

# FAQs

## PARLIAMENTARY PRIVILEGES

### Why is this in news?

A Rajya Sabha member has filed a petition with the Chairman of the House seeking to initiate breach of privileges and contempt proceedings against the Chief Minister of Kerala after the Kerala Assembly passed a resolution against the Citizenship (Amendment) Act.

### What are Parliamentary privileges?

Parliamentary privileges are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can “effectively discharge their functions”.

### Are they defined in the Constitution?

Parliamentary privileges are defined in **Article 105** of the Indian Constitution and those of State legislatures in **Article 194**.

- When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is punishable under law of Parliament.
- Besides, Rule No 222 in Chapter 20 of the Lok Sabha Rule Book and correspondingly Rule 187 in Chapter 16 of the Rajya Sabha rulebook govern privilege.

### What all are Privileges provided to Parliamentarians?

1. **Freedom of Speech:** According to the Indian Constitution, the members of Parliament enjoy freedom of speech and expression. No member can be taken to task anywhere outside the four walls of the House (e.g. court of law) or cannot be discriminated against for expressing his/her views in the House and its Committees.

2. **Freedom from Arrest:** It is understood that no member shall be arrested in a civil case 40 days before and after the adjournment of the House (Lok Sabha or Rajya Sabha) and also when the House is in session. It also means that no member can be arrested within the precincts of the Parliament without the permission of the House to which he/she belongs.

3. **Exemption from attendance as witnesses:** The members of Parliament also enjoy freedom from attendance as witnesses.

### What all are collective Privileges of Parliament?

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## 1. Right to publish debates and proceedings:

- Though by convention, the Parliament does not prohibit the press to publish its proceedings, yet technically the House has every such right to forbid such publication.
- Again, while a member has the privilege of freedom of speech in Parliament, he has no right to publish it outside Parliament.
- Anyone violating this rule can be held responsible for any derogatory matter it may contain under the common law rules.

## 2. Right to exclude strangers:

Each house of Parliament enjoys the right to exclude strangers (no-members or visitors) from the galleries at any time and to resolve to debate with closed doors.

Right to punish members and outsiders for breach of its privileges:

**3. Parliament has been given punitive powers** to punish those who are adjudged guilty of contempt of the House. Such contempt can be committed by the members of any House or any outsider. When a member of the House is involved for parliamentary misbehaviour or commits contempt he can be expelled from the House.

**4. Right to regulate the internal affairs of the House:** The House has the right to regulate its internal affairs. A member of the House is free to say whatever he likes subject only to the internal discipline of the House or the Committee concerned.

## Is there any privileges committee to oversee issues of privileges?

Yes, In the Lok Sabha, the Speaker nominates a committee of privileges consisting of 15 members as per respective party strengths. A report is then presented to the House for its consideration. The Speaker may permit a half-hour debate while considering the report. The Speaker may then pass final orders or direct that the report be tabled before the House.

A resolution may then be moved relating to the breach of privilege that has to be unanimously passed. In the Rajya Sabha, the deputy chairperson heads the committee of privileges that consists of 10 members