted or crocheted fabrics.
6101	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6103.
6102	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski- jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6104.
6103	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted.
6104	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted.
6105	Men's or boys' shirts, knitted or crocheted.
6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted.
6107	Men's or boys' underpants, briefs, nightshirts, pyjamas,

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	bathrobes, dressing gowns and similar articles, knitted or crocheted.
6108	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted.
6109	T-shirts, singlets and other vests, knitted or crocheted.
6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted.
6111	Babies' garments and clothing accessories, knitted or crocheted.
6112	Track suits, ski suits and swimwear, knitted or crocheted.
6113	Garments, made up of knitted or crocheted fabrics of heading 5903, 5906 or 5907.
6114	Other garments, knitted or crocheted.
6115	Panty hose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted.
6116	Gloves, mittens and mitts, knitted or crocheted.
6117	Other made up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories.
6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 6203.
6202	Women's or girls' overcoats, car-coats, capes, cloaks,

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	anoraks (including ski- jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 6204.
6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear).
6204	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear).
6205	Men's or boys' shirts.
6206	Women's or girls' blouses, shirts and shirt-blouses.
6207	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles.
6208	Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, oviamas, negligees, bathrobes, dressing gowns and similar articles.
6209	Babies' garments and clothing accessories.
6210	Garments, made up of fabrics of heading 5602, 5603, 5903, 5906 or 5907.
6211	Track suits, ski suits and swimwear; other garments.
6212	Brassieres, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted.
6213	Handkerchiefs.
6214	Shawls, scarves, mufflers, mantillas, veils and the like.

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6215	Ties, bow ties and cravats.
6216	Gloves, mittens and mitts.
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212.
6301	Blankets and travelling rugs.
6302	Bed linen, table linen, toilet linen and kitchen linen.
6303	Curtains (including drapes) and interior blinds; curtain or bed valances.
6304	Other furnishing articles, excluding those of heading 9404.
6305	Sacks and bags, of a kind used for the packing of goods.
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods.
6307	Other made up articles, including dress patterns.
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale.
6309	Worn clothing and other worn articles.
6310	Used or new rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables, of textile materials.

(b) From 10% to 20% on:

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Tariff heading	Description
5104	Garnetted stock of wool or of fine or coarse animal hair.
5105	Wool and fine or coarse animal hair, carded or combed (including combed wool in fragments).
5106	Yarn of carded wool, not put up for retail sale.
5107	Yarn of combed wool, not put up for retail sale.
5108	Yarn of fine animal hair (carded or combed), not put up for retail sale.
5204	Cotton sewing thread, whether or not put up for retail sale.
5205	Cotton yarn ( other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale.
5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale.
5401	Sewing thread of man-made filaments, whether or not put up for retail sale.
5402	Synthetic filament yarn (other than sewing thread), not put up for retail sale, including synthetic monofilament of less than 67 decitex.
5403	Artificial filament yarn (other than sewing thread), not put up for retail sale, including artificial monofilament of less than 67 decitex.
5404	Synthetic monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm; strip and the like (for example, artificial straw) of synthetic textile materials of an apparent width not exceeding 5 mm.
5405	Artificial monofilament of 67 decitex or more and of which

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	no cross-sectional dimension exceeds 1 mm; strip and the like (for example, artificial straw) of artificial textile materials of an apparent width not exceeding 5 mm.
5406	Man-made filament yarn (other than sewing thread), put up for retail sale.
5501	Synthetic filament tow.
5502	Artificial filament tow.
5503	Synthetic staple fibres, not carded, combed or otherwise processed for spinning.
5504	Artificial staple fibres, not carded, combed or otherwise processed for spinning. Woven fabrics of synthetic staple fibres, containing less than 85 % by weight of such fibres, mixed mainly or solely with cotton, of a weight exceeding 170 g/ m <sup>2</sup> .
5506	Synthetic staple fibres, carded, combed or otherwise processed for spinning.
5507	Artificial staple fibres, carded, combed or otherwise processed for spinning.
5508	Sewing thread of man-made staple fibres, whether or not put up for retail sale.
5509	Yarn (other than sewing thread) of synthetic staple fibres, not put up for retail sale.
5510	Yarn (other than sewing thread) of artificial staple fibres, not put up for retail sale.
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 54.04 or 54.05, impregnated, coated, covered or sheathed with rubber or plastics.
5605	Metallised yarn, whether or not gimped, being textile yarn,

