

Sir, I lay on the Table copies, duly authenticated by the Secretary of Rajya Sabha, of the following five Bills passed by the Houses of Parliament during the last Session and assented to by the President since a report was last made to the House on the 5th May, 1961:

1. The Essential Commodities (Amendment) Bill, 1961.
2. The Criminal Law (Amendment) Bill, 1961.
3. The Coal Mines (Conservation and Safety) Amendment Bill, 1961.
4. The Advocates Bill, 1961.
5. The Salar Jung Museum Bill, 1961.

Sir, I also lay on the Table the Dowry Prohibition Bill, 1961 passed by the Houses of Parliament at a joint sitting and assented to by the President.

12.43 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL, 1961

REPORT OF THE SELECT COMMITTEE

Shri N. R. Gosh (Cooch-Bihar): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Railway Act, 1890.

EVIDENCE

Shri N. R. Ghosh: Sir, I beg to lay on the Table a copy of the evidence given before the Select Committee on the Indian Railways (Amendment) Bill, 1961.

RESIGNATION OF MEMBERS

Mr. Speaker: I have to inform the House that the following two Members have resigned their seats in Lok Sabha:—

- (1) **Shri Nibaran Chandra Laskar**, with effect from the 24th May, 1961.
- (2) **Shri T. Sanganna**, with effect from the 21st June, 1961.

12.44 hrs.

EXTRADITION BILL*

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the extradition of fugitive criminals.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill to consolidate and amend the law relating to the extradition of fugitive criminals.”

The motion was adopted.

Shri Jawaharlal Nehru: Sir, I introduce the Bill.

12.45 hrs.

RE: EXPUNCTIONS

Shri Braj Raj Singh (Firozabad): Sir, may I seek your guidance about rule 380 of the Rules of Procedure? You did not allow me to speak at that time, but I would like to have an interpretation of this rule. Under rule 380 nowhere is it mentioned that the hon. Speaker may direct the Press not to publish a portion of the

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 7-8-1961.

[Shri Braj Raj Singh.]

proceedings about the expunction of which he has passed orders. There are certain categories of remarks about the expunction of which the hon. Speaker may direct under rule 380. Rule 380 says:

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

These are the four categories which have been mentioned in this rule. No other category has been mentioned anywhere in these Rules. Therefore, could I seek your guidance as to under what category the words which I spoke in connection with my adjournment motion fall and how the Press could be directed not to publish those remarks without any specific right with you to do so? I am not challenging your right. I know that if the Rules are suspended for which there is a separate rule, namely, Rule 388, you can do anything and the House can do anything. But until and unless the Rules are suspended I feel such orders should not and could not be passed.

Mr. Speaker: The hon. Member has pointed out rule 380 and wants a clarification of the same. Naturally, not only with respect to this case but with respect to all such cases I would like to clarify this matter. Rule 380 refers to what an hon. Member says when he is legitimately called upon to speak and when he has an opportunity to speak which has been permitted to him by the Speaker. Now, when the Speaker says that the hon. Member must sit down or when the Speaker does not call an hon. Member and if the hon. Member who has not been called goes on speaking, it shall not form part of the record. Likewise, when an hon. Member is asked to sit down and not proceed further with this remarks, it shall not form part of the record. The Rules

of Procedure do not apply to these extraordinary cases. It is open even to the clerk to come here and say anything, but it would not form part of the record. The Press shall not publish anything which does not form part of the record. The Speaker has got a further right to expunge even if it forms part of the record. In this case, the remarks of the hon. Member do not form part of the record at all. If, without my calling the hon. Member, he goes on speaking, shall I wait and not allow this to be expunged from the record and allow the Press to publish it? If that be so, this will not be a Parliament but this will be a meeting convened by the hon. Member himself where he invites the Press to go on recording whatever he says and I must keep order in the House and prevent every other hon. Member from speaking and make them give an audience to the hon. Members. That is rather curious.

Therefore, these rules do not apply in this case. It is beyond these Rules. He has no right to speak without being called. I would say that not only he but other hon. Members also would not do so, though in their case I have not had this difficulty. This is the second time when this hon. Member has done this, and I am not sure whether he would not repeat this hereafter.

Shri Braj Raj Singh: Would you, therefore, agree to have a committee of this House for the revision of the Rules and for inserting this idea of yours in the Rules?

Mr. Speaker: That is not necessary. It is incorrect. It is inherent that nothing said by an hon. Member who has not been called upon to speak will form part of the record. When he is asked to sit down it is as good as his not having been called upon to speak. Therefore no new rule is at all necessary.