

Parliamentary Privileges

Why in news?

Rajya Sabha Chairman Jagdeep Dhankhar has directed the Privileges Committee to investigate the disorderly conduct by 12 Opposition Members of Parliament.

What is the issue?

- The Rajya Sabha MPs violated the rules and etiquette of Rajya Saha by repeatedly entering the well of the Council, shouting slogans.
- The Opposition has protested the Chair's direction to authenticate remarks during the speech made by Opposition Members.
- They persistently and wilfully obstructed the proceedings of the Council, compelling the Chair to repeatedly adjourn the sittings of the Council.
- Earlier, some of the speeches of the Opposition Members were [expunged](#).
- The question of the alleged breach of privilege has been referred under *Rule 203 of the Rules of Procedure and Conduct of Business in the Council of States* to the committee of Privileges for examination, investigation and report.
- In addition to this, there has been another privilege notice against an MP for repeatedly submitting a notice for suspension of the Zero Hour in Parliament to discuss the Adani stock issue.

What are Parliamentary Privileges?

- Parliamentary privilege refers to rights and immunities enjoyed by Parliament as an institution and MPs in their individual capacity, without which they cannot discharge their functions as entrusted upon them by the Constitution.

Constitutional privileges

- **Article 105** - Pertains to the powers, privileges, etc, of Parliament, its members and committees.
- **Article 194** - Protects the privileges and powers of the houses of legislature, their members and committees in the states.

Collective Privileges

- The ability to publish reports, debates, and proceedings, as well as the ability to prevent others from doing so.
- It can publish truthful reports of Parliamentary proceedings without the House's authorization under the freedom of the press.
- However, in the case of a House meeting held in secret, this right of the press does not apply

- Keep strangers out of the gathering and organise covert sessions to address vital issues.
- Make rules to govern its own procedure and commercial activity, as well as to adjudicate on such issues.
- Right to immediate notification of a member's arrest, custody, conviction, imprisonment, and release
- Initiate inquiries and compel a person's attendance
- The courts are not allowed to investigate a House's or its committees' proceedings
- Without the consent of the Presiding officer, no one (whether a member or an outsider) can be arrested, and no legal process (civil or criminal) can be served within the House's boundaries.

Individual Privileges

- During the session of legislature, from 40 days before the beginning to 40 days after the finish, no member may be arrested.
- This privilege is only granted in civil matters; it is not granted in criminal or preventive detention situations
- Members have the right to free expression.
- No member of Parliament or its committees is accountable in any court for anything said or voted in Parliament or its committees.
- This independence is limited by the Constitution's provisions as well as the norms and standing orders that govern Parliament's functioning.
- They have the right to decline to give evidence and testify in court.

A breach of privilege is a violation of any of the privileges of MPs/Parliament. Among others, any action 'casting reflections' on MPs, parliament or its committees could be considered breach of privilege.

What is a Privileges Committee?

- **Privileges Committee** - It is a Parliamentary Committee present in both the Houses of the Parliament.
- It is one of the Standing Committees to Inquire.
- **Functions** - The functions of the Committee of Privileges are semi-judicial in nature.
- It examines the cases of breach of privileges of the House and its members and recommends appropriate action.
- **Composition** - The Lok Sabha committee has 15 members, while the Rajya Sabha committee has 10 members.
- **Head** - The Speaker of the Lok Sabha heads the committee of privileges, and nominates the members as per respective party strengths.
- The Deputy Chairperson of the Rajya Sabha heads the committee in RS.
- A member of the House may, with the consent of the Chairman of the RS or Speaker of the LS, raise a question involving a breach of privilege either of a member or of the Council or of a Committee thereof.
- **Conditions of admissibility** - The right to raise a question of privilege shall be

governed by the following conditions

- The question shall be restricted to a specific matter of recent occurrence
- The matter requires the intervention of the Council

Privilege Motion is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister.

References

1. [The Hindu | Jagdeep Dhankar directive to Privileges Committee](#)
2. [Business Standard | RS Chairman Dhankar demands breach of privilege notice](#)
3. [PRS | Parliamentary Privileges FAQ](#)