	or strip or the like of heading 54.04 or 54.05, combined with metal in the form of thread, strip or powder or covered with metal.
5606	Gimped yarn, and strip and the like of heading 54.04 or 54.05, gimped (other than those of heading 56.05 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale- yarn.
5607	Twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics.

*The question was put and the motion was adopted.*

(Ends)

**नेता विरोधी दल (श्री गुलाम नबी आजाद) :** सर, सबसे पहले मैं लीडर ऑफ दि हाउस को उनके जन्मदिन पर बहुत-बहुत बधाई देना चाहता हूं। मुझे तो अभी मालूम हुआ, नहीं तो मैं सुबह ही बधाई देता। यह पीस ऑफ लेजिस्लेशन बहुत इम्पोर्टेंट है, इसलिए मैं चाहूंगा कि आज लीडर ऑफ दि हाउस के जन्मदिन की खुशी में 6.00 बजे के बाद छुट्टी होनी चाहिए और आज इनका जन्मदिन मनाया जाए और कल इसे पहले आइटम के रूप में लिया जाए, क्योंकि इस पर बहुत सारे लोग चर्चा करना चाहते हैं। इस बार बहुत सारे आइटम्स पर कस्टम-ड्यूटी बढ़ी है और लगी है। मैं यह बात विरोधी दल के नेता के रूप में नहीं कह रहा हूं, लेकिन हमारे भी बहुत सारे लोग इस पर चर्चा करना चाहते हैं। इधर बीच में भी

विपक्ष के लोग इस पर चर्चा करना चाहेंगे। आज लीडर ऑफ दि हाउस का जन्मदिन हो, तो आप 6.00 बजे के बाद हाउस को कैसे चला सकते हैं, बल्कि मैं तो चाहता था कि आज तो दिन की भी छुट्टी होनी चाहिए थी।

**قائد حزب اختلاف (جناب غلام نبی آزاد):** سر، سب سے پہلے می لٹڈ آف دی ہاؤس کو ان کے جنم دن پر بہت بہت بدھائی دینا چاہتا ہوں۔ مجھے تو ابھی معلوم ہوا نہی تو می صبح ہی بدھائی دیتا۔ می پیس آف لہجسٹیشن بہت امپارٹنٹ ہے، اس لہے می چاہونگا کہ آج لٹڈ آف دی ہاؤس کے جنم دن کی خوشی می چھ بجے کے بعد چھٹی ہونی چاہئے اور آج ان کا جنم دن منای جائے اور کل اسے پہلے آٹھ کے روپ می لہی جائے، کیوں کہ اس پر بہت سارے لوگ چرچہ کرنا چاہتے ہی۔ اس بار بہت سارے آٹھ پر کسٹم ڈیٹی بڑھی ہے اور لگی ہے۔ می ہی بات ورودهی دل کے زخما کے روپ می نہی کہہ رہا ہوں، لہکن ہمارے بھی بہت سارے لوگ اس پر چرچہ کرنا چاہتے ہی۔ ادھر بیچ می بھی وپکٹس کے لوگ اس پر چرچہ کرنا چاہی گے۔ آج لٹڈ آف دی ہاؤس کا جنم دن ہو، تو آپ چھ بجے کے بعد ہاؤس کو کسے چلا سکتے ہی، بلکہ می تو چاہتا تھا کہ آج تو دن کی بھی چھٹی ہونی چاہئے تھی۔

