

# Parliamentary Privileges: Is Codification a Solution In India Now?

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## ABSTRACT

*Powers and privileges of legislators have always been a problematic issue before the concerned persons. Initially when privileges were asked, they were very few in number, mainly for freedom of speech and discussion, freedom from arrest, access to the royals and power to regulate their own constitution. Since, these privileges are not codified now so members enjoy a lot more now. Prior to independence in India, more effort were put to codify them as it was thought the privileges would enable them to acquire equal position with those of the Members of the British House of Commons and enhance their participation and contribution in the legislative method. Post independence witnessed all efforts were put in to save them from codification as it was believed that codification could restrict the strength of privileges. However non-codification too poses serious problem because due to non-codification the unrestricted debates, abusive language, undemocratic scenes and low standard in deliberation become quite common now a days. It is now witnesses frequent paralysed Parliament where the business of the House/s being hindered almost regularly without paying any attention that each minute of Parliament costs beyond imagination, a whopping amount of about 2.5 lakh Indian rupees.*

*Broad knowledge, attachment to the ground realities, respecting and accommodating the views of others can make good solution to this problem. The Members must feel their responsibilities towards the august institution so that it will become truly a place of perseverance.*

*For present work the data has been collected from both primary and secondary sources which include print as well as electronic media and observation.*

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## 1. Introduction

Powers and privileges of legislators have always been a problematic issue before the concerned persons. During British empire very few privileges and powers were vested with the Indian legislators and that too just for the name sake. This was because the then government was of the opinion that if equal power would be awarded to Indian legislators on par with the House of Commons (in Britain) then they could misuse them. But the non satisfaction of Indians lead them to do hard struggle which resulted with the passage of Government of India Act 1919 and 1935.

The 1919 Act was passed by the Parliament of United Kingdom on the recommendation of Edwin Montague, then secretary of state and Viceroy Lord Chelmsford. The act was meant to enhance the Indian participation in the government of India. 1935 Act was passed by the British Parliament to introduce Diarchy at the centre, federal form of government and give more powers and extension of voting rights to the people (just upto 10 percent). However, in actual practice these Acts empowered Indians very little as the punitive powers were still conferred on the Members of the House of Commons. The Indian Independence Act, 1947 however handed over the functions of the Dominion to the Constituent Assembly.

The Constitution of India, Article 105 and 194 equated the rights and liberties of Members of Parliament and State Legislatures with those of the House of Commons of British Parliament. Article 105 (3) reads as "the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House, shall be such as may from

time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution.

Initially when privileges were asked, they were very few in number, mainly for freedom of speech and discussion, freedom from arrest, access to the royals and power to regulate their own constitution. Since these privileges are not codified now so Members enjoy a lot more. Prior to independence, in India every effort was put to codify them as it was thought the privileges would enable them to acquire equal position with those of the Members of the British House of Commons and enhance their participation and contribution in the legislative method. Post independence witnessed all efforts were made to save them from codification as it was believed that codification could restrict the strength of privileges. However non-codification too poses serious problem because due to non-codification the unrestricted debates, abusive language, undemocratic scenes and low standard in deliberation become quite common (Qamar, 2000). Though the privileges are the most important part in the parliamentary proceedings but today the adverse effects are felt by the common man rather than legislators themselves.

## 2. What are These Powers and Privileges?

The term parliamentary privileges is applied to certain special rights and immunities enjoyed by each House of Parliament collectively and its members individually and its committees thereof. They are indispensable for an effective

democratic process. Parliament in India plays a pioneer role in the working towards the goals of national reconstruction and nurturing the values of freedom, secularism and democracy. As a microcosm of the nation, it has consistently reflected the feelings, hopes and aspirations and even weakness and frustrations of the people. This is possible only if its members devote themselves wholeheartedly to meet the rising expectations of the teeming millions. A proper exercise of their duties and responsibilities want certain liberties and immunities on their part so as to enable them to carry out their obligations unhindered by external and internal pressures.

Indian Parliament is very much modeled on the British pattern. So far as the privileges and powers are concerned on no aspect of the life of Parliament India has since her Independence, modeled her ways more carefully on those of Britain than in regard to the privileges of the House and there members. The Constitution itself prefers not to attempt to describe those powers, privileges and immunities instead, says simply that until they are defined by law they "shall be those of the House of Commons of Parliament of the United Kingdom" (Morris Jones, 1967, P. 245).

### 3. How Did They Acquire Present Form?

Laws and rules are imperative to govern the state or kingdom. Parliament is the body which is primarily engaged with this task. It is not a new body rather its history goes back to many centuries when it was neither in the present form nor had such powers. It was in the 11<sup>th</sup> century when King began consulting great men on state matters. Gradually it took the shape of a committee to which King assigned specific duties which later became an assembly court. However the decision of the assembly court was not final, the King had the final veto (Adams, 1960). Hundred years later, in 1176, Henry held his Christmas Court at Nottingham and immediately afterwards held a Great Council with bishops, earls and barons of the Kingdom to discuss various issues (Mackenzie, 1962). In 1258, barons at Oxford demanded three Parliaments a year. With the passage of time the importance of advisers got enhanced. The King and his private council constituted the government i.e the ministry and the civil servants or the legislature and the executive. This is the basic concept of Parliamentary government.

