
CONSTITUTIONAL SAFEGUARDS FOR LEGISLATORS: A CLOSER LOOK AT LEGISLATIVE PRIVILEGES

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ABSTRACT

Parliamentary privileges are special rights, immunities and exemptions enjoyed by the members of the Parliament and their committees. Under these privileges, the members of Parliament are exempted from any civil liability (but not criminal liability) for any statement made or act done in the course of their duties. At the heart of legislative privileges lies the need to protect lawmakers from being hindered by others while performing their crucial functions. This protection primarily shields them from unwarranted interference from the executive, judiciary, and individuals outside the legislature. This article aims to highlight the meaning of legislative privileges along with the detailed analysis with respect to the evolution of this aspect in India. The authors further trace the key notes of the legislative privileges as enshrined under the Constitution of India along with discussing the relation between these privileges and fundamental rights. A comparative aspect with the countries like UK and USA helps to understand the contemporary challenges and relevancy of these privileges.

Keywords: Parliament, Liability, Immunity, Legislature, Rights, Freedom etc

MEANING OF LEGISLATIVE PRIVILEGES

Legislative privileges in simple terms can be defined as the venerable special right, an attribute of a representative House which are incidental to its position functions and efficiency. These rights are enjoyed by the Legislature either in its collective capacity or individually by its members. With the primary aim of enabling the Parliament in performing as well as discharging off their function efficiently with no impedance or obstacle from any quarter without dread or favor, these are sure advantages and exemptions are joined to the individual by the virtue of them being the members of the Legislature. They enjoy a broader individual freedom and liberty of words compared to a common national. The eminent reasoning behind the same lies on to the fact that House cannot work adequately without the unrestricted and continuous utilization of their administrations. The conferring of the privilege on members of the Parliament to ensure the Vindication of its position Prestige and control and shield the individuals from any check in the lieu of playing out their Parliamentary capacities. Under the Indian Constitution these advantages are not just accessible to the individuals from the House yet in addition to those don't the individuals from the House are qualified for talk and participate in the procedures of the House or any of its panels. These people are the Ministers and Attorney General¹. There are two aspects of the privileges of the House –

- i. external
- ii. internal.

It refrains anyone from outside the House for interfering with its working. It is stated liberty with regard to free speech and activity are limited somewhat. This as well as limit the individuals from the House from accomplishing something which can be considered as a maltreatment of their position².

Article 105 characterizes the advantages of the House of Parliament. this Constitutional arrangement doesn't thoroughly identify the advantages of the two Houses. It explicitly characterized a couple of privilege but for the rest it simulates stance of the legislature to that House of Commons in Britain. The endeavor of makers of the Constitution was to

¹ Article 88,105(4)

² Jagdish Swarup- Constitution Of India , 2nd Edition , Vol. 2(2006)

affirm on both House exceptionally wide privilege like expansive of one harmed by the House of

Commons that have likely the broadest advantages when contrasted with some other Legislature of other countries.

It is further stated within Article 194 with regard to matters of the rights the arrangement of assemblies is similar to the union. Therefore what is said here in the context of Article 105 applies to its attendees to the state Legislature as well. Questions regarding the legislative privileges concerning state with distress there have been raised frequently before the courts and these judicial pronouncement are relevant to Article 105 and Article 194 and number of cases are cited here.

EVOLUTION IN INDIA

GOVERNMENT OF INDIA ACT 1919

The powers and privileges of the legislative body and immunities granted to its members are the attributes and functions of sovereignty. It was not inconsistent therefore with subordinate position of India that the makers of Government of India Act 1919 summarily dissolved such crucial crisis with regard to privilege in a single section of a clause. consequently it was given under section 67 (7) along with section 72 (7) there would be free discourse freedom in the Parliament with exemption for the standards and standing orders and that no individual would be committed to any techniques in any court by the clarification of such talk or vote in any Council or by reason of anything contained in any power report of the system of any such Council.

In section 110, the Ministers in the areas were excluded from first the first ward of any High Court by reason of anything prompted masterminded or done by them in open cutoff second commitment to be caught or confined in any suitable proceeding in any High Court acting in the action exercise of its original locale. Aside from the above there were two different advantages which had been made sure about by the standing requests first the option to address lead representatives and Governor General at the state and regions separately second right of clearing exhibitions.