**SOME HON. MEMBERS:** Sir, we all agree.

**संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल) :** सर, श्री गुलाम नबी आज़ाद जी सही कह रहे हैं, लेकिन कस्टम-ड्यूटी वाला बिल तो पास हो गया, अब तो रिपीलिंग वाला है। इसमें कोई कस्टम-ड्यूटी की बात नहीं है। जन्मदिन पर ज्यादा अच्छी बात यह है कि आज यदि आप इसे बिना डिस्कशन के पास करेंगे, तो मैं समझता हूं कि वह एक तोहफा होगा।

**श्री गुलाम नबी आज़ाद :** सर, यह अच्छी बात नहीं है कि पार्लियामेंटरी अफेयर्स मिनिस्टर, अपने लीडर ऑफ दि हाउस का आदर न करें। हम इतना आदर कर रहे हैं और आप नहीं कर रहे हैं। यह डिसरिस्पेक्ट पार्लियामेंटरी अफेयर्स मिनिस्टर से एक्सपेक्ट नहीं की जा सकती। बहुत अच्छा होगा कि हम आज अब छुट्टी करें।

**جناب غلام نبی آزاد):** سر، یہ اچھی بات نہیں ہے کہ پارلیمنٹری افیئرس منسٹر، اپنے لیڈر آف دی ہاؤس کا آدر نہ کریں۔ ہم اتنا آدر کر رہے ہیں اور آپ نہیں کر رہے ہیں۔ یہ ڈس ریسپیکٹ پارلیمنٹری افیئرس منسٹر سے ایکسپیکٹ نہیں کی جاسکتی۔ بہت اچھا ہوگا کہ ہم آج اب چھٹی کریں۔

**MR. DEPUTY CHAIRMAN:** I thank the Leader of Opposition for reminding us about the birthday of the Leader of the House. The entire House joins me in extending a very, very warm and Happy Birthday to the Leader of the House.

**SHRI GHULAM NABI AZAD:** Sir, I am not speaking in a lighter sense. I am speaking seriously. This is a very important piece of legislation on which everybody would like to participate and contribute their views.

**MR. DEPUTY CHAIRMAN:** But, we have already extended the time by one hour.

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**SHRI GHULAM NABI AZAD:** You can take it up tomorrow evening.

**SHRI DEREK O'BRIEN:** Sir, you take the sense of the House about January 1<sup>st</sup>. We want to come afresh to the House on January 2<sup>nd</sup>.

**MR. DEPUTY CHAIRMAN:** For that, you have to wait till tomorrow.

**SHRI DEREK O'BRIEN:** We need to take rest on January 1<sup>st</sup>.

**MR. DEPUTY CHAIRMAN:** This we will decide tomorrow after hon. Chairman comes. It is under consideration.

**SOME HON. MEMBERS:** Sir, the sense of the House is, take up the Bill tomorrow.

**श्री विजय गोयल:** सर, इसके लिए एक घंटा दिया है और मैं समझता हूँ कि इसे किया जा सकता है और सेंस ऑफ दि हाउस आपने पहले ही ले ली है, तभी आपने एक घंटा बढ़ाया है। मैं समझता हूँ कि हम 7.00 बजे लीडर ऑफ दि हाउस का जन्मदिन मनाएंगे।

**SHRI GHULAM NABI AZAD:** Mr. Minister, you are not fair to your leader.

**MR. DEPUTY CHAIRMAN:** The point is, we have already extended the time till 7.00 p.m. That is my problem. ...(Interruptions)...

(FOLLOWED BY USY/3P)

USY-PSV/6.10/3P

**SHRI NEERAJ SHEKHAR:** Sir, sense of the House is most important. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Sense of the House had already been taken. ...(Interruptions)... Extension was done after taking the sense of the House. How can the Chair now change that? ...(Interruptions)... That cannot be done now. ...(Interruptions)...

**THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD):** Though we had already taken the sense of the House ...(Interruptions)... But, if you ask all the political parties now ...(Interruptions)... Am I right? ...(Interruptions)...

**श्री नीरज शेखर:** सर, विपक्ष की बहुत सारी बेंचेज़ खाली हैं। ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** I have already extended the time. And, that is my ...(Interruptions)...

**संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल):** डिप्टी चेयरमैन सर, पहली बात यह है कि यह कस्टम ड्यूटी वाला बिल नहीं है। यह तो एक रिपीलिंग एंड अमेंडिंग बिल है। मॉर्निंग में भी जब हम मिले थे, तब भी मैंने कहा था कि यह पास होगा और अभी भी सेंस ऑफ दि हाउस लेकर ही एक घंटा बढ़ाया गया था। तो मैं लीडर आफ दि अपोजिशन से कहूँगा कि इसे पास करना चाहिए। ...(व्यवधान)...

**श्री नीरज शेखर:** सर ...(व्यवधान)...

**श्रीमती जया बच्चन:** सर ...(व्यवधान)... मुझे लगता है कि अरुण जी के यहाँ से गोयल जी के पास बुलावा नहीं गया इसलिए वे ...(व्यवधान)...

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY):** Sir, I beg to move that the Repealing and Amending Bill, 2017, and the Repealing and Amending (Second) Bill, 2017, ...(Interruptions)...

**SHRI K.K. RAGESH:** Sir, you have not yet called the Minister to speak. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** We have already extended the time. ...(Interruptions)... That is my problem. ...(Interruptions)...

**SHRI SUKHENDU SEKHAR RAY:** It is correct, Sir, that the time was extended. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** If the Treasury Benches also agree, I have no problem. ...(Interruptions)...

**SHRI SUKHENDU SEKHAR RAY:** No; no. The sentiments expressed by the hon. Leader of the Opposition have been endorsed by all other opposition parties too. And, I feel that the Government should not oppose it. ...(Interruptions)... Hon. Leader of the House is

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also silent. ...(Interruptions)... It means that he also has consent to this. ...(Interruptions)... मौनं सम्मति लक्षणं। ...(व्यवधान)... मौनं सम्मति लक्षणं। ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Sukhendu Sekhar Rayji, I have an open mind. But the position is...(Interruptions)... Let me explain it. ...(Interruptions)...I have an open mind. But only at 6 p.m. we extended the time up to 7 p.m. One section is asking that it should be re-considered. ...(Interruptions)... Only one section is asking. The Treasury Benches are not asking. ...(Interruptions)... What should I do? That is the problem. ...(Interruptions)... There is no consensus. That is the point. ...(Interruptions)... The LoP is agreeing, but this side is...(Interruptions)...

**SHRI SUKHENDU SEKHAR RAY:** Sir, the Government has not opposed it. ...(Interruptions)... Only the Minister of Parliamentary Affairs has objected to it. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Parliamentary Affairs Minister, do you agree? ...(Interruptions)... Mr. Minister, do you agree? ...(Interruptions)... No; no. I am asking the Parliamentary Affairs Minister. ...(Interruptions)... See, I have extended the time up to 7

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p.m. ...(Interruptions)... Let me complete, please.

...(Interruptions)... I have extended the time up to 7 p.m. with the consent of the House. Now, there is a demand, especially from the LoP, that we should reconsider that decision. It is from one side. If the Parliamentary Affairs Minister also agrees, the Government also agrees, I can do that. Otherwise, I cannot do anything. Please tell me, Mr. Minister, what is your view?

**श्री विजय गोयल:** सर, मेरा कहना यह है कि ...(व्यवधान)...

**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 ड्यूरेशन डिस्कशन को पहले लिया जाये और इसके बाद यह जो रिपीलिंग और अमेंडिंग बिल है, इसको हम ले लेंगे और रेज़ॉल्यूशन 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

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reconsidering the matter. ...(Interruptions)... The extension was with the consent of all.

