



Parliamentary Privileges



PARLIAMENTARY PRIVILEGES

Parliamentary privileges are special rights, immunities, and exemptions enjoyed by MPs, MLAs and their committees.

Constitutional Provision

- Article 105: For MP's
- Article 194: For MP's

Grants only civil immunity for statements or acts performed in course of duty.

Sources of Power

- Constitutional provisions
- Various laws made by Parliament
- Rules of both Houses
- Parliamentary conventions
- Judicial interpretations

Privileges of Individual Members

- Freedom of Speech** in Parliament
- MP/Committee **immune from legal proceedings** regarding statements or voting
- Immune from court proceedings** regarding publication of reports, papers, votes, or proceedings by either House of Parliament
- Courts prohibited from questioning Parliamentary proceedings validity due to **alleged procedural irregularities**
- Members **immune from arrest in civil cases** during a House or Committee meeting and 40 days before or after its session

Collective Privilege of House

- House has **right to be promptly informed about a Member's arrest**, detention, conviction, imprisonment, and release
- Immunity from arrest and service of legal process** within precincts of House without obtaining permission of Chairman/ Speaker
- Protection of publication of proceedings of secret sitting of House
- Evidence** presented to Parliamentary Committee, along with report and proceedings, **must remain confidential** until officially laid on House's Table
- Members/officers of the **House require House's permission to present documents or testify in court** regarding House proceedings

Important Judgements

- State of Kerala vs. K. Ajith Case (2021)** - SC emphasised that privileges and immunities should not be used to exempt individuals from the general criminal law applicable to all citizens
- In 2024, the 7-judge Constitution Bench overturned the 5-judge Bench decision in **P.V. Narasimha Rao v. State Case (1998)**, clarifying that the protection provided by Articles 105 and 194 of the Constitution do not extend to bribery cases

 
Drishti IAS

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