The word 'Parliament' as "Parliament" was first came into being in 11<sup>th</sup> century to hold discussion between two persons. In the 12<sup>th</sup> century Italian cities were called "Parliamenti", describing such meeting in which Harold took his oath to William. At the meeting of barons King John gave the great charter as "Parliament" and was applied first to its great councils of the English Kings emphasizing their deliberative functions. First time Parliament was justified in 1258 (Qamar, 2000).

A remarkable change was noticed in 1295 when Parliament was called the model Parliament because of its complete embodiment of all the elements of Parliament (Thompson, 1959, P.5). In 1343 Commons deliberations found record in special sections of the role under the heading "Petition of the Commons and the responses to them" (Jollifer, 1954).

In 1376 the practice of electing speaker to carry their agreed reply to the King also started. In the fifteenth century (1407) the King declared the Commons lawful in discussing the

financial matters of the state. In 1455 the first express claim for liberty of speech in Commons was made. Thomas More was the first speaker (1523) to beg the royal indulgence for any untoward expressions by individuals in debates. The freedom of speech received statutory confirmation after the revolution in 1688. The Bill of Rights declared that freedom of speech and debates in proceedings in Parliament ought not to be impeached or questioned in any court or place out of parliament, thus the freedom of speech finally established. It was in 1832 the process of democratising the House of Commons was set. The Act of 1911 sharply curtailed the powers of the Lords and settled the ultimate supremacy of the Commons. In 1928 the House of Commons brought to a point where it can be easily counted amongst the most democratic parliamentary bodies in the world (Qamar, 2000).

### 4. Position In India

Charter Act of 1853 established the legislature. The Act provided for an establishment of twelve members legislative council including the Governor General, four members of the executive council, Chief Justice and other Judges. The Act of 1861 reinforced the council. The Indian Council Act of 1892 introduced the method of election for filling up some of the new official seats in the Indian legislative council. Further it gave the legislative council the right to ask questions and discussing certain financial matters. Since these measures did not satisfy the Indians, they continued to press further for more representative and responsible government. Thus, the Morley Minto Reforms Act, 1909 enlarged the Indian legislative council and included great variety of Indian opinion and interest than had been included ever before. Though the Assembly constituted under the Government of India Act 1919 did not possess the same powers as enjoyed by the legislature of other independent countries. The then presiding officer Patel wanted the Assembly to function with maximum independence and tried to discharge his official duties not as a mere presiding officer but also the custodian of the rights and privileges of the Members individually and of the House collectively and also uphold the dignity of the House.

To utilize their rights and discharge their responsibilities without fear or favour, the Members of the legislature demanded the liberty of criticizing all aspects of administration and bring them to the public scrutiny. Upto 1935 Assembly tried to pretend that they had privileges analogous to those of the House of Commons and persuaded others to respect them as if they were supported in law, but whenever actual cases arose it was only too clear that privileges were neither part of the law of the land nor it had been statutorily conferred. The Act of 1935 protected the freedom of speech in legislature and empowered the legislature to make laws whereby courts would be able to punish persons refusing to give evidences before legislative committees. The privileges which are found today can be broadly classified into four groups as -

#### A. Privileges Specified in The Constitution

Constitution is the supreme law of the land which lays down the framework demarcating the structure, procedures, powers and duties. The privileges mentioned in Indian constitution are -

- Freedom of speech in the Parliament. [Article 105 (1)]

- Immunity to a Member from any proceedings in any court in respect of any thing said or vote given by him in Parliament or any Committee thereof. The given Article also said that no person shall be liable to any proceedings in any Court "in respect of the publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings" [Article 105-(2)].

### B. Privileges Specified in The Statutes

A "statute" is the specific, codified statement of some law that has been approved by the legislative body (and often endorsed by the executive body) of a government. Some privileges mentioned in the statutes include-

- Freedom from arrest of members in civil cases during the continuance of the session of the House and forty days before and after its commencement (Civil Procedure code, S-135A).
- Immunity to a person from any proceedings civil or criminal, in any court in respect of the publication in news papers of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice (Protection of Publication Act, 1977).

### C. Privileges Specified in the Rules of Procedure

There are specified rules to be undertaken while doing business in the House/s of Parliament. Some privileges given under these rules are -

- Right of the House to receive immediate information of arrest, detention, conviction, imprisonment (Rules of procedure and..., 229) and release of a member (Rules of procedure and..., 230).
- Exemption of Member from arrest (Rules of procedure and ...232) and serving of legal process - civil or criminal (Rules of procedure and ... 233) within the precinct of the House.
- Prohibition of disclosure of the proceedings or decisions of a secret sitting of the House (Rules of procedure and ... 252).