(Contd. by 3q — PK)

PK-VNK/3Q/6.15

**MR. DEPUTY CHAIRMAN (CONTD.):** For reconsidering that decision, I should get a consensus which is not there. Therefore, I have to.....

**SHRU 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.

**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 (SHRI P.P. CHAUDHARY):** Mr. Deputy Chairman, Sir, I rise to move:

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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 amendments 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, 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

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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 Commission on Women, 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 one 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, a very famous NAZ Foundation judgement, the High Court ruled that a part of Section 377 that criminalises consensual sexual activity is unconstitutional. Afterwards, some of the decisions of the Supreme Court said that the Government has to take the lead in removing the Section which criminalises consensual penetration on the part of people of the same gender, men of the same gender. Sir, this has no place in a modern society

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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. 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 and that should have been here. I am moving an amendment to get the Government include that as one of the obsolete provisions of the IPC that needs to be removed. Sir, this is also

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supported by the National Human Rights Commission which have, actually, suggested to the Government numerous amendments to decriminalise consensual activities. This 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. But let me remind you of the people who have spoken about this. This was the law which the British used to target Lokmanya Bal Gangadhar Tilak. (Contd. by PB/3R)

PB-NKR/3R/6.20

**PROF. M.V. RAJEEV GOWDA (CONTD.):** 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.'

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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 thing. I am pointing that out.

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

Sir, basically, in the Parliament itself, the 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, 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

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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 and, 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 is a perfect example of that and should be removed.

Sir, there is one more 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 and that has been the recommendation of the Law Commission of India which the Government has not paid attention to.

Sir, similarly, I want to move one more amendment focused on Exception 2 to Section 375 of the IPC. This Section gives legal

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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 and 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

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another Act where the Government should actually go ahead and remove because it is redundant and it really comes in the way of tourism activities and its promotion, and, 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.

(Contd. by 3s/SKC)

SKC/3S/6.25

**PROF. M. V. RAJEEV GOWDA (contd.):** Through these amendments, I request the Government to be broad-minded enough and forward-thinking enough, to be empowering gender 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.

(Ends)

**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 sections to the list of sections to be repealed. I was in conference 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 the merits, it would take hours and even days to finish. Having conferenced in the committee that was appointed, 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 of all these laws, to discuss whatever he has mentioned would take hours together. There are some controversial laws here 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, we could bring up a

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separate motion some other time, 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 Session.

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 *Pongal* is 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 where at the end of every year they 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. Now, there are two words, *dharma* and *achara*. *Dharma* cannot be changed; it is permanent. But *achara* can be changed. It is called *deshachara* and *kalachara*. Now whatever *achara* is absorbed 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

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*achara* are all the regulations. So, that is *kalachara*; every time it can be changed. So, the process of repealing, this idea, is a good idea. Certain things are not irrelevant. Let me quote just one example. I was really surprised to see in the list one item, '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 Modiji, 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.

(Ends)

(FOLLOWED BY HK/3T)

HK-MCM/3T/6.30

**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.

**डा० अनिल कुमार साहनी (बिहार) :** उपसभाध्यक्ष महोदय, आपने जो मुझे महत्वपूर्ण विषय, निरसन और संशोधन 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 भी 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 टाइम 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 संशोधन 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 पर 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 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!

(समाप्त)

**(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,

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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.

(Contd. by KSK/3U)

KSK/SC/6.35/3U

**SHRI SUKHENDU SEKHAR RAY (CONTD.):** 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 248<sup>th</sup> 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

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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

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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.

(Ends)

**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.

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**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (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 197 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.

