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Committee of Privileges

Published On: 14-08-2023

Why is in news? What is Parliament's Privileges Committee, how it works

In the recently concluded monsoon session of Parliament, Congress's Adhir Ranjan Chowdhury and AAP's Raghav Chadha were suspended from the House pending reports by the Privileges Committee.

Parliamentary Privileges:

Parliament and its Members (MP's) have **certain rights and immunities** that enable them to function effectively in their legislative roles. These are called parliamentary privileges.

Article 105 and Article 194 of the Indian Constitution mentioned certain privileges for the Member of Parliament and State Assembly respectively so that they can perform their duties without any obstruction.

They are the **special rights, immunities and exemptions enjoyed by the Members** of Parliament/State Assembly, its committees and their members.

These privileges **do not extend to the president** who is also an integral part of the Parliament. These privileges are necessary to secure their independence in working.

Without these privileges; The Houses cannot maintain their authority, dignity and honour. The House cannot protect its members from any obstacle in the discharge of their parliamentary responsibilities.

The Indian Constitution has also extended these privileges to the persons who are authorised to speak and take part in the Parliamentary procedures or any of its committees.

These include the attorney general of India and Union ministers.

Sources of the privileges: The Parliament till now not explicitly create code for privileges. As of now, it is based on 5 sources – Constitution, statutes, House procedures, Parliamentary conventions and judicial interpretations.

Breach of privilege:

A breach of privilege is a **violation of any of the privileges** of MPs/Parliament.

Among other things, any action 'casting reflections' on MPs, parliament or its committees; could be considered breach of privilege.

This may include publishing of news items, editorials or statements made in newspaper/magazine/TV interviews or in public speeches.

Two broad categories of Privileges:

Collective Privileges - Those that are collectively enjoyed by the each House of Parliament.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Individual Privileges - Those that are individually enjoyed by the members.

About the committee:

Each House of Parliament is the **guardian of its privileges**. Lok Sabha and Rajya Sabha have the authority to take suit- able action against anyone who breaches the privileges of its members or commits contempt of the House.

There are **two mechanisms** by which Parliament takes up these matters. The first is by a **member raising the issue on the floor of the House**, and then the House decides on it.

But Lok Sabha and Rajya Sabha **usually send the matter for a detailed examination** to their Privilege committee. The committee recommends to the House a course of action which is then accepted by it.

This Committee **consists of 15 members** (10 members in case of Rajya Sabha) nominated by the Speaker (Chairman in case of Rajya Sabha).

Its function is to **examine every question involving breach of privilege** of the House or of the members of any Committee thereof referred to it by the House or by the Speaker.

It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendations in its report.

It also states the procedure to be followed by the House in giving effect to the recommendations made by it.

When a question of privilege is referred to the Committee by the House, the **report of the Committee is presented to the House by the Chairman** or, in his absence, by any member of the Committee.

Where a question of privilege is referred to the Committee by the Speaker under **rule 227**, the report of the Committee is presented to the Speaker who may pass final orders thereon or direct that it be laid on the Table of the House.

The Speaker/ Chairman may refer to the Committee any petition regarding disqualification of a member on ground of defection for making a preliminary inquiry and submitting a report to him.

The procedure to be followed by the Committee in these cases is so far as may be same as in applicable to questions of breach of privilege.

What kinds of cases come to the committee?

Usually, the committees examine cases **where MPs complain that an outsider has breached their privilege**.

For example, the Lok Sabha committee recently looked at multiple instances in which MPs alleged that government officials have either violated protocol or been unresponsive. But this year, MPs have also brought questions about breach of privilege by other MPs.

In Rajya Sabha, MPs have brought at eight cases of breach of privilege against their colleagues. These are about video recording unauthorised proceedings, gross disorderly conduct, repeated submission of identical notices, disrespectful observations against the chairman, misleading the media about the house proceedings.

What actions can the committee take?

The Committee of Privileges has the power to **recommend to the House for its consideration** the issuance of **admonitions, reprimands, suspension and, in rare cases, expulsion from the House**.

The convention followed by the committee of both Houses is that if the MP against whom a privilege House proceedings matter is raised **gives an unqualified apology** the issue is allowed to rest.

Examples:

In one rare case in 1978, the Lok Sabha Privileges Committee recommended the expulsion of then Prime Minister Indira Gandhi. The next Lok Sabha rescinded the recommendation.

In a 2009 case of BJPMPs displaying bundles of cash in the Lok Sabha during the debate on the confidence motion, the committee held their actions to be contempt of the House. It strongly condemned their actions and said it hoped there would be no recurrence of such events.

The Rajya Sabha Privileges Committee has examined the issue of the breach of privilege of MPs to participate in House proceedings because of disruptions caused by other MPs.

In its 2009 report, it said that responsibility lay on the senior members of a political party to restrain their MPs from disrupting the House. Its 2014 report recommended a series of steps for preventing disruption of house proceedings.