Breach of Privilege Offence

What is the issue?

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With no codified laws for what constitutes a breach of privilege offence or prescriptions for punishment, this is **largely a grey area in legal terms.**

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What happened recently?

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- On June 21 2017, the Karnataka assembly Speaker ordered the **imprisonment of two journalists for a year** based on recommendations in two separate reports of its privilege committees.
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- The order for the arrest of Ravi Belagere and Anil Raj has drawn widespread criticism as **an effort to throttle the media.**
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- In Karnataka, over the years, prominent journalists have been summoned by privileges committees of the legislature.
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- These motions have mostly ended with journalists apologising or clearing their stand and the committees have dropped proceedings after a few hearings.
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What provisions protect the privileges of the legislature?

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- **Article 105** pertains to the powers, privileges, etc, of Parliament, its members and committees while **Article 194,** protects the privileges and powers of the houses of legislature, their members and committees in the states.
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- These sections **protect the freedom of speech of parliamentarians and legislators,** insulate them against litigation over matters that occur in these houses, and give powers to define the powers, privileges and immunities of a house, its members and committees
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What constitutes a breach of privilege?

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- There are **no clearly laid out rules** on what constitutes breach of privilege and what punishment it entails.
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- In other words, these powers and privileges are not codified.
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- In Karnataka, privileges panels often refer to 'Practice and Procedure of Parliament' by M N Kaul to define breach of privilege.
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- The book states speeches and writing about the House or its committees or members can be punished as contempt on the principle that these actions "**tend to obstruct the Houses in the performance of their functions** by diminishing the respect due to them'".
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- This 'breach of privilege laws' are often criticized for allowing **politicians to become judges in their own cause,** raising concerns of conflict of interest and violating basic fair trial guarantees.
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Source: The Indian Express

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