(Contd. by 3W — GSP)

GSP-GS/6.40/3W

**SHRI P.P. CHAUDHARY (CONTD.):** 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

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Justice also examined these laws and opined that these laws are required to be repealed, and, so, those laws have been 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 bogi

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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 and amended. It shows the Government's commitment to bring reforms in the legal system. With this process, all the obsolete

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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 1952 to 2004, 1,929 Acts were repealed or amended but this is such a massive exercise 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, these amending and repealing Bills will be taken up in the next exercise when we will take into consideration these Bills.

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

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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.

(Contd. by SK/3X)

SK/3X/6.45

**SHRI P.P. CHAUDHARY (CONTD.):** 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 Bill, these issues will be actually studied, examined and incorporated. That is what we want. Otherwise, I will move, and anyone who opposes 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

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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

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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:** 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 21<sup>st</sup> 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

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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*.

(Followed by YSR/3Y)

YSR-LT/6.50/3Y

**MR. DEPUTY CHAIRMAN:** They will give a judgement.

**SHRI SWAPAN DASGUPTA:** 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.*

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**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.*

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**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.*

(Ends)

**MR. DEPUTY CHAIRMAN:** Special Mentions.

**SPECIAL MENTIONS**

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**MR. DEPUTY CHAIRMAN:** Shri Santiuse Kujur is not there. Dr. Kanwar Deep Singh is not there.

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

**DEMAND FOR TAKING STRONG MEASURES TO ADDRESS  
PROBLEM OF HUMAN TRAFFICKING IN VIEW OF RECENT  
REPORT OF I.L.O.**

**PROF. M.V. RAJEEV GOWDA (KARNATAKA):** A news report developed by the ILO with Australia based Walk Free Foundation revealed the scale of modern slavery in the world. Modern slavery includes victims of child labour, people trafficked for flesh trade, forced marriage, forced labour, etc. The report, released during the United Nations General Assembly in September 2017, showed that in 2016, more than 40 million people around the world were victims of modern slavery.

The report makes no India-specific findings, barring a mention that 17,000 people from India were interviewed as part of the survey.

The Intelligence Bureau sent out a note to the Central

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Government to discredit the data. It alleged that India is being "targeted" and questioned the methodology used to arrive at the data.

While these may be valid arguments, India topped the 2016 Global Slavery Index. It is shocking that there has been no Government-led survey to understand the extent of trafficking in the country.

The Government maintains no database of trafficked victims in the country. This is of grave importance to understand the extent of the problem. It is only then that the strategy to combat this social ill can be arrived at.

Further, the definition of trafficking in the Immoral Traffic (Prevention) Act, 1956 excludes forced labour. This is an issue that needs to be addressed too.

I urge the Government to take a strong stand against the exploitation of the most vulnerable sections of society — women and children — and take the needed steps to fight it. Thank you, Sir.

(Ends)

**SHRI ANANDA BHASKAR RAPOLU (TELANGANA):** Sir, I associate myself with the Special Mention made by the hon. Member.

**SHRI K.C. RAMAMURTHY (KARNATAKA):** Sir, I also associate myself with the Special Mention made by the hon. Member.

**श्रीमती छाया वर्मा (छत्तीसगढ़) :** महोदय, मैं भी स्वयं को इस विषय से संबद्ध करती हूँ।

(समाप्त)

(Followed by VKK/3Z)

-YSR/VKK-KLG/3Z/6.55

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY):** Shri Husain Dalwai; not here. Now, Shri K. Somaprasad.

(Ends)

**DEMAND FOR TAKING ADEQUATE MEASURES FOR  
PRESERVATION OF TRIBAL KNOWLEDGE IN COUNTRY**

**SHRI K. SOMAPRASAD (KERALA):** Sir, I am drawing attention of this House to an important issue of erosion of traditional knowledge of our tribal communities. The issue is ethnologically vital and of national importance. A study on this was conducted by IT Research Institute of Government of Kerala headed by Dr. Jayasankar, Senior

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Environmental Specialist. The study was conducted on eight tribal communities living in Western Ghats. The revelation of study is alarming and warrants immediate interventions.

