

Study Film Making i

Join the Most Important Film S
for a State recognized Bachelc

Esra

Polity

Parliamentary Privileges and its Classification

admin ✉ • March 28, 2020 💬 0 🔥 28

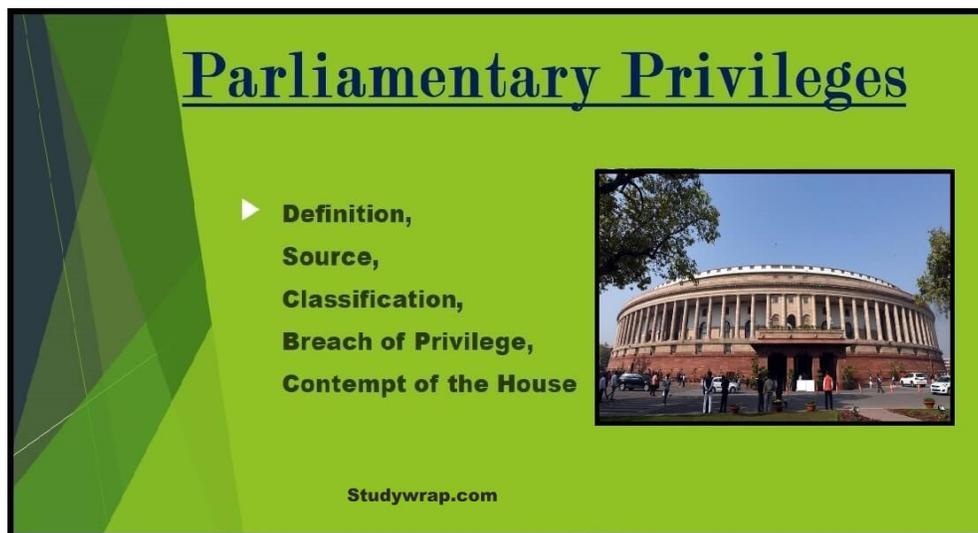
Parliamentary Privileges

Table of Contents

1. Parliamentary Privileges
 - 1.1. What does it Means?
 - 1.2. Sources of Privileges
 - 1.3. Classification
 - 1.3.1. Collective Privilege
 - 1.3.2. Individual Privileges
 - 1.4. Breach of Privilege and Contempt of the House
 - 1.4.1. Breach of Privilege
 - 1.4.2. Contempt of the House

What does it Means?

- Special Rights, Immunities and Exemptions enjoyed by the members of Two Houses of Parliament and their committees is known as Parliamentary Privileges.
- They are necessary to secure the independence and effectiveness of their actions.
- Without these Privileges, the Houses cannot maintain their dignity, authority and honour and also cannot protect their members from any obstruction in the discharge of their duties.
- NOTE – Parliamentary privileges do not extend to the president who is also an integral part of the Parliament.



Sources of Privileges

- Originally, The Constitution mentioned two Privileges –
 1. Freedom of Speech in Parliament
 2. Right of Publication of its proceedings.
- For all other privileges, it provided that they will be same as those of British Parliament, its committees and its members.
- The 44th Amendment Act, 1978 provided other privileges of each House of Parliament, its committees and its members are to be those which they had on the date of its commencement (i.e., 20 June, 1979), until defined by Parliament.
- Basically, they are based on five sources, namely,
 1. Constitutional provisions
 2. Various laws made by Parliament
 3. Rules of both the Houses
 4. Parliamentary conventions
 5. Judicial interpretations.

Classification

- Parliamentary privileges can be classified into two broad categories –
 1. **Collective Privilege** – enjoyed by each House of Parliament collectively
 2. **Individual Privilege** – enjoyed by the members individually.

Collective Privilege

- The Privileges which are enjoyed by both the House collectively. It includes –
 1. It can exclude strangers from its proceedings and hold secret sittings to discuss some important matters.
 2. The Houses has the right to publish its reports, debates and proceedings and also the right to prohibit others from publishing the same. The 44th Amendment Act, 1978 restored the freedom of the press to publish true reports of parliamentary proceedings without prior permission of the House, but, this is not applicable in the case of a secret sitting of the House.
 3. Houses can make their own Rules to regulate its Procedure and to conduct its business.
 4. It can punish members as well as outsiders for breach of its privileges or contempt by warning, admonition or imprisonment and suspension or expulsion in case of members.
 5. Courts are prohibited to inquire into the proceedings of the Houses and its committees.
 6. No person either a member or outsider can be arrested, and no legal process can be served within the premises of the House without the permission of the presiding officer.
 7. It has the right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.

Individual Privileges

- The privileges belonging to members individually are –
 1. Members cannot be arrested during the session of the Parliament and 40 days before the beginning as well as 40 days after the end of the session. This privilege is available in case of civil cases only.
 2. They have Freedom of Speech in Parliament. No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees.
 3. They are exempted from jury service. They can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.

Breach of Privilege and Contempt of the House

Breach of Privilege

When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the member individually or of the House in its collective capacity, the offence is termed as Breach of Privilege and is punishable by the House.

Contempt of the House

Any act or omission which obstructs a House of Parliament, its member or its officer in the performance of their functions or which has a tendency, directly or indirectly to produce results against the dignity, authority and honour of the House is treated as a contempt of the House.

Both the term are related to each other. Usually, Breach of Privileges may result in Contempt of House and vice-versa. But, sometimes there is Contempt of House without committing

Breach of Privileges, Hence Contempt of House has wider repercussions.

Parallels® Deskt

Ad Windows on Ma
Optimized. DirectX 1

parallels.com

Download

So, this was all about the Parliamentary Privileges and its Sources, Classification etc.

In the Next Post ([Click Here](#)), we will learn about the Roles and Functions of the Parliament.

[#Indian Parliament](#)

[#Indian Polity](#)