### D. Privileges Based Upon Precedents

Certain precedents are also followed by the House/s while doing its business.

- Members or officers of the House can not be compelled to give evidence or produce documents in Courts of Law related to the proceedings of the House without permission of the House.
- Members or officers of the House can not be compelled to attend as witness before other House or a committee thereof or before a House of state legislature or a committee thereof without the permission of the House and without the consent of the Member whose attendance is required (Committee of Privileges Report).

Apart from these privileges and immunities each House also enjoys certain consequential powers which are necessary for the protection of its privileges and immunities. These are -

- To commit persons, whether they are Members or not, for breach of privileges or contempt of the House.

- To compel the attendance of witnesses and to send for papers and record (Rule of Procedure and..., 269).
- To prohibit the publication of its debates and proceedings and to exclude strangers (Rule of Procedure and..., 387).

### 5. Power of the House to Punish

Parliament not only enjoys the liberties and privileges but also possess the power to punish those who interfere with Members or contempt of its ruling. The phrase contempt of the House or breach of privileges covers wide area and is of utmost importance. This right of punishing is analogous to the right of the superior court to punish for its contempt thus described as *Key Stone* of parliamentary privileges without which the House would sink into utter contempt and inefficiency.

### 6. Codification of Privileges

In United Kingdom the powers and privileges have not been codified so far. The Select Committees of the House of Commons, UK on the Official Secret Act, in their report observed, "The privileges of Parliament, like many other institutions of the British Constitution, are indefinite in their nature and stated in general and some times vague terms. The elasticity thus secured has made it possible to apply existing privileges in new circumstances from time to time. Any attempt to translate them into precise rules must deprive them of the very quality which renders them adaptable to new and varying conditions, and new or unusual combinations of circumstances, and indeed, might have the effect of restricting rather than safeguarding member's privileges..." (Shakdhar, 1977, P.98)

India has followed more or less same pattern suitable to the conditions prevailing here. The powers and privileges of the Members of the Houses are same as those of Britain. They are neither defined nor codified in the constitution.

The privileges of the Parliament are based partly upon customs and precedents which are to be found in the Rolls of Parliament and Journals of the two Houses and partly upon certain statutes which have been passed from time to time for the purpose of making particular matter clear. In September 1949, Speaker Mavalankar in the conference of Speakers of Legislative Assemblies, expressed his views as "It is better not to define any specific privileges just at the moment but to rely upon the precedents of the British House of Commons. The disadvantage of codification at present moment is that whenever a new situation arises it will not be possible for us to adjust ourselves to it and give members additional privileges. Today we are assured that our privileges are the same as those of the Members of the House of Commons... In the present set up any attempt at legislation will probably curtail our privileges (Khan, 2002, P.12).

In 1954 Press Commission pleaded for the codification of the privileges to which Speaker Mavalankar in the conference of Presiding Officers at Rajkot on 3 January 1955 replied " The Press Commission considered this matter purely from the point of view of the press. Perhaps they may have felt the difficulties of the press to be real; but from the point of view of the legislature, the question has to be looked at from the different angle. Any codification is more likely to harm the prestige and sovereignty of the legislature without any benefit being conferred on the Press" (Khan, 2002 P.13).

## 7. Court on Codification

On 23 March 1967 Speaker made an announcement in the Lok Sabha regarding a writ petition filed in the Supreme Court against the Speaker and members of the committee of privileges. Questions were raised in the House whether legislation should be under taken to define the privileges of the House. The then Minister of Law, P. Govinda Menon stated that if the view of the House was that legislation should be undertaken on the subject defining the privileges of Parliament, that would be a welcome step and he would be happy to have steps taken in that direction. He further replied, on 21 June that the question of defining the Privileges was under consideration. In this regard M. Hidayatullah, ex Chief Justice of Supreme Court observed, " If there is mutual trust and respect between Parliament and the Courts, there is hardly any need to codify the law on the subject of privileges. With a codified law more advantage will flow to persons bent on vilifying Parliament, its Members and committees and court will be called upon more and more to intervene.... A written law will make it difficult for Parliament as well as Courts to maintain that dignity which rightly belongs to Parliament and which the courts will always uphold as zealously as they uphold their own" (Hidayatullah, 1972. PP 210-11) .

## 8. Findings

Parliamentary privileges what India is having today have obtained after a long and hard struggle. These privileges do not mean any special benefits or entitlements to be enjoyed by Members of Parliament or state legislators but the immunity from ordinary law that, together with the potential exercise of parliamentary powers, enables the House/s of Parliament and state legislatures to carry out their primary functions of legislating, debating and inquiring more effectively, efficiently and independently (Qamar, 2006). But, much unlike this, now it is witnessed frequent paralysed Parliamentary proceedings where the business of the House/s being hindered almost regularly without paying into attention that each minute of Parliament costs beyond imagination. Frequent adjournment of the House without doing any constructive business is just like norms, becoming practice of the day. If the House is adjourned for one hour one can imagine the loss incurred for one hour. This is a loss worth crore of rupees and a heavy burden on the nation's exchequer as each minute of Indian Parliament costs a whopping amount of about 2.5 lakh Indian rupees. But most of the time, hour after hour, time is lost without any productive or constructive business.

