

[Mr Speaker]

unprecedented influx of Bangladesh refugees in 1971 etc. Members have been coming forward generously with their contribution

Donations received from the Members would be arranged to be remitted promptly by us to the Prime Minister's Relief Fund and also published in the Bulletin as per past practice

12 02 hrs

#### RE NON-RECORDING OF THE PROCEEDINGS

SHRI JYOTIRMOY BOSU (Diamond Harbour) I have written to you drawing your attention to certain observations which you made yesterday. You stopped the recording of proceedings for ten minutes when I was on my legs to press the adjournment motion that I had tabled and that has been highlighted in the national press, very widely

In that connection I would like to draw your kind attention to rule 379. If you tell the Reporters to stop recording not to record how do you think the Secretary shall "cause to be prepared a full report of the proceedings of the House at each of its sittings and shall as soon as practicable publish it"

Then I come to rule 380. That give, you a clear direction. It says

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion order that such words be expunged from the proceedings of the House"

Now, rule 381 says

The portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory footnote shall be inserted in the proceedings as follows

'Expunged as order by the Chair.'

Sir, you have been a judge and you are a person sitting in a very responsible position. You kindly guide us in this matter. Under what authority, under what specific rule, can you stop the recording of the proceedings? I would only hope that you will not take shelter under a blanket rule. When the Government is trying to do away with the provisions of imposing Emergency, I sincerely hope that in the House you will not take recourse to the blanket power and the residuary power that you enjoy. That is not a thing which should be resorted to. Under rule 379 you cannot ask the reporters to stop recording of the proceedings. You can expunge from the record provided I infringe the provisions contained in rule 380. Rule 381 has also to be read with rule 380. Therefore, I would humbly submit that your observation asking the reporters not to record and the action taken by the reporters under your direction not to record was improper and outside your jurisdiction.

MR SPEAKER This matter has been considered by the House earlier at least seven times. The decisions have been given right from 1960 onwards. The decision given by the Speaker says

'Rule 380 refers to what a member says when he is legitimately called upon to speak, when he has an opportunity to speak with the permission of the Chair. If, however a member without being called upon to speak continues to speak in spite of the Chair asking him to desist from speaking, the Chair may by virtue of his inherent powers, declare that the speech will not form part of the record and order its expunction from the proceedings'

There are seven such rulings given earlier. The orders have been given by the previous Speakers not to record at all. I am only following the past practice. Nothing more.

**SHRI JYOTIRMOY BOSU** If this is the force that you are trying to inject into it, why was it not placed before the Rules Committee? Why was it not incorporated in the Rules of Procedure & Conduct of Business in Lok Sabha? What does rule 380 say?

**MR SPEAKER** You are again and again repeating.

**SHRI JYOTIRMOY BOSU** I am not repeating. You cannot give a convenient interpretation to the rules. Rule 380 clearly says:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified."

Where does it say 'when a member has been called upon to speak'? Let there not be a convenient interpretation of the rules.

**MR SPEAKER** I am not allowing any debate on my ruling.

**PROF P G MAVALANKAR** (Gandhi Nagar) Sir, you have given your reply to Mr Jyotirmoy Bosu's point. You have said that there have been precedents in the past and the rulings have been given by the previous Speakers from 1960 onwards. I want to get your guidance for the future. I want to know whether whatever has happened in the past in terms of the precedents, as supported by seven rulings given by the previous Speakers from 1960 onwards, has been backed by any rules. If that has been backed by the rules, kindly tell us what those rules are in the absence of the rules, if it is because of the inherent powers of the Chair.

**MR SPEAKER** That is what the ruling says.

**PROF P G MAVALANKAR:** My submission is that if there are no rules to govern this and if this has been done by the Chair under its inherent powers, would you not consider sending this matter to the Rules Committee for further clarification?

**MR SPEAKER** We will consider.

**PROF P G MAVALANKAR.** Secondly, I find that, to Mr Bosu's point raised yesterday, the press has given a wide coverage. I want to have your guidance on this. When you as Speaker say that a particular thing is off the record, that means that it does not come in the debate at all. I want to know how it can come in newspapers.

**MR SPEAKER** The papers cannot publish it. If any paper has published, you may invite our attention to it and I shall see what can be done.

**SHRI MOHD SHAFI QURESHI** (Anantnag) I am not questioning your ruling, Sir. Rule 351 refers to the mode of addressing the Chair. Under rule 356 you can give your direction if you find that the speech is irrelevant. But yesterday you said that whatever you say would not be on record. When a Member is speaking you are giving certain directions to him that it is irrelevant, it will not go on record.

**MR SPEAKER** No. What I said was that he had not been allowed to speak and thereafter any debate on that.

**SHRI MOHD SHAFI QURESHI** You have said that whatever you say will not be on record.

**MR SPEAKER** Otherwise, there is an implication.

**SHRI MOHD SHAFI QURESHI** You cannot say to yourself that you are irrelevant.

**MR SPEAKER.** I have got yesterday's record here. You can check up.

**SHRI K. LAKKAPPA (Tumkur):** I do agree and I quite appreciate your decision. But I would like to make an appeal to you and that is, such a harsh rule may not be used against the Members every time. Sometimes you may use your discretion and allow whenever an important issue is to be raised; you can see the gravity of the situation and allow us to raise, whenever it is justified.

**SHRI VAYALAR RAVI (Chirayinkil):** I have given notice under rule 222 about question of privilege against the Home Minister....

**MR. SPEAKER:** I could not go through the matter.

**SHRI JYOTIRMOY BOSU:** This is a thing which has been agitating the minds of the people. Persons seeking jobs from only two States in the country have to undergo a special verification. The matter came to light ten days ago and you have not been able to obtain information...

**MR. SPEAKER.** I have obtained information.

**SHRI JYOTIRMOY BOSU:** Mr. Shyamnandan Mishra wants to raise something.

**SHRI SHYAMNANDAN MISHRA (Begusarai):** This is on the point raised by the hon. Member, Mr. Jyotirmoy Bosu, earlier....

**MR. SPEAKER:** You want to raise it again....

**SHRI SHYAMNANDAN MISHRA:** I did not have the opportunity at that time. That is a very important point on which I want to make my observations. You were pleased to refer to some of the rulings of the hon. Speakers in the past. The point is

that those rulings have not been incorporated in the form of rules. So, they do not have the same validity as the rules. Now, the point that I would like to make is this. The power of expunction cannot be used as a disciplinary measure. You are seeking to use the power of expunction as a disciplinary measure. If any Member behaves in a disorderly fashion, then there are particular rules regulating the behaviour of that Member and the rules are 373 and 374. If those rules are not set in motion and course is taken to another rule, it is not a proper course to take. What you have been trying to do in this House is—with all due respect to you, I say—you have been trying to use your power of expunction for making an hon. Member behave in the manner in which you would like him to behave. That should not be done. It must be made very clear that the power of expunction relates only to unparliamentary words and expressions. The power of expunction does not relate to disorderly behaviour of a Member. Therefore, if you want to sort out this matter, this matter can well be sorted out in the Rules Committee and so on. You may hold your ruling on this point in abeyance because otherwise this will form part of the rulings again in future and we may have to struggle at the hands of the Chair.

**SHRI C. M. STEPHEN (Idukki):** It is not that the matter is not covered by rules....

**MR. SPEAKER:** I have not given any ruling on this. No more submissions.