

Privileges of members of parliament

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Privileges

- Parliamentary privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members. These privileges are defined in Article 105 of the Indian Constitution.
- No member is liable in court for whatever he says in parliament.
- Freedom from Arrest:
 - The members enjoy freedom from arrest in any civil case 40 days before and after the adjournment of the house and also when the house is in session.
 - No member can be arrested from the limits of the parliament without the permission of the house to which s/he belongs.
 - If the detention of any members of the parliament is made, the chairman or the speaker should be informed by the concerned authority, of the reason for the arrest.
- But a member can be arrested outside the limits of the house on criminal charges against him under the POTA, the Essential Services Maintenance Act (ESMA), NSA or any such act.

PRIVILEGES (Cont.)

- The freedom of speech and is subject to rules and orders which regulate the proceedings of the parliament.

Limitations:

- Freedom of speech should be in accordance with the constitutional provisions and subject to rules and procedures of the parliament, as stated under Article 118 of the Constitution.
- Under Article 121 of the Constitution, the members of the parliament are restricted from discussing the conduct of the judges of the Supreme Court and the High Court.

Right to Exclude Strangers:

- The members of the house have the power and right to exclude strangers who are not members of the house from the proceedings. This right is very essential for securing free and fair discussion in the house.