

# COMMITTEE OF PRIVILEGES

(TENTH LOK SABHA)

## FOURTH REPORT

*(Laid on the Table on*

*1994)*



LOK SABHA SECRETARIAT  
NEW DELHI

*August, 1994/Sravana, 1916 (Saka)*

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**Corrigenda to the Fourth Report of the  
Committee of Privileges  
(Tenth Lok Sabha)**

	<b><i>Line</i></b>	<b><i>For</i></b>	<b><i>Read</i></b>
	3	such as	such as may
	Footnote 1	18-7-1949	2-9-1949
	7 (from bottom)	exist on	exist in
	18	warrant all	warrant. All
7	21	that	what
13	6	has	has been
14	2	representative	representatives

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1991-92)**

**Shri Shiv Charan Mathur — *Chairman***

**MEMBERS**

2. Shri Ram Narain Berwa
3. Shri Ram Sundar Das
4. Shri Santosh Kumar Gangwar
- \*5. Shri Syed Masudal Hossain
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri P.R. Kumaramangalam
9. Dr. Debi Prosad Pal
10. Shri Uttamrao Patil
11. Shri K. Ramamurthy
12. Shri Bhagwan Shankar Rawat
13. Shri Allola Indrakaran Reddy
14. Shri Tej Narayan Singh
- \*\*15. Prof. (Dr.) S.S. Yadav

**SECRETARIAT**

Shri J.P. Ratnesh	—	<i>Joint Secretary</i>
Shri S.C. Rastogi	—	<i>Deputy Secretary</i>
Shri V.K. Sharma	—	<i>Under Secretary</i>
Shri A.S. Chera	—	<i>Assistant Director</i>

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\* Nominated on 1.9.93 *vice* Shri Amal Datta resigned w.e.f. 12.7.93.

\*\* Nominated on 9.12.93 *vice* Shri Sharad Yadav resigned w.e.f. 3.12.93.

# **FOURTH REPORT OF THE COMMITTEE OF PRIVILEGES**

**(TENTH LOK SABHA)**

## **I. INTRODUCTION**

I, the Chairman of the Committee of Privileges, having been authorised to submit the Report on their behalf, present this their Fourth Report to the Speaker on the issue of 'Codification of Parliamentary Privileges'.

2. The matter was taken up by the Committee for examination on 26 November, 1992, with the approval of the Speaker, Lok Sabha.

3. The Committee adopted their draft Report on 18 July, 1994.

## **II. GENESIS: CONSTITUTIONAL PROVISIONS**

4. Article 105 of the Constitution, which provides for the powers, privileges and immunities of the Houses of Parliament and of the members and the Committees thereof, reads as follows:-

“(1) Subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom for speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, 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 (Forty-fourth Amendment) Act, 1978.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of a House of Parliament or any Committee thereof as they apply in relation to members of Parliament.”

5. The corresponding provisions relating to the powers, privileges and immunities of the Houses of State Legislatures and of the members and Committees thereof are contained in Article 194 of the Constitution which are in identical terms to those in Article 105 relating to Parliament.

6. Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978, came into force with effect from 20 June, 1979. Prior to that, clause (3) of Article

105 provided that "in other respects, the powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House shall be such as from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees at the Commencement of the Constitution *i.e.*, on 26 January, 1950."

No law has so far been enacted by Parliament and State Legislature in pursuance of clause (3) of Article 105/194 of the Constitution to define the powers, privileges and immunities of each House or the members and the Committees thereof. In the absence of any such law, therefore, the powers, privileges and immunities of the Houses of Parliament and State Legislatures and of the members and the Committees thereof continue in actual practice to be governed by the precedents of the British House of Commons as they existed on the date our Constitution came into force.

7. As no law has so far been enacted codifying parliamentary privileges, a general feeling has gained ground in the minds of the public at large that the Legislatures have been deliberately shying away from enacting a legislation in this regard. The facts are, however, to the contrary.