According to a survey the time lost by the House/s in the recent past is -

- 11th Lok Sabha (1996-1998), the total Parliament time lost in pandemonium is equal to 5.28 percent .
- The above figure increased to 10.66 percent in the 12th Lok Sabha.
- The figure turn out to be 22.4 percent between 1999 and 2004.

- The 14th Lok Sabha recorded 38 percent time lost in the first two sessions,
- The Rajya Sabha, reacting similarly to issues, lost a whopping 46 percent time in the corresponding 201<sup>st</sup> and 202<sup>nd</sup> sessions (Citizen's Report, 2006).

The cost of running the two Houses registered an increase from Indian Rs. 100 per minute in 1951 to Indian Rs. 18,430 per minute in 2003-04 . This was estimated to Rs 20,000 per minute in 2004-05. Now it is recorded little more than Rs. 2.5 lakh per minute.

## 9. Estimation of Cost

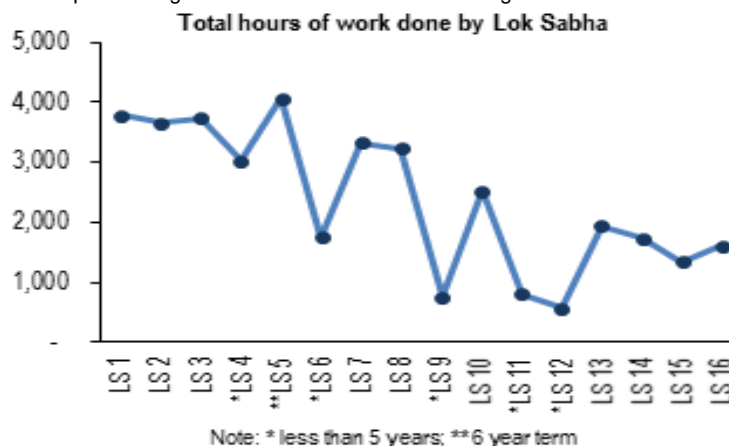
Government has estimated the salaries, allowances and other benefits enjoyed by Lok Sabha MPs at Rs. 277.50 crore in FY18, up 5.3 percent from a year earlier. The total establishment expenditure of the Lok Sabha, including the salaries and allowances of MPs and staff and other costs is estimated at Rs. 656 crore in FY18 against Rs 570.4 crore a year earlier. Similarly, salaries and other perks of Rajya Sabha MPs are estimated at Indian Rs. 123.29 crore, representing a 4.4 percent hike from earlier year. Such expenditure relating to the Rajya Sabha in FY18 was expected to touch Rs. 384.1 crore, against Rs. 350.1 crore a year before (Worst Parliamentary Session..., 2018.)

### Per day Cost –

- Parliament functions on an average 100 days in a year.
- Each day works for 6 hours, it means  $6 \times 60 = 360$  minutes/ day
- Since the cost of one minute of running the Parliament during session is Indian Rs.2.5 lakh. This means the cost per day is around Rs.  $360 \times 250000 = 90000000$  (or Rs.9 crore)

The deviation in parliamentary behaviour can be clearly seen in the Parliament from an era when Prime Minister Nehru used to sit in the Parliament right from eleven in the morning till lunch and through out the question hour whether it was Prime Minister's day or not. When a journalist asked him why he spent so much time in Parliament? He replied, "I consciously and deliberately remain present in the Parliament because through my presence I want to feel the pulse of the Parliament and through it the pulse of the nation and that is absolutely necessary for a democratic experiment" (Bhardwaj, P. 520). This was the feeling of the members in those days. No one can forget that it was the attentive behaviour of Atal Bihari Vajpayee, former Prime Minister of India, in the House that earned him the award of best Parliamentarian.

Fig. 1: Graph showing the downward trend in the working of Lok Sabha over the time.



