

# Privilege Motion

May 13, 2020

## What is a privilege motion?

- A privilege motion is a notice that is moved in the form of a motion by any member of either House against those being held **guilty of breach of privilege**. Each House also claims the right to punish as contempt actions which, while not breach of any specific privilege, are **offences against its authority and dignity**.
- Parliamentary privileges are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can “effectively discharge their functions”. When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is punishable under law of Parliament.

## Rules governing privilege

- **Rule No 222 in Chapter 20 of the Lok Sabha Rule Book and correspondingly Rule 187 in Chapter 16 of the Rajya Sabha rulebook govern privilege**. It says that a member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or of a committee thereof.
- The rules however mandate that any notice should be relating to an incident of recent occurrence and should need the intervention of the House. Notices have to be given before 10 am to the Speaker or the Chairperson.
- The Speaker/RS chairperson is the first level of scrutiny of a privilege motion. The Speaker/Chair can decide on the privilege motion him or herself or refer it to the **privileges committee of Parliament**. If the Speaker/Chair gives consent under Rule 222, the member concerned is given an opportunity to make a short

statement.

- In the **Lok Sabha**, the Speaker nominates a committee of privileges consisting of **15 members** as per respective party strengths. In the **Rajya Sabha**, the deputy chairperson heads the committee of privileges that consists of **10 members**.
- A report is then presented to the House for its consideration. The Speaker may permit a half-hour debate while considering the report. The Speaker may then pass final orders or direct that the report be tabled before the House. A resolution may then be moved relating to the breach of privilege that has to be unanimously passed.