



## Privilege Motion

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### Why in News

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A Privilege Motion has been moved against the Union Textile Minister Smriti Irani in the Lok Sabha.

- It is concerned with the **breach of parliamentary privileges** by a minister.
- **Breach of Privileges**
  - Parliamentary Privileges are **certain rights and immunities** enjoyed by members of Parliament, individually and collectively, so that they can “effectively discharge their functions”.
  - When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is **punishable under law of Parliament**.
  - **A notice is moved in the form of a motion** by any member of either House against those being held guilty of breach of privilege.
- **Role of the Speaker/Rajya Sabha (RS) Chair**
  - The Speaker/RS chairperson is the **first level of scrutiny** of a privilege motion.
  - The Speaker/Chair can decide on the privilege motion himself or herself or refer it to the **privileges committee** of Parliament. If the Speaker/Chair gives consent under relevant rules, the member concerned is given an opportunity to make a short statement.
- **Rules governing Privilege**
  - Rule No 222 in Chapter 20 of the Lok Sabha Rule Book and correspondingly Rule 187 in Chapter 16 of the Rajya Sabha rulebook governs privilege.
  - Rules say that a member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or a committee thereof.

### Parliamentary Privileges

- Parliamentary privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members.

- The Constitution also extends the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees. These include the **Attorney General of India and Union ministers**.
- The parliamentary privileges **do not extend to the President** who is also an integral part of the Parliament. **Article 361** of the Constitution provides for privileges for the President.
- **Article 105** of the Constitution expressly mentions two privileges, that is, freedom of speech in Parliament and right of publication of its proceedings.
- Apart from the privileges as specified in the Constitution, **the Code of Civil Procedure, 1908**, provides for freedom from arrest and detention of members under civil process during the continuance of the meeting of the House or of a committee thereof and forty days before its commencement and forty days after its conclusion.
- It needs to be noted that the **Parliament, till now, has not made any special law** to exhaustively codify all the privileges.

### **Privilege Committee**

- It is a **Standing Committee**. It examines the cases of breach of the privileges of the House and its members and recommends appropriate action.
- The **Lok Sabha** committee has **15** members, while the **Rajya Sabha** committee has **10** members.

**Source: IE**