### III. QUESTION OF CODIFICATION: A HISTORICAL BACKGROUND

8. The question of undertaking legislation on the subject has engaged the attention of the Presiding Officers since 1921. The matter has also been considered from time to time at the Conference of Presiding Officers.

In September, 1949, when the question of enacting legislation on the subject was considered by the Conference of Presiding Officers, the Chairman, Shri G.V. Mavalankar, Speaker, Lok Sabha, expressed<sup>1</sup> the following view:-

"It is better not to define specific privileges just at the moment but to rely upon the precedents of the British House of Commons. The disadvantage of codification at the 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 very probably curtail our privileges. Let us, therefore, content ourselves with our being on par with the House of Commons. Let that convention be firmly established and then we may, later on, think of putting it on a firm footing."

9. A Committee consisting of four Speakers was appointed to examine the

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<sup>1</sup>. Proceedings of Presiding Officers' Conference, 18.7.1949, pp. 28-29.

recommendations received from the provinces on the question of legislation on the subject.

In their Report<sup>2</sup>, the Committee of Speakers, *inter-alia*, made the following observations:

“The Committee is doubtful as to whether under article 194(3) a Legislature can enact a law defining the powers, privileges and immunities of its members in certain respects only and also providing therein that in other respects the powers, privileges and immunities will be those of the House of Commons. The Committee is of the opinion that if it is competent to a Legislature under this article to enact such a law, then only the Legislature should undertake a legislation defining the powers, privileges and immunities of members. Otherwise, it would not be advisable to undertake any legislation at present.”

10. The issue of the codification of privileges and the report of the Committee of Speakers were discussed in detail at the Conference of Presiding Officers held in August, 1950. In his opening address to the Conference, the Chairman, Shri G.V. Mavalankar, observed<sup>3</sup>:

“There will be two great difficulties and handicaps if we were to think of any legislation in respect of the privileges. These are:

- (i) Any legislation at the present stage would mean legislation only in regard to matters acceptable to the Executive Government of the day. It is obvious that, as they command the majority, the House will accept only what they think proper to concede. It is important to bear in mind that the privileges of members are not to be conceived with reference to this or that party, but as privileges of every member of the House, whether he belongs to Government or the Opposition party. My fears are, therefore, that an attempt at legislation would mean a substantial curtailment of the privileges as they exist today.
- (ii) My second reason is that any legislation will crystallize the privileges and there will be no scope for the presiding authorities to widen or change the same by interpretation. Today they have an opportunity of adapting the principles on which the privileges exist on the United Kingdom to conditions in India.

I may here invite your attention to the Secretary's note on the subject which is being circulated to you.”

11. The note<sup>4</sup> of the Secretary (Shri M.N. Kaul) *inter-alia* emphasized:

“Our Constitution has one important peculiarity in that it contains a declaration of fundamental rights and the Courts have been empowered to

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<sup>2</sup> Report of the Committee of Speakers, appointed to suggest powers, privileges and immunities of legislatures and their members, 1950 p.1., para 4.

<sup>3</sup> Proceedings of Presiding Officers Conference, 21.8.1950, pp. 2-3.

<sup>4</sup> M.N. Kaul: Codification of the Law and Privileges (Note circulated at the Conference of Presiding Officers in August, 1950).

say that a particular law or a part of law is void or invalid because it is in conflict with a particular fundamental right and therefore beyond the powers of Parliament.

At the present time the privileges of Parliament are part and parcel of the Constitution and therefore of what is known as the 'fundamental law'. The courts will, therefore, be compelled to reconcile the existing law of privilege, which carries with it the power of the Speaker to issue a warrant without stating the grounds on the face of it, with the fundamental rights. It will be extremely difficult for the Supreme Court to say that what is so explicitly provided in a part of the constitution in regard to the existing privileges of Parliament is in any way restricted by the fundamental rights.