The native communities are the treasure-house of traditional knowledge and experience. More than 1,500 forms of traditional knowledge are retained by Indian tribal communities. Many of them were stolen and patented by vested groups.

From this study, it is clear that there is significant erosion of all types of traditional knowledge. The rate of erosion varies from one to 80 per cent. This indicates that traditional knowledge retained by members of community is vanishing. The erosion is more revealed in younger generation and particularly among males. Study reveals the need of urgent and effective intervention to plug further erosion of traditional knowledge. The ethnic multiplicity of our nation is ancient and unique. Our country is enriched with more than two thousand ethnic groups. The tribal communities and the repository of traditional knowledge is an integral part of our heritage and culture.

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My appeal is that adequate precautionary measures should be taken to prevent further erosion. Moreover, the Government should give all sort of assistance to the study team. Thank you, Sir.

(Ends)

**SHRI ANANDA BHASKAR RAPOLU (TELANGANA):** Sir, I associate myself with the Special Mention made by Shri K. Somaprasad.

**DEMAND FOR SCRAPPING PROPOSED NEW MEDICAL COUNCIL  
(NMC) AND INSTEAD REVAMP MEDICAL COUNCIL OF INDIA  
(MCI) FOR IMPARTING QUALITY MEDICAL EDUCATION IN  
COUNTRY**

**SHRI K.C. RAMAMURTHY (KARNATAKA):** Sir, the objective of any Government is to improve or develop the existing institutions and not to cripple them. If MCI is not following the mandate given to it, the functionaries of the body have to be replaced, not to discard the entire body.

We know that there are problems in MCI; it does not mean that we have to totally scrap it. We have to identify the drawbacks and address them meticulously to make it a perfect body. But, Union Cabinet has recently approved replacing MCI with NMC.

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It is reported in the media that as per the new proposal, Section 15 of the IMC Act is removed; meaning thereby, BAMS, BHMS and BEMS can practice modern medicine without any restrictions and are treated at par with MBBS.

Secondly, as per Schedule IV of NMC, Government can recognize alternative system of medical colleges for registration in modern medicine. It means, BAMS, BHMS and BEMS can register at the same Commission as MBBS to do allopathic practice, and MD and MS in AYUSH will be at par with MD and MS in allopathic medicine.

Thirdly, EXIT exam is proposed. It means, without clearing EXIT exam, an MBBS doctor studied in India or abroad cannot register himself for practice. But, there is no such test for BAMS, BHMS or BEMS graduates and they can register to practice allopathic medicine without EXIT exam.

In view of the above, I request the Government to scrap NMC and revamp MCI for quality medical education in the country. Thank you, Sir.

(Ends)

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**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY):** Shri Vivek Gupta; not here. Now, Shri S. Muthukaruppan.

**DEMAND FOR DROPPING PROPOSAL OF CLOSURE OR MERGER  
OF THREE PREMIER INSTITUTES UNDER INDIAN COUNCIL OF  
AGRICULTURAL RESEARCH (ICAR) IN TAMIL NADU**

**SHRI S. MUTHUKARUPPAN (TAMIL NADU):** Mr. Vice-Chairman, Sir, it has been reported that three Premier Indian Council of Agricultural Research (ICAR) Institutes, namely, Sugarcane Breeding Institute functioning at Coimbatore, National Research Centre for Banana functioning at Tiruchirapalli and Central Institute of Brackish Water Aquaculture functioning at Chennai, are likely to be closed or merged with other ICAR Institutes across the country.