REFORMS ENQUIRY COMMITTEE OF 1924

A great dissatisfaction with and existing privileges and immunities enjoyed by the law makers and its members were expressed by the Reforms Committee and strongly recommended for the

adoption of certain other protection and privileges first the members of Legislature in India should be exempted from sitting as junior or accessories in criminal suits second that the members be granted immunity from arrest and imprisonment for civil causes during the sessions of Legislature for a period of a week immediately preceding and following actual meetings third that influencing of votes of members by bribery intermediation and like should be registered against and be made penal offence forth the legislation should be undertaken in India England wearing the courts from premature interference with the president of the councils v immunity granted to Minister should be made complete as opposed to immunity granted to Minister should be made complete as opposed to exemption from the original jurisdiction of the High Court

LEGISLATIVE MEMBERS EXEMPTION ACT 1925

This act secured the examples of member of lawmaking authority constituted established in Government of India Act first as of obligation for fill in like junior assessor from individual detain as well as custody in common procedure during continuous motion of any assembly of the chamber or during continuous of any meeting of the select committee of joint committee and during 14 days before and after such meeting. This act show that the government only e responded to the two recommendations and with regard to the other recommendations of the Reform committee the Government of India express its willingness to substantiate them and actually took some steps do initial for the realization but nothing material resulted from them at least before the enforcement of the Act of 1935.

PRIVILEGES UNDER GOVERNMENT OF INDIA ACT 1935

Consistent by liberty relating ministerial responsibility and Supremacy of the Legislature the Act of 1935 give a little more favorable position to the much talked of privileges. Section 71 of the Indian Act of 1935 relates the provincial Legislative body privilege.

First there shall be liberty of words along with articulation Legislative body with no

associate shall be responsible to at all procedures in in the least judiciary in respect to anything said or any vote given by him in the Legislature unknown person shall be accountable in respect of any Publication by or under authority of Chamber of such Legislature of any report paper proceedings or words .

LEGISLATIVE PRIVILEGES CONFERED BY CONSTITUTIONAL ARTICLES –

FREEDOM OF SPEECH

Article 105(1) secure liberty relating words within legislative body toward its members provided with certain exceptions within Constitution. Article 105(2) bestows exemption relating procedures in the courts. It says no individual from the Parliament is obligated for any procedure in any court in regard of anything said or any vote given in Parliament or any advisory group there of. The word continuing methods any procedure common way or even writ procedures ³.

Nothing said inside the House is noteworthy or justiciable. This opportunity is anyway dependent upon the arrangements of the Constitution. A Constitutional limitation forced by Article 121 on this opportunity is that no conversation can occur in any House concerning the direct of the high court and High Court judge in release of his obligations aside from when a movement for his expulsion is getting looked at. This arrangement is fundamental to ensure the trustworthiness and the legal executive.

On the matter of *Tej Kiran versus Sanjeeva Reddy D⁴* , the apex court accentuated that whatever is said in the Parliament that is during sitting on the Parliament and over the span of the matter of the Parliament is inoculated.

The two huge inquiries concerning Parliamentary advantages have been settled by apex court in *PV Narasimha Rao versus State⁵*.

i. Whether by the righteousness of Article 105 (1) and 105 (2) , members from

³ A.K. Subbaih v. Karn. Leg. Council

⁴ AIR 970 SC 1573

⁵ AIR 1998 SC 2120

legislature can guarantee insusceptibility from indictment under the steady gaze of a criminal court on the charge of pay off corresponding to the Parliamentary procedures?

ii. Whether a member of legislature is a public servant under the prevention of corruption act 1988?

On the first point with the majority view of 3:2, J. Bhargava held that common law doesn't make a difference to the acknowledgment of pay off by individual from Parliament according to the procedures in Parliament. Here the court gave an exceptionally wide understanding to Article 105(2). On the second inquiry it was held that all these are concurred that individual from Parliament or state Legislature is a community worker under area 2(c) of the Prevention of Corruption Act 1988 on the grounds that he holds an office and he is required and approved to do public obligation adequately and boldly addressing his body electorate.

WORDS SPOKEN OUTSIDE HOUSE

A member is protected for whatever is within the House but not for the words spoken outside the House except when these are stated during crucial presentation of his function like member. This view arising out of an extended meaning given to the term proceedings in Parliament used in the Bill of Rights.⁶ A member who publishes outside the Parliament a slanderous speech made by him within the Parliament is not protected from the court action⁷

PUBLICATION UNDER PARLIAMENTARY PROCEEDINGS

Under Article 105 (2), no individual is subject to be any procedures in any Court of law in regard to any Publication of any report paper vote or continuing or under any authority of House of Parliament. In this manner, all people associated with the distribution of procedures of House are ensured if the equivalent is made and authority of the actual House. This Article doesn't ensure Publication made without power of the House.