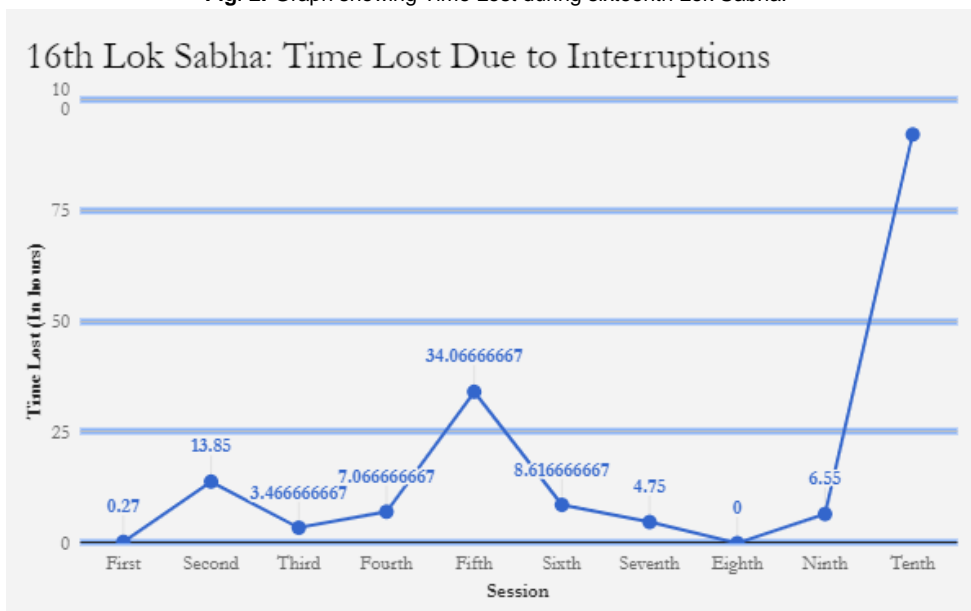
Source: <https://www.prsindia.org/parliamenttrack/vital-stats/functioning-16th-lok-sabha-2014-2019>. Retrieved on May, 2020.

**10. Case of Sixteenth Lok Sabha**

The 16th Lok Sabha worked for a total number of 1,615 hours, 20 percent more than the previous or 15th Lok Sabha. However, this is 40 percent lower than the average of all full term Lok Sabha (2,689 hours). It was noted -

- A general decline in the number of sitting days. The 16th Lok Sabha sat for 331 days. On an average full term Lok Sabha sat for 468 days.
- This Lok Sabha lost 16 percent of its scheduled time to disruptions, better than 15th Lok Sabha (37percent), but worse than 14th Lok Sabha (13 percent).
- Rajya Sabha lost 36 percent of its scheduled time (Functioning of Sixteenth Lok Sabha, 2020 ).

Fig. 2: Graph showing Time Lost during sixteenth Lok Sabha.



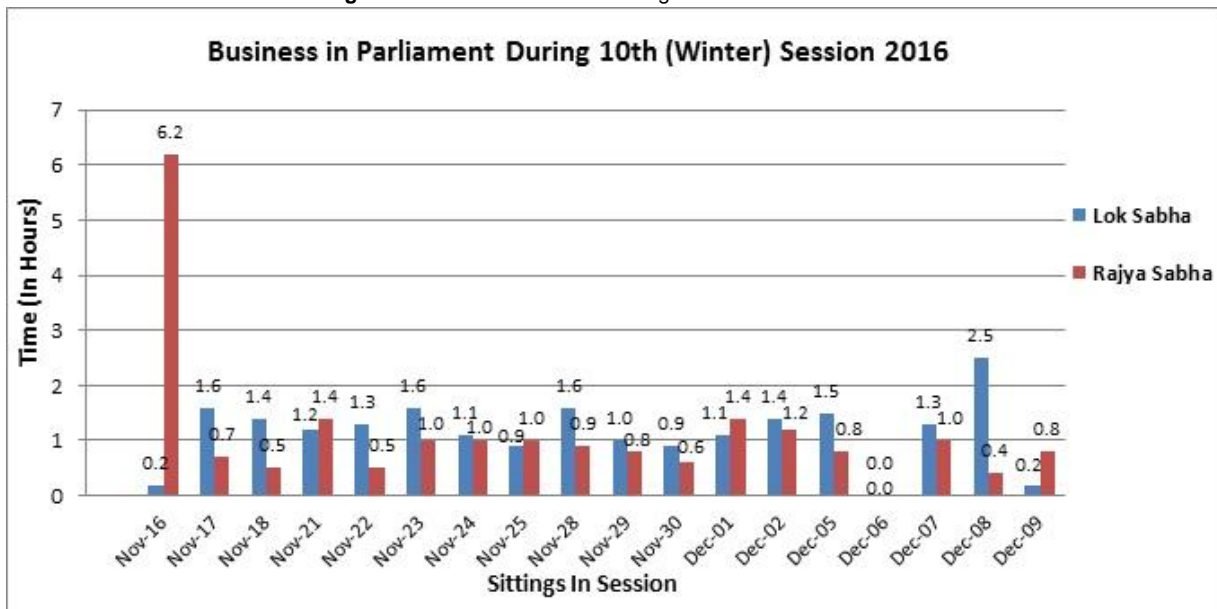
Source: <https://archive.indiaspend.com/currency-chaos/92-hours-of-lok-sabha-disruption-cost-india-rs-144-crore-15695>. Retrieved in Jan., 2020.