Once, however, the privileges are codified by an Act of Parliament in India, the position changes entirely. The Statute will be examined in the same way as any other Statute passed by Parliament and the courts may well come to the conclusion that in view of the provisions in the fundamental rights, it is not open to any legislature in India to prescribe that the Speaker may issue a valid warrant without disclosing the grounds of commitment on the face of the warrant all matters would (then) come before the courts and Parliament would lose its exclusive right to determine matters relating to its privilege."

12. During the discussion that took place in the Conference, opinions were divided. Some expressed their views in favour of undertaking legislation while others opposed the idea. No decision was ultimately taken by the Conference on the subject.

13. The plea for codification of privileges was also put forward in 1954 by the Press Commission<sup>3</sup>, but it was not upheld by Speaker Mavalankar, who, in his address to the Conference of Presiding Officers at Rajkot on 3 January, 1955, observed<sup>4</sup> :-

"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 a different angle.

Any codification is more likely to harm the prestige and sovereignty of the Legislature without any benefit being conferred on the Press. It may be argued that the Press is left in the dark as to what the privileges are. The simple reply to this is that those privileges which are extended by the Constitution to the Legislature, its members, etc. are equated with the privileges of the House of Commons in England. It has to be noted here that the House of Commons does not allow the creation of any new privileges;

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<sup>3</sup>. Report of the Press Commission, 1954, Part-I, p. 421, para 1096.

<sup>4</sup>. Proceedings of the Presiding Officer's Conference, 3-1-1955, p.5

and only such privileges are recognised as have existed by long time custom. No codification, therefore, appears to be necessary.”

14. The Conference debated the issue and unanimously decided that “in the present circumstances, codification is neither necessary nor desirable.”

15. Speaking in Lok Sabha on a private member's Bill - the Parliamentary Privilege Bill - which sought to include members' letters to Ministers within the meaning of the term “Proceedings in Parliament”, the Minister of Law observed<sup>7</sup>:-

“After all, it is now acknowledged more or less universally that matters of privilege should be left uncoded rather than codified. It is all the more so in this country. Though in England, Parliament may, if it chooses, pass any law concerning privileges without any limitation whatsoever either by way of extending it or restricting it, in this country the moment we think of passing any law we shall have to contend with the limitations which the Constitution imposes upon us. That matter has been made quite clear in the recent judgement of the Supreme Court in the Patna Searchlight Case<sup>8</sup> wherein it appears to have been laid down that if Parliament sought to pass a law seeking to confer some privilege which it now enjoys, it might have been bad in law as well as against the Constitution.

Therefore, I think it will be good rule of caution and prudence if we do not indulge in large scale legislation or indiscriminate legislation concerning the privileges of this House or of the other House.”

16. A plea for the codification of powers, privileges and immunities of the legislatures and members and Committees thereof was made at the Conference of Presiding Officers held at Bombay in 1965. The Conference debated the issue and decided against codification.

17. The Second Press Commission in its report submitted to the Government on 13 April, 1982, recommended that from the point of view of freedom of the Press, it is essential that the privileges of Parliament and State Legislatures should be codified as early as possible.

18. The Conference of Chairmen of Committees of Privileges of Legislative Bodies in India held at New Delhi in March, 1992, also considered the issue of codification of Parliamentary privileges. The Conference unanimously decided that it was not necessary to codify Parliamentary privileges.

#### **IV. EFFECT OF NON-CODIFICATION: LEGAL VIEW**

19. It was contended in a writ petition filed in the Madras High Court that article 194 (3) was transitional or transitory in character, that non enactment of any law on the subject was a deliberate inaction with the consequence that what was

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<sup>7</sup> Lok Sabha Debates, 20.2.1959, c.c. 2275-76.

<sup>8</sup> S.M.S. Sharma v. Shri Krishna Sinha, A.I.R. 1959, S.C. 395.

guaranteed under the second limb of the said article was no longer available, and must be held to have lapsed by default. The Court observed<sup>9</sup>:-

“It is very difficult to see how any theory of automatic lapse, or lapse due to inaction, can apply to article 194(3) in its relation to the State Legislature ... it is impossible to arrive at any conclusion that the inaction is deliberate; far more so, to sustain any theory that such inaction has the effect of a lapse or extinction. Per contra, where the Constitution intends setting a term to any situation of rights it explicitly says so, and articles 334, 337 and 343 are very clear instances.”