In the milestone instance of *Dr. Jagdish Chandra Ghosh versus Hari Sadhan Mukherjee*⁸

⁶ De Smith, Parliamentary privilege and the Bill Of Rights, 21 Mod. L.R., 477-82 (1958)

⁷ The Strauss case, 2. Priviledges Digest, 107-41 (1958)

⁸ AIR 970 SC 1574

, judiciary decided that the said Publication didn't blame inside the extent of Article 194 providers to comparable to Article 105 (2) as it was required on the authority of the House nothing state grant given by individual from the Assembly . The code left and open inquiry whether prohibited inquiries can be said to frame a piece of the procedure in the House of Parliament.

RULE MAKING POWER

Every House of Indian legislature is authorized subject to the provisions of the Constitution to making of regulations for its individual modus operandi as well as carry out the business. A rule made by the House is not valid if it infringes any provision of the Constitution⁹.

The procedure of a House is does regulated by –

- i. the arrangements of the Constitution
- ii. the rules of system and lead of business by the House
- iii. course gave by the speaker/executive every now and then under those standards
- iv. conventions customs along with previous practices of the House.

INTERNAL AUTONOMY

Article 122 (1) accommodates inside self-sufficiency being presented on the House of Parliament .The legitimacy of procedures in Parliament can't be brought being referred to on the ground of any supposed inconsistency of the system .A House has total locale over its own inner procedures. Further under Article 122 (2) , no official of Parliament is enabled by or under Constitution –

- i. to direct the method of lead of business
- ii. to keep everything under control and Parliament

is dependent upon purview of any court in regard to the activity given by him to those

⁹ M. Vetri Selvam v. UOI , AIR 2011(NOC) 21(Mad)

forces. The each House of Parliament has independence from legal control in its proceedings. Moreover an individual from the House can't be restrained from introducing any bill or moving a goal in the House.¹⁰

FREEDOM FROM ARREST

A member can't be captured on common procedures inside 40 days time span previously and 40 days duration after a meeting of the House. The object of this advantage is to make sure about a protected appearance and ordinary participation of the individuals from the location of their Parliamentary obligations. The advantage stretch out just to Civil distress and not to the criminal allegation ,or disdain of court or preventive confinement . The motivation to exclude preventive confinement from the extent of Parliamentary advantages that advantages Parliament a conceded for the administrations of the country and they don't in peril is security. Member from a Legislature captured or confined has an option to compare with Legislature to make suggestions to the speaker on and the director of the panel of advantages and the leader authority has no option to without such correspondence . The House may likewise acquire data about the states of the part under pressure treatment distributed to him and different offices offered to him while putting such inquiries on the public authority¹¹. The House may also obtain information about the conditions of the member under tension treatment meted out to him and other facilities offered to him while putting such questions on the government.¹²

INQUIRIES

A House has ability to organize in questions and request participation of witnesses and in the event of rebellion to acquire observers guardianship to the bar of the House. An individual accused of disdain and advantage break can be added to go to respond to it and if there is an unyielding rebellion of that request the House has an ability to arrest the individual and the House alone is the appropriate appointed authority when these forces are practiced ¹³. A committee of the House has also the authority of sending persons papers and record and to the administration of oath or affirmation to the witness is examined

¹⁰ Hem Chandra v. Speaker , Legislative Ass. , AIR 1956 Cal. 378

¹¹ 12 Privileges Dig. 101 (1967)

¹² Deshpande and Dasrath Deb Cases (1952)

¹³ Howard v. Gossett. 10 Q.B. 359 (1846)

before.

DISCIPLINARY POWERS OVER MEMBERS

A House of Parliament has ability to force order to rebuff its individuals for their culpable direct in the House or to remove a part who acts in a way unsuitable for participation or turning out to be conduct climate inside or outside the House. Removal clears the seeds of the individuals yet doesn't excluded them from being chosen for stop the House main denounce or suspend a part from House and utilize such power as might be totally vital.

