

Daily Mains Practice Answer 07-10-2026

Q. Should parliamentary privileges be codified in India? Examine the arguments for and against codification and suggest a suitable framework. (10 marks, 150 words)

Direction: Intro-----Arguments for and against + Suitable framework-----Conclusion.

Introduction:

Briefly describe parliamentary privileges.

Governed by Articles 105 and 194 of the Constitution.

Despite the constitutional provision enabling Parliament to define them by law, no comprehensive law has yet been enacted to codify parliamentary privileges.

Main Body

Arguments in favour of codification

- Clarity and certainty - Clearly defines what constitutes a breach of privilege and contempt.
- Prevent arbitrary use - Privilege should protect the functioning of the House, not the reputation of a government, Chief Minister or individual legislator.
- Protects fundamental rights - Provides clearer boundaries between legislative privilege and Article 19(1)(a) freedom of speech.
- Uniformity - Establishes consistent procedures and penalties.
- Constitutional supremacy - India's Constitution does not recognise unrestricted parliamentary sovereignty; legislative privileges remain subject to constitutional limitations.

Arguments against codification

- Loss of flexibility - New forms of obstruction or contempt may emerge that cannot be anticipated in legislation.
- Functional nature - Privileges exist primarily to enable legislatures to deliberate and function effectively.
- Risk of excessive litigation - Detailed statutory provisions could bring routine parliamentary proceedings into courts.
- Existing conventions - Houses already possess rules and Privileges Committees to deal with breaches.

Suitable Framework

- Codify core privileges – Freedom of speech in the House, immunity for votes/speeches and essential institutional privileges.
- Clearly define breach of privilege and contempt.
- Prescribe fair and time-bound procedures for investigation and punishment.
- Provide safeguards against using privilege to suppress legitimate criticism, journalism or dissent.
- Require parliamentary privilege decisions to conform to constitutional principles and judicial review.
- Strengthen the independence and procedural standards of Committees of Privileges.

Conclusion:

Give a balanced conclusion.

India needs neither absolute legislative privilege nor rigid codification. Privileges should secure the freedom of the legislature to function, not freedom of legislators from accountability.