(Contd. by BHS/4A)

-VKK/BHS-AKG/4A/7.00

**SHRI S. MUTHUKARUPPAN (CONTD.):** The Sugarcane Breeding Institute, Coimbatore has been serving the farming community since 1912. The sugarcane varieties released by this Institute are very

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popular among sugarcane growers of not only Tamil Nadu, but also in Maharashtra, Karnataka, Gujarat, Telangana, Andhra Pradesh and Madhya Pradesh. The National Research Centre for Banana established in 1993 at Tiruchirapalli, is contributing very significantly in increasing the production and productivity of banana so as to meet the growing demand of our varieties in India and abroad. Tamil Nadu stands first in banana production and export. The Central Institute of Brackish Water Aquaculture, Chennai provides regular technical support to Tamil Nadu and all other coastal States especially in brackish water aquaculture. The continuous support of such a premier institution to aquaculture farmers is inevitable in sustaining the aquaculture production of the State. Import and quarantine of Specific Pathogen Free mother shrimps are allowed by Government of India only through the Chennai International Airport. Closure or merger of the said ICAR institute will have a detrimental impact on the interest of the farmers and fisher folk of Tamil Nadu. I urge upon the Government of India to drop any such proposals in the larger interest of the nation. Thank you very much.

(Ends)

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**SHRI A. NAVANEETHAKRISHNAN (TAMIL NADU):** Sir, I associate myself with the Special Mention made by the hon. Member.

**SHRI ANANDA BHASKAR RAPOLU (TELANGANA):** Sir, I too associate myself with the Special Mention made by the hon. Member.

**SHRI LA. GANESAN (MADHYA PRADESH):** Sir, I too associate myself with the Special Mention made by the hon. Member.

(Ends)

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY):** Okay. Names of all those who associated may be included. Shri Ram Kumar Kashyap.

**DEMAND FOR TAKING STRICT MEASURES TO CURB  
BURNING OF WASTE BY SHOPKEEPERS LOCATED ON  
NATIONAL HIGHWAYS IN COUNTRY**

**श्री राम कुमार कश्यप (हरियाणा) :** महोदय, प्रदूषण आज देश के लिए एक गम्भीर चिंता का विषय बनता जा रहा है, जिसके कारण कई गम्भीर बीमारियाँ पैदा हो रही हैं। इस पर्यावरण को दूषित करने में अनेक कारणों के साथ-साथ मानव सभ्यता का भी बहुत योगदान है। राष्ट्रीय राजमार्ग पर आज जितनी भी छोटी-छोटी कारोबारी दुकानें हैं, उनमें से कुछ अपने कूड़े को जला कर पर्यावरण को प्रदूषित करने का घिनौना काम कर रही हैं। इस कूड़े के धुएँ से

काफी विषैली गैसों निकलती हैं, जिनके कारण राह चलने वाले लोगों के लिए श्वास लेना दूभर हो जाता है। इससे साँस से जुड़ी बीमारियाँ भी पैदा होती हैं। आग से जान-माल का खतरा भी हमेशा बना रहता है। इस आग से राजमार्ग पर स्थित पेड़-पौधों एवं वनस्पतियों को भी गम्भीर नुकसान हो रहा है तथा वहाँ पर कई बार आग बहुत ही भयंकर रूप धारण कर लेती है, जिस पर काबू पाने के लिए सरकार की तरफ से कोई उचित व्यवस्था नहीं है।

अतः मैं सरकार का ध्यान इस बात की ओर आकृष्ट करना चाहता हूँ कि जो भी कारोबारी दुकानें राजमार्ग पर स्थित हैं, उन्हें अपना कूड़ा न जलाने की सख्त हिदायतें दी जानी चाहिए तथा राष्ट्रीय राजमार्ग पर आग को बुझाने का उचित प्रबन्ध भी होना चाहिए। धन्यवाद।

(समाप्त)

**SHRI ANANDA BHASKAR RAPOLU (TELANGANA):** Sir, I associate myself with the Special Mention made by the hon. Member.

(Ends)

**THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY):** Thank you. The House stands adjourned till 11.00 hours on Friday, the 29<sup>th</sup> December, 2017.

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**The House then adjourned at three minutes past**

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seven of the clock till eleven of the clock on  
Friday, the 29<sup>th</sup> December, 2017.