In *Raja Rampal*¹⁴, case the apex court managed the topic of forces advantages and resistances of the Legislature and specifically the ability to remove the individuals from a Parliament. In responding to the inquiry the Constitution when it went into the historical backdrop of Parliamentary advantages in England just as the utilization of the chief chose by the high court in UP get together case. The court clarify the contrast between exclusion a development by saying that while the preclusion strikes at the actual base of competitors capability and when does the person in question unfit to involve an individuals seat removal manages who is generally qualified however in the assessment of the House is dishonorable of participation. Here the court dismissed the accommodation that the arrangement of Article 101 or 102 restrict in any capacity the extent of Article 105 (3). Close examination of Article 102, 103 , 104 and 105 and a few English specialists and text the lion's share after the scrutiny of enquiry report found that there was no valuation of any principal directly by and large and Article 14, 20 or 21 specifically . The dominant part was the perspective on appropriate chance was given to disclose and protect given to the MPS. These perceptions and finding inferred that the court has a firm the objective capacity issue and therefore its force of Judicial survey.

FREEDOM FROM JURY SERVICE

Members of Parliament are exempted from jury service. Members may may decay to give prove and show up as observers in an official courtroom and Parliament is in meeting. This advantages are discovered it on the Paramount of the privilege of House to participation

¹⁴ Raja Ram Pal v. Hon'ble Speaker , Lok Sabha (2007) 3 SCC 184

and administration of its individuals.

Security discusses the House of Parliament has a privilege to expel outsiders from its procedure and hold its settings in camera. This force might be utilized by the House to go into a mystery meeting for reasons of public security. The speaker of administrator may when whatever I think fit request the withdrawal of outsiders from any piece of the House.

PUBLICATION OF PROCEEDINGS

In the *Searchlight case*¹⁵, the Supreme Court has ruled that has decided that the distribution of mistaken or jumbled form of discourses conveyed in the House, or distorting the procedure of the House sums the break of the advantages of the House. Besides the above the Houses in India have claimed few more privileges with respect to the publication of the proceedings. Following constitutes a contravene of benefit of the House

- i. disclosing the proceeding of a secret mission of a Parliament
- ii. misrepresentation of a report of a Parliamentary committee by newspaper
- iii. mis report or misrepresenting the speech of a member of House of Parliament
- iv. premature publication of the motion table before the House and others.

POWER TO PUNISH FOR CONTEMPT

The House has power to punish the person whether its member or outside for its content or breach of privilege. House can impose the punishment for admonition, reprimand, suspension from the service of the House for a session, fine and imprisonment¹⁶. This power to commit for contempt is accurately expressed as a source of the legislative privileges for its used by the House to protect its privileges furnished Revolution vindicate its authority and dignity.

1.1 COMMITTEE OF PRIVILEGES

Each house of the Parliament has a committee of privileges to advise its main matters

¹⁵ M.S.M. Sharma v. Shree Krishna Sinha, AIR 1959 SC 395

¹⁶ Hardwari Lal v. Election Commission of India, ILR (1977) 2 P & H 269

affecting its powers privileges and immunities as well as those of its members and committees¹⁷. The Lok Sabha committee consists 15 members nominated by the speaker the receiver committee consists of 10 members from a tree by the chairman. The function of the committee to analyze each question alluded to it and decided with reference of the realities each case if a penetrate of advantage is included. On the off chance that so what is the nature and what are the conditions prompting it the essential reference might be made to the council is the speaker of director suo Motu or by the House upon the movement of a part. The council will make such suggestions as it considers fit. It might likewise state in its report the system to be trailed by the House in offering impact to the panel suggestions¹⁸.

RELATION BETWEEN PRIVILEGES AND FUNDAMENTAL RIGHTS

There's been some confusion on the request whether the Fundamental Rights control assault the favorable circumstances which the House enjoy under Article 105 (3). Which is to win because of conflict between such a bit of leeway and key right?

This inquiry first time a rose on account of *Gunupati*¹⁹. Here the apex court acknowledged the dispute that there was an infringement of major right under Article 22 (2) and it was encroached and in like manner the court requested the arrival of the individual in the writ of the habeas corpus.

This profession made a feeling that the Fundamental Rights could handle Parliamentary advantages. Anyway in the *Searchlight case*²⁰, the apex judiciary by dominant part that the advantages appreciated by the House of Parliament under Article 105 (3) (or House of Legislature of state under Article 194 (3)), were not liable to Article 19(1) (a) and accordingly the House was qualified for deny the distribution of any report of a discount or continuing even in the consent contains the basic right to discourse and articulation of the distributer under Article 19(1) (a).

