

PRIVILEGE MOTION

Prelims- Polity governance- Parliament P3

Mains- GS2A - Indian Constitution- Historical Underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.

Context: Recently a Lok Sabha MP has moved a breach of privilege motion in the Lok Sabha against a private Hindi news channel and its editor.

About Privilege Motion:

- ✚ A privilege motion is moved **against breach of Parliamentary Privileges.**
- ✚ Parliamentary privileges are certain rights and immunities enjoyed by MPs, MLAs and MLCs, individually and collectively, so that they can effectively discharge their functions.
- ✚ When a breach of privilege is found, then an MP can move a privilege motion against those being held guilty of breach.
- ✚ **Both Lok Sabha and the Rajya Sabha** reserves the right to punish any action of contempt (Not Necessarily Breach of Privilege) which is against its authority and dignity.

Source:

- ✚ The rules governing privilege motion are mentioned as Rule 222 in Chapter 20 of the **Lok Sabha Rule Book** and as Rule 187 in Chapter 16 of the **Rajya Sabha Rule Book.**
- ✚ According to the rules, an MP may raise a question of breach of privilege with the Speaker or the Chairperson, notices for which have to be sent to them.

Examining Authority:

- ✚ The first level of scrutiny that a privilege motion has to go through is that of the **Speaker/Chairperson** (Lok Sabha/Rajya Sabha).
- ✚ The Speaker/Chairperson may decide on the privilege motion at their own discretion or they may refer it to a **Parliamentary Committee.**
- ✚ If the Speaker/Chairperson admits the motion, then the concerned member is given an opportunity to explain themselves by making a short statement.

Committee of Privileges:

- ✚ This Committee consists of **15 members** (10 members in case of Rajya Sabha) **Nominated** by the Speaker (Chairman in case of Rajya Sabha). Its function is to examine

every question involving breach of privilege of the House or of the members of any Committee thereof referred to it by the House or by the Speaker (Quasi -Judicial nature).

- ✚ It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendations in its report.