## **V. RECENT DEVELOPMENTS**

20. In the wake of certain developments in 1992 in Tamil Nadu which led to near confrontational situation between the Legislature and Press on the one hand and the Legislature and Judiciary on the other, the demand for codification of Parliamentary privileges was again made in various fora.

On 21 April, 1992, when the Tamil Nadu issue was sought to be raised in Lok Sabha, Shri Lal Krishan Advani, MP and leader of Opposition in Lok Sabha, expressed<sup>10</sup> the following views:-

“The issue is being discussed for the past few years. The reporters sitting in the press gallery are not aware of their limitations. They are asked any time not to record this or that and due to this reason, this issue has been raised here several times, which I would like to repeat today that in view of the freedom of the Press, it is necessary to codify the jurisdictions of the Parliament and the State Legislatures so that the rights and privileges are known to the people and for this you are the right person to take initiative. If the privileges are codified a solution can be found to such ... issues which have cropped up today, otherwise, if such issues are taken to the courts without codification they will also say they do not want to have friction with the State Assemblies and, therefore, they cannot give you justice even though they want. Due to this reason, it is for you and the Parliament to play a role in this regard and while supporting them I would like to say that the entire House should be concerned that the freedom of the Press is not curbed in any way. The journalists should have the freedom of expression and fulfil their duties with full responsibility.”

## **VI. TAKING UP OF THE MATTER BY THE COMMITTEE**

21. As discussed above, there is a lot of misgiving in the minds of the public at large, the press and others about the exact scope of Parliamentary privileges. The

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<sup>9</sup> C. Subramanian v. Speaker of the Madras Legislative Assembly, A.I.R., 1969, Madras 10.

<sup>10</sup> Lok Sabha Debates, 21-4-1992, cc. 305-06.

facilities available to members of Parliament and State Legislatures are generally confused with the privileges and immunities available to them. Parliamentary privileges are certain rights and immunities enjoyed by each House of Parliament collectively and by members of each House individually without which they cannot discharge their functions. They are granted to members in order that they may be able to perform their duty in Parliament without any let or hindrance. They are available to individual members only insofar as they are necessary for the House to perform its functions freely. When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the members individually or of the House in its collective capacity, the offence is called a 'breach of privilege' and is punishable by the House. On the other hand, facilities and amenities such as housing facility, medical facility, telephone facilities, etc. provided to members of Parliament are not privileges.

22. The Committee of Privileges, at their sitting held on 11 May, 1992, informally considered the matter relating to the demand for codification of Parliamentary privileges. Members felt that though the Legislatures in India had consistently been disinclined to codify their privileges, it was time, especially in the changing socio-political scenario, to take a fresh look at the whole issue. The Committee felt that it may be worthwhile to obtain the opinion of eminent persons from a cross-section of society on the question of codification of Parliamentary privileges and analyse properly to see that they feel about the privileges of members of Parliament. A suggestion was made, during the discussion, that a comprehensive questionnaire be prepared for being sent to eminent persons belonging to the four pillars of democracy, viz., the Legislature, the Executive, the Judiciary and the Press. It was also suggested that the questionnaire be drafted so as to address various other related and equally important issues besides the question of codification, *e.g.*, whether privileges were anachronistic in a democratic society, whether retention of privileges was justified in a Parliamentary democracy like India, etc.

23. A questionnaire was accordingly prepared and finalised by the Committee. The Committee decided to take the approval of Speaker, Lok Sabha, also on the questionnaire before its circulation. The questionnaire was accordingly got approved from the Speaker, Lok Sabha, on 26 November, 1992.

24. The Committee, however, felt subsequently that it may perhaps not be advisable to send the questionnaire to the members of the Executive and Judiciary, *i.e.*, civil servants and sitting judges. The Committee, therefore, decided that questionnaire be sent to academicians like Vice-Chancellors of National