**Question Hour of Winter Session 2016, 16<sup>th</sup> Lok Sabha**

Question Hour is an important opportunity for the Members of Parliament and state legislatures to ask from the government its acts of omissions and commissions. This opportunity was lost in the winter session, depriving the common man to know what, where, why and how the omissions and commissions had happened. Winter session of 2016 was the least productive session of the sixteenth Lok Sabha due to the repeated disruptions, as a result only -

- Two of the 330 listed questions in Rajya Sabha could be answered orally. This had been one of the least productive Question Hour session for Rajya Sabha in the last three Parliaments. Earlier, one of the 480 questions and none of the 420 questions were answered orally in the winter sessions of 2010 and 2013 respectively. □
- 11percent of the questions answered orally in Lok Sabha. This was Lok Sabha’s least productive Question Hour in the 16th Lok Sabha.

Fig.3: Business in Parliament during Winter Session of 2016.



Source: <https://www.boomlive.in/lok-sabha-working-time-6-hours-daily-actual-work-1-hour-15-minutes/>. Retrieved in April, 2020.

A whopping 92 hours of Parliament were lost worth Rupees 144 crore. Annoyed with the behaviour of Members of Parliament, Honouable President of India Pranab Mukherjee told on December 8, 2016 “For God’s sake, do your job”. He said, “You are meant to transact business in Parliament. Disruption of Parliament is not acceptable at all” (92 Hours of Lok Sabha...,2016)

Parliament lost precious 49 hours of winter session of 2017 due to disruptions in Lok Sabha and Rajya Sabha. In terms of monetary loss it was 73.5 crore indian rupees (Parliament Lost Rs..., 2018). Ironically the session was yet called the “successful” session despite such a heavy loss. Similar year, during monsoon, both Lok Sabha and Rajya Sabha lost 55

valuable hours which in terms of money was 82.5 crore Indian rupees.

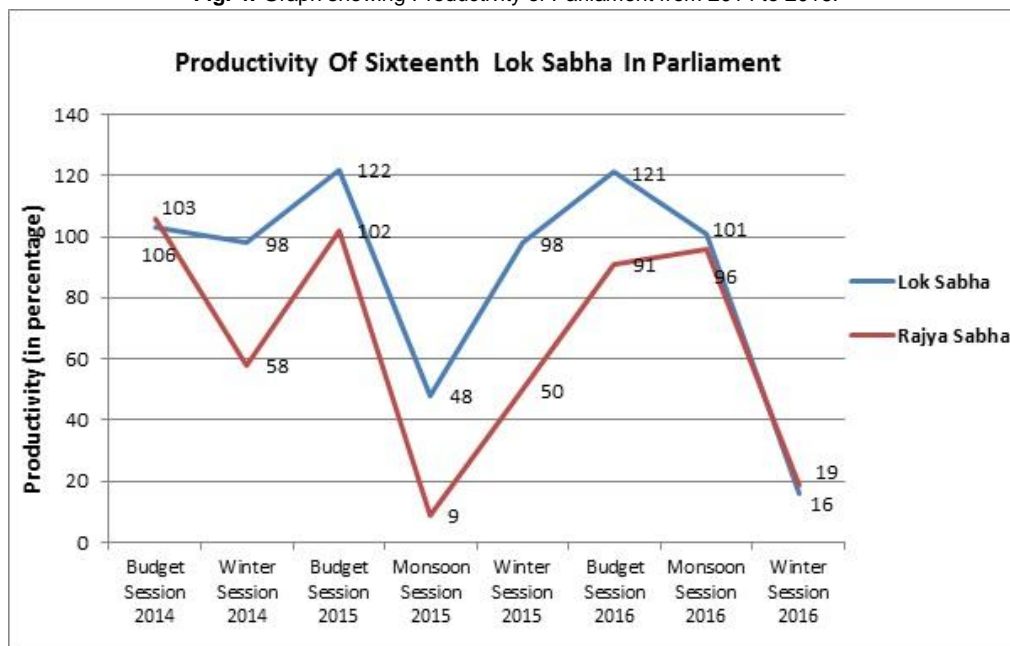
**Budget Session of 2018, 16<sup>th</sup> Lok Sabha**

During the 2018 budget session, Lok Sabha spent just 1 percent of its allotted time on legislation while Rajya Sabha spent 6 percent. In all 250 hours were wasted. The time lost due to disruptions was as follows-

- 127 hours and 45 minutes in Lok Sabha.
- A little over 121 hours in Rajya Sabha.

The actual hours Lok Sabha function was 34 hours and 5 minutes while in the Rajya Sabha it was a little over 44 hours (Budget Session:..., 2018). According to Financial Express the loss estimated about 190 crore Indian rupees.

Fig. 4: Graph showing Productivity of Parliament from 2014 to 2016.



Source: <https://www.boomlive.in/lok-sabha-working-time-6-hours-daily-actual-work-1-hour-15-minutes/>. Retrieved in Jan., 2020.

## 11. Consequences

Privileges are the indispensable part however it is also true that making statements within the privileged precincts on the floor of the House injure the reputation of the individual citizen and the public in general. Unrestricted speeches on the floor are very valuable but when they are misused they play havoc, tarnish the image of the institution and put heavy burden on the nation's exchequer.

In the presence of fundamental rights and doctrine of judicial review the legislators do enjoy enormous powers and privileges but sadly speaking many times these powers and privileges are misused and cost the sanctity of the House. Parliament here have witnesses frequent noisy sessions, mongering, shouting slogans, walkouts, coming to the podium of the House etc. Members do not even hesitate to physically push and pull each other. Throwing articles on each other is another scene very often witnessed in Parliament and many state legislatures E.g. 1990s and onwards is the period when such scenes are becoming norms of the day either in the Parliament or state legislatures e.g. on 16 March 1998, opposition Members in Orissa legislative assembly tore the speeches of the Governor which were circulated earlier because they wanted the Governor to abrogate his speech to which he did not paid heed (Times of India, 1998). Same day the Governor of Andhra Pradesh in the legislative Assembly was forced to end his speech abruptly as the opposition Members rushed towards the podium and started shouting slogans. They tore the speech copies and flung them in the air, one of which landed on the shoulder of the Governor (Hindustan Times, 1998). Whenever the women's reservation bill was introduced in the Parliament, all the cannons of parliamentary decorum were thrown in the wind. Even they have found new ways to disruption. In the penultimate session of sixteenth Lok Sabha, in 2019, Members brought and use pepper spray in the House (Parliamentary Disruption has..., 2019). Members threw paper planes and one of them, dressed in costume as a former chief minister, and played music to disrupt the House. During this session, Lok Sabha lost about 60 percent and Rajya Sabha about 80 per cent of its scheduled time. Speaker Sumitra Mahajan said while addressing the Members "people from other countries were questioning as to "what was happening in our country". She said "I receive messages several times saying, madam our schools run better... are we worse than school kids" (worse than school ..., 2019). The standard of Parliament is degrading to all the time low despite knowing the fact that with the use of technology and direct telecast, and even if the presiding officers (speaker or chairman) expunged the portion of the proceeding they could have had been watched and noticed by teaming millions. The legislators, be they parliamentarian or state legislators, once they are elected for the legislature many of them started behaving as the "men above the law". Nothing can debar them from whatever they do even on the floor of the august institution. Lack of political stability has made the matter worse. The inability to listen to the views of other party's members, be they oppositon or ruling, and lack of tolerance on the part of the members is another malady. Their lack of interest in the matter, casual attitude towards raising issues of importance, absence from the House are other orders of the day. It seems in the

recent past people are awfully lacking respect towards the institution of high esteem.

## 12. What Can Make it Better

Parliamentary system of government works on the basis of give and take. Open defiance of chair by the Members sets bad example. Rigid posture on the part of the Members needs to be changed. Disrespect to the chair is becoming norms of the day. Walkouts even during the President's or Governor's address adds fuel to the fire. Though the presiding officer acts as a judge in the House and has the responsibility of running the business of the House and to function smoothly without any hindrance. S/He can do whatever s/he thinks best in the interest of the House. Since her/his task is very crucial, s/he needs to be a person of apolitical nature, above party-lines. On the other hand Members have every right to be disagree with the government's policy and show their unrest but this unrest should not cross the limits. On the part of the ruling party the unrest of the Members and their concern should be dealt tactfully in order to avoid the major irritants. Party whips should avoid strain relationship and use of harsh language against other parties and try to accommodate and respect their views .

Member's knowledge towards issues and their attachment to the ground realities enhances the efficiency and effectiveness of the proceedings. The broad knowledge of vast field can not be acquired with any other means but the dedicated linkage with their field. Members need to understand that there is a lot of difference between the public speech and parliamentary speech.

One cannot deny the show of money and muscles powers in legislature. Entry of dedicated people rather than people with objectionable background or already occupied, must be encouraged in the august House. The august institution must be considered a place of perseverance, not for having only Gala-time .

The role of press is very important. They need to create democratic ethos among the Members. Scandalous write-ups, half-truth stories, false account of proceedings, cartoons with malicious captions and divulging confidential information does not serve good for a long time.

## 13. Conclusion

Indian Parliament is not as much sovereign as to do everything they want. The unruly language of Parliamentarian and state legislators, their undemocratic behaviour and their own acts pose a major threat to themselves and to the institution rather than from outside.

Actually these privileges are made available to the individual capacity so far as they are necessary for the House to perform its functions freely and without any let or hindrance. These privileges do not place any Member of Parliament or state legislature on a footing different from that of an ordinary citizen in the matter of application of the law. Also at this point of time very pertinent questions need to be answered as- How would this extravaganza be met? Where would this money be come from? Would it not be the common men who bear this great loss by paying from their hard earned money in the form of taxes? Do the people really need to send their

representative with such powers and privileges or their privileges need to be codified.

Our parliamentary proceedings are an open book constantly being watched by millions globally. Legislatures at the centre as well as at state levels are the supreme institutions expected to set tone and tenor. J.F.S. Ross, stated "It is not primarily professional skill or technical knowledge that are

needed in the legislative branch of the government but high quality of mind, heart, and character. Intelligence, breadth of vision, warm human sympathy, receptiveness to know ideas, judgement, capacity for hard work, mastery of details, such is the equipment to be desired in the person who undertake to public policy on behalf of their fellows" (Shodh Ganga, ret. 2019, P.196).

## References

- [1]. India. Civil Procedure Code, S.135A.
- [2]. India. Constitution of India. Forty-fourth Amendment Act, 1978.
- [3]. India. Constitution of India, Art. 105(1) and (2)
- [4]. India. Constitution of India, Art. 118(1, 2).
- [5]. India. Parliamentary Proceedings , Protection of Publication Act, 1977, S.3.
- [6]. India. 6<sup>th</sup> Report (Committee of Privileges-2nd Lok Sabha).
- [7]. India. Rules of procedure and conduct of business in Lok Sabha, Rules 229-233 and 252, 269, 387
- [8]. G.B. Adams (1960), *Constitutional History of England* . London: Jonathan Cape.
- [9]. R.C Bhardwaj "How to be an Effective Parliamentarian" in *The Journal of Parliamentary Information*, Vol. XL., No. 4, Dec. 1994, Lok Sabha Secretariat, New Delhi.
- [10]. M. Hidayatullah (1972), *A judge's Miscellany* . Bombay: N.M Tripathi. PP.210-11.
- [11]. J.E.A. Jollifer (1954), *Constitutional History of Medieval England* .G. Britain: P and R Clark Ltd..
- [12]. Parveen. Q. Khan (2002), *Privileges of the Legislators - Its Use and Misuse* . New Delhi: Originals.
- [13]. K. Mackenzie (1962), *The English Parliament* . London: Language Book Society.
- [14]. W.H. Morris John (1967), *Parliament in India*. London: Logmans Green and Co. Ltd..
- [15]. News Paper. *The Hindustan Times*, 17 Mar., 1998.
- [16]. News Paper. *The Times of India*, 17 Mar., 1998.
- [17]. Parveen Qamar (2000), *Powers and Privileges of the Members of Parliament in India*. Ph.D Thesis.
- [18]. Parveen Qamar, "Parliamentary Privileges Now and Then". available on <http://www.iosworld.org/currentaffairs.aspx?catype=14>. Retrieved in April, 2020
- [19]. S.L. Shakdhar (1977), *Glimpses of the Working of Parliament* . New Delhi: Metropolitan Book Co.
- [20]. Faith Thompson (1959), *A Short History of Parliament (1295-1642)*. London: St. Paul.
- [21]. "Budget Session...". available on <https://timesofindia.indiatimes.com/india/budget-session-is-spent-only-1-of-allotted-time-on-work-rs-6/articleshow/63650123.cms>. Retrieve in April, 2019.
- [22]. "Citizen's Report on Governance and Development 2006". Social Watch. available on <http://www.socialwatch.org/node/9522>. Retrieved in April, 2020.
- [23]. "Functioning of Sixteenth Lok Sabha...". available on <https://www.prsindia.org/parliamenttrack/vital-stats/functioning-16th-lok-sabha-2014-2019>. Retrieved in April, 2020.
- [24]. "92 Hours of Lok Sabha ...". India Spend. Available on <https://archive.indiaspend.com/currency-chaos/92-hours-of-lok-sabha-disruption-cost-india-rs-144-crore-15695>. Retrieved in June, 2019.
- [25]. "Parliamentary disruption has ...". available on <https://www.prsindia.org/content/parliamentary-disruption-has-become-norm-lok-sabha-mirrors-decline>. Retrieved in April, 2020.
- [26]. "Parliament Lost Rs ...". Financial Express. Available on <https://www.financialexpress.com/economy/each-minute-of-disruption-in-parliament-is-costing-india-money-heres-how-much-was-lost-last-time/1099798/>. Retrieved in May, 2019.
- [27]. "Shodh ganga", available on [https://sg.inflibnet.ac.in/bitstream/10603/8783/13/13\\_chapter%206.pdf](https://sg.inflibnet.ac.in/bitstream/10603/8783/13/13_chapter%206.pdf), Retrieved in Dec., 2019.
- [28]. "Worst Parliamentary Session...". Financial Express. available on <https://www.financialexpress.com/india-news/worst-parliamentary-session-in-a-decade-budget-session-washout-costs-india-rs-190-crore/1117999/>. Retrieved in Jan., 2020.
- [29]. "Worse Than School Kids...". NDTV. available on <https://www.ndtv.com/india-news/worse-than-school-kids-speaker-sumitra-mahajan-on-parliament-disruptions-1964725>. Retrieved in March, 2020.