It was held that the decision of Ganapati was not authoritative as it was anything but a thought about assessment regarding the matter. The court contended that Article 105(3) aur Artical 194(3) was not announced to be the subject of the Constitution and hence it was a

¹⁷Jeana, Parliamentary Committees in India , 58-71

¹⁸ Rules 314 , 315 of the Rules of Procedure of the Lok Sabha

¹⁹ Gunupati Keshavram Reddy v. Nafisul Hasan , AIR 1954 SC 636

²⁰ M.S.M. Sharma v. Shree Krishna Sinha , AIR 1959 SC 395

Supreme as any arrangement of the Constitution including the principal right .

Later in arranging the *Keshav Singh case*, the Allahabad High Court held that when the Legislature demonstrations under the guidelines outlined by laying it down the methodology for upholding its ability to submit for hatred that would be consistence of Article 21 expecting system to be late by the code for devaluation on the individual freedom. It was additionally held Article 22 supplies to has no application when an individual has been change blameworthy of the substance of the House and has been written in the people of settling²¹.

PRIVILEGES AND THE COURT

The members of legislative body Court relationship of an emerges in the privilege matters. This consolidates numerous viewpoints -

1. Who were the court for Legislature if explicit privilege affirmed by the House exists or not ?
2. When a privilege is held to exist in House the last appointed authority of how by and by that privilege is to be worked out?
3. Can the court go into the subject of legitimacy of or restrictive of committal purchase House for its breach or contempt proceeding?
4. Can the courts meddle with the working of board of advantages?

The inquiry whether the courts can meddle with the forces of the House to submit for its scorn bolts most dramatically in 1964 on account of *Keshav Singh case*²² . The inquiry emerged whether such a case can be acknowledged in India in a perspective on the way that not at all like England India has composed constitution containing central rights and precept of Judicial audit of authoritative activity structure part of a country's established statute. Keshav Singh's case might be viewed as the high-water characteristic of the authoritative Judiciary struggle in an advantage matter in which connection between the two was brought to a basic point and where the court appears to accomplish to objective.

²¹ Keshav Singh v. Speaker Leg. Assembly , AIR 1965 All. 349

²² Keshav Singh v. Speaker Leg. Assembly , AIR 1965 All. 349

Above all else it looks to keep up legal uprightness and Independence for if a house where to guarantee an option to address to lead an adjudicator then legal Independence was would genuinely undermined. Second the court looks to yield to the House a significant enormous ability to surrender to the house to submit for its hatred or break of advantage despite the fact that the Judiciary can investigate authoritative advisory group for its substance in the genuine practice.

CODIFICATION OF PRIVILEGES

The Keshav Singh case led to the emergence of diverging stress with regard to the demand for the codification of the administrative advantages.

Hon'ble Justice Subba Rao in *Searchlight I case*, has emphatically argued for the codification of advantages rather keep as opposed to keeping "this branch of law in a nebulous state with the result that a citizen will have to make a research into unwritten privileges a flaw of the House of Commons at being is being called before the bar of the Legislature."

But the Parliament and legislature was extremely reluctant to codify their privileges and prospect of codification is thus extremely dim. Short of codification and effort to make a definite privileges through declaratory resolution. This strategy would eliminate several vulnerability from the territory while simultaneously the houses wouldn't drop their adaptability of move toward. It is also necessary that House use their penal powers with restraint and circumspection and reviewed and tighten up their rules of procedure so as to discourage substantial privilege motions from being moved and also guarantee adequate procedural safeguards to those against whom privileges cases are inquired into. This much each house owes to itself and to public.

POSITION WITH RESPECT TO UNITED KINGDOM

Under the English Constitution, the British Parliament with its managerial master in the ruler and the two Houses of the Parliament is Supreme and its Supremacy can't be challenge wherever. It has no composed contract to characterize all restricts its force and authority. Its force are a consequence of shows however are presently perceived as totally total, uncontrolled and free.

The Parliamentary Privilege Act 1773 was passed by the UK Parliament. Currently only two of the success of the act a valid being section 1 and 2. In section 1 the right to sue any Parliamentarian for matters concerning other than what may be in compass in his function as Parliamentarian are covered and he is at par with common man. Under section 2 of the act is provided with the following words-

“Provided nevertheless, that nothing in this act shall extend to subject the person of any of the knights, citizens, and burgesses, or the commissioners of shires and burghs of the House of Commons of Great Britain for the time being, to be arrested or imprisoned upon any such suit of proceedings”²³

To determine the limits of parliamentary privileges, there happened a plethora of cases in the nineteenth century in the UK, with the most famous case of *Stockdale v. Hansard* ²⁴. In spite of various goals of the House fighting the court procedures and the committal to jail of Stockdale by the House, the courts would not recognize the cases of the House since it has not been demonstrated that the asserted advantage existed. Eventually, the circumstance was somewhat settled by the institution of the Parliamentary Papers Act of 1840, which gave legal assurance to papers distributed by request of one or the other House

The British House of Commons presently takes an all the more barely characterized perspective on advantage that was once in the past the case with the accentuation been put on Parliamentary procedures. In 1977 the council of advantages rethink the importance of advantages and scorn and the source push and finishes of 1967 were fought back and this report was later received by the House. The committee suggested that the use of advantage be restricted to the away from of need to secure the House its part and its officials from being deterred or meddle with the exhibition of their capacity.

In the year 2010, UK against field a matter concerning Parliamentary privilege this principle was argued as a defense but the UK Supreme Court rejected their arguments and held they are not entitled for the protection as per Parliamentary privileges in the matter titled *R vs Chaytor and others*²⁵. Thus, in brief, the concept of Parliamentary Privileges, which found its ground in UK, has seen an enormous amount of change for the better or for

²³ Parliamentary Privilege Act, 1770

²⁴ (1839) L.J. (N.S.) Q.B. 294

²⁵ [2010] UKSC 52

the worst. At one hand, it gives an edge to the Parliamentarians over the common folk and on the other it makes them duty bound and responsive to the needs of the common folk.

POSITION WITH RESPECT TO UNITED STATES OF AMERICA

Under the Constitution of the U.S., arranges the fundamental standards of Parliamentary advantage that the Bill of Rights, 1689 avowed for English Members of Parliament:

“[Senators and Representatives] shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.”²⁶

People from the United States Congress appreciate an equivalent parliamentary preferred position as people from the British Parliament; that is, they can't be arraigned for anything they say on the floor of the House or Senate. They moreover appreciate the choice to be accessible in Congress: that is, they may be in prison or jail the rest of the time, yet they save the choice to go to Congressional gatherings, chat on the floor, vote, etc. These rights are indicated in the Constitution and have been genuinely uncontroversial in U.S. history. Courts have reliably deciphered them barely.

In *Kilbourn v. Thompson*²⁷ the US Supreme Court disclosed that the capacity to punish for hatred was the utilization of lawful authority of British Parliament and not lawmaking power. henceforth US Supreme Court denied the House of Representatives to get maintain from English Cases for the rebuffing residents for penetrate of advantage or hatred.

CONTEMPORARY CHALLENGES AND RELEVANCE IN INDIA

The legislative body of union and state are like temple of democracy where rules and laws made effect by far each and every citizen of the nation. Thus knowing its importance, the makers of our constitution added to Article 105 and 194 , providing legislative privileges with thought of securing the liberty with regard of communication as well as expressing views in the House and guaranteeing that excessive impact, pressing factor or intimidation

²⁶ Article I, Section 6, Paragraph 1- U.S. Constitution

²⁷ 103 U.S. 168

isn't welcomed on the governing body throughout its working thereby protecting elective in unparalleled manner for their action in parliament and state assembly. But unfortunately, due to poor wordings in the constitution, its mechanism is used to insulate elected representatives from criticism even in an aspect of the constructive crisis thus acting as a bolt on fundamental rights like freedom of speech.

The concept of legislative privilege in India can be said to have various challenges in the contemporary era.

- Opacity: in transaction of such privileges.
- Unrestricted Discretion: with respect to punishing persons, without interference of courts.
- Exclusivity: because individual members may not be subjected to judicial proceedings;
- Against rule of Law: because the privileges may protect the members against right of other persons as it upholds legislators as higher than others.
- They impinge upon the Fundamental rights on many instances thereby compromising on the promise that constitution makes to its citizens.
- Violate separation of powers trinity as it gives judicial powers to the legislative body.
- Discourages free public debate and publication of parliamentarians and their conduct.
- As they are not defined legally they are infinite The frequent usage of these privileges and problem arising by it in many cases call for measures as like Codification of these privileges and debate on their requirements and Quasi-judicial powers of these legislative bodies being taken and given to Judiciary.