



## Mains Practice Question

**Q.** Without Parliament Privileges, Members of Parliament cannot discharge their functions as entrusted upon them by the Constitution. Discuss. (250 Words)

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### Approach

- In introduction, explain about Parliamentary privileges.
- Discuss the need for Parliament privileges in enabling MPs to function freely in the Parliament.
- Give examples of misuse of Parliamentary privileges.
- Conclude suitably while emphasizing on codification of such privileges.

### Introduction

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

The **Constitution (Article 105 for Parliament and Article 194 for State Assemblies)** mentions such privileges..

Moreover, 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.

### Body

#### Various Parliamentary Privileges

- **Freedom of Speech:** The members of Parliament/state assembly 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.
- **Freedom from Arrest:** No member shall be arrested in a civil case 40 days before and after the adjournment of the House 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.
- **Exemption from Attendance as Witnesses:** The members of Parliament/ assemblies also enjoy freedom from attendance as witnesses.
- **Right to Publish Debates and Proceedings:** Parliament/Assembly can prohibit the press to publish its proceedings, when needed.
- **Right to exclude strangers:** The object of including this right was to exclude any chances of daunting or threatening any of the members. The strangers may attempt to interrupt the sessions.
- **Right to Punish Members and Outsiders:** In India, the Parliament/Assembly has been given punitive powers to punish those who are judged guilty of contempt of the House.

## Significance of Parliamentary Privileges

- The exemptions, rights or immunities provided to the members of each house of the parliament and the parliament committees secure the **independence and effectiveness of the actions** taken by them.
- The parliamentary privileges help **maintain the dignity, authority and honour** of the members of parliament.
- The parliamentary privileges help **secure the members of the houses from any obstruction** in their discharge of actions.
- For the **effective working of both the houses** of parliament and their members, internal independence should exist without the interference of any outside party or person.
  - The houses can deal with their respective issues internally without any interference of the statutory authority.
- The purpose of giving the privilege is not to place the members of parliament above the law, but to give them a great chance to carry out their duties effectively and independently to give them some rights to exclude strangers, to punish the members and outsiders for breach of its privileges, etc.

However, many times such privileges are misused. Eg recently, Kerala government filed a plea to withdraw criminal cases against its MLAs who were charged in the assembly. The government claimed parliamentary privilege, arguing that the incident occurred inside the Assembly hall.

## Conclusion

There is a need for codifying privileges and giving primacy to a citizen's right to free speech over legislative privileges. Also, legislators should act within the parameters of the public trust imposed on them to do their duty. Lastly, the legislators who indulge in vandalism and general mayhem cannot claim parliamentary privilege and immunity from criminal prosecution.

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