

Breach of privilege

December 3, 2020

In news

Recently, Kerala speaker referred the breach of privilege notice against Finance Minister Thomas Isaac to the Ethics Committee of Kerala legislative assembly.

What is a Parliamentary privilege?

Parliamentary privilege refers to the **right and immunity enjoyed by legislatures, in which legislators are granted protection against civil or criminal liability for actions done or statements made** in the course of their legislative duties

Constitutional provisions

- The powers, privileges and immunities of either House of the Indian Parliament and of its Members and committees are laid down in Article 105 of the Constitution.
- Article 194 deals with the powers, privileges and immunities of the State Legislatures, their Members and their committees.

What is a breach of privilege?

- While the Constitution has accorded special privileges and powers to parliamentarians and legislators to maintain the dignity and authority of the Houses, these powers and privileges are not codified.
- There are no clear, notified rules to decide what constitutes a breach of privilege, and the punishment it attracts.
- Any act that obstructs or impedes either House of the state legislature in performing its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or has a tendency,

directly or indirectly, to produce such results is treated as breach of privilege.

- It is a breach of privilege and contempt of the House to make speeches or to print or publish libel reflecting on the character or proceedings of the House, or its Committees, or on any member of the House for or relating to his character or conduct as a legislator.