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Title: Introduction of the Indian Penal Code (Amendment) Bill. 2015 (Substitution of new Section for Section 377).

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

HON. DEPUTY SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

Shri Nishikant Dubey. Please do not make a long speech. Just say to the point what you want to say.

श्री निशिकान्त दुबे (गोड्डा) : उपाध्यक्ष महोदय, मैं इसका विशेष करने के लिए खड़ा हुआ हूँ। मैं किसी धर्म, वेद और पुराण के आधार पर खड़ा नहीं हुआ हूँ, बल्कि सुप्रीम कोर्ट के ही जजमेंट के आधार पर इसका विशेष करने के लिए खड़ा हुआ हूँ।

सर, सुप्रीम कोर्ट के उस जजमेंट में लिखा है -

"The family law in England has undergone a drastic change, recognized new social relationship between man and woman. In our country, however, even today a marriage is an arranged affair. We do not say that there are no exceptions to this practice or that there is no tendency, however, imperceptible, for young persons to choose their own spouses, but even in such cases the consent of their parents is one of the desiderata which is sought for. Whether it is obtained in any given set of circumstances is another matter. In such arranged marriages in this country the question of two persons being engaged for any appreciable time to enable each other to meet and be in a position to exercise undue influence on one another very rarely arises."

इसमें उन्होंने और लिखा है -

"No doubt an objective and rational deduction of a principle if it emerges from a decision of a foreign country rendered on a *pari materia* legislative provision and which can be applicable to the conditions prevailing in this country will assist the court in arriving at a proper conclusion. While we should seek light from whatever source we can get we should, however, guard against being blinded by it. In view of the above, we hold that Section 377 IPC does not suffer from the vice of unconstitutional and the declaration made by the Division Bench of the High Court is legally unsustainable. "

DR. SHASHI THAROOR: Mr. Chairman, I am afraid that the hon. Member is actually quoting in a very partial manner from the Supreme Court Judgement. In fact, I have the relevant portion. The Supreme Court rather than upholding the Section actually said that the onus is on the competent legislature of Parliament and I quote:

"To consider the desirability and propriety of deleting Section 377 IPC from the statute book or amend the same. "

What I am doing is, following the direction of the Supreme Court, I am proposing an amendment of the same. I am not deleting it. Therefore, Sir, I beg leave to introduce the Bill.

HON. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

SEVERAL HON. MEMBERS: We want Division.

HON. DEPUTY SPEAKER: Let the Lobbies be cleared -

Now, the Lobbies have been cleared.

Now, the Secretary-General to inform the House about the procedure regarding operating the automatic vote recording machine.

SECRETARY-GENERAL: Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1.

Before a division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only;
2.

When the hon. Deputy-Speaker says: "now division", the Secretary-General will activate the voting button where upon "red bulbs above Display Boards" on both sides of the hon. Speaker's Chair will glow and a gong sound will be heard. This means the Voting System has been activated simultaneously.
3.

For voting, hon. Members may kindly press the following two buttons simultaneously only after the sound of the gong and I repeat only after the sound of the gong. One "red" button in front of the hon. Member on the head of the phone plate and any one of the following buttons fixed on the top of desk of seats:

For Ayes - Green colour

For Noes - Red colour

For Abstain - Yellow colour
4.

It is essential to keep both the buttons pressed till another gong is heard and the red bulbs above the plasma display switch off.
5.

The hon. Members may please note that their votes will not be registered if the buttons are kept pressed before the first gong and if both buttons are not kept simultaneously pressed till the second gong.
6.

Hon. Members can actually "see" their vote on Display Boards installed on either side of the hon. Speaker's Chair.
7.

In case, vote is not registered, hon. Members may call for the voting through slips.

HON. DEPUTY-SPEAKER: I shall now put the motion to the vote of the House.

The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

The Lok Sabha divided.

<u>DIVISION</u>	<u>AYES</u>	<u>15.44 Hrs.</u>
Babu, Dr. Ravindra		
Bais, Shri Ramesh		
Chautala, Shri Dushyant		
Dastidar, Dr. Kakoli Ghosh		
Dev, Kumari Sushmita		
Ering, Shri Ninong		
Ghosh, Shrimati Arpita		
Hansdak, Shri Vijay Kumar		
Jena, Shri Rabindra Kumar		
Khan, Shri Md. Badaruddoza		
Khan, Shri Saumitra		
Kumar, Shri Kaushalendra		
Kumar, Shri Santosh		

Kumar, Shri Shailesh

Mahtab, Shri Bhartruhari

Mohapatra, Dr. Sidhant

Pandey, Dr. Mahendra Nath

Patasani, Shri Prasanna Kumar

*Ranjan, Shri Rajesh

Ranjan, Shrimati Ranjeet

*Reddy, Shri A.P. Jithender

Satav, Shri Rajeev

Satpathy, Shri Tathagata

Shetty, Shri Raju

*Sinha, Shrimati Renuka

Tharoor, Dr. Shashi

Tirkey, Shri Dasrath

NOES

Ahlawat, Shrimati Santosh

Bala, Shrimati Anju

Barne, Shri Shrirang Appa

Bhabhor, Shri Jasvantsinh Sumanbhai

Bhagat, Shri Sudarshan

Birla, Shri Om

Bohra, Shri Ramcharan

Chandel, Kunwar Pushpendra Singh

Chaudhary, Shri C. R.

Chaudhary, Shri P.P.

Choudhary, Col. Sonaram

Deka, Shri Ramen

Dohre, Shri Ashok Kumar

Dubey, Shri Nishikant

Dwivedi, Shri Harishchandra alias Harish

Gaikwad, Dr. Sunil Baliram

Girri, Shri Maheish

Gowda, Shri D.V. Sadananda

Gurjar, Shri Krishanpal

*Jaiswal, Dr. Sanjay

Jardosh, Shrimati Darshana Vikram

Jyoti, Sadhvi Niranjana

Kaswan, Shri Rahul

Kaushik, Shri Ramesh Chander

Kishore, Shri Jugal

Koli, Shri Bahadur Singh

Kumar, Shri Dharmendra

Kushawaha, Shri Ravinder

[*Lakhanpal](#), Shri Raghav

Mahato, Dr. Banshilal

Meena, Shri Harish

Meghwal, Shri Arjun Ram

Mishra, Shri Daddan

Munde, Dr. Pritam Gopinath

Nagar, Shri Rodmal

Narasimham, Shri Thota

Nishank, Dr. Ramesh Pokhriyal

Pal, Shri Jagdambika

Pandey, Shri Hari Om

Patel, Shri Devji M.

Patel, Shri Prahlad Singh

Pathak, Shrimati Riti

*Patil, Shri A.T. Nana

Patil, Shri C. R.

Rajoria, Dr. Manoj

Rajput, Shri Mukesh

Rathod, Shri D.S.

Rathore, Col. Rajyavardhan

Rathore, Shri Hariom Singh

Raut, Shri Vinayak Bhaurao

Saini, Shri Rajkumar

Sampla, Shri Vijay

Sarswati, Shri Sumedhanand

Sharma, Shri Ram Swaroop

Shetty, Shri Gopal

Shewale, Shri Rahul

Shinde, Dr. Shrikant Eknath

Sigriwal, Shri Janardan Singh

Singh, Shri Bhola

Singh, Shri Dushyant

Singh, Shri Kirti Vardhan

Singh, Shri Nagendra

Singh (Raju Bhaiya), Shri Rajveer

Singh, Shri Sunil Kumar

Singh, Shri Uday Pratap

Singh, Shri Virendra
Sinha, Shri Manoj
Solanki, Dr. Kirit P.
Sonkar, Shri Vinod Kumar
Tasa, Shri Kamakhya Prasad
Tripathi, Shri Sharad
Usendi, Shri Vikram
Yadav, Shri Hukmdeo Narayan
*Yadav, Shri Laxmi Narayan
Yadav, Shri Om Prakash

ABSTAIN

Raj, Dr. Udit

HON. DEPUTY-SPEAKER: Subject to correction*, the result of the Division is:

Ayes --24
Noes -- 071
Abstain -- 001

The motion was negatived.

15.45 hours

PRIVATE MEMBERS' BILLS-Introduced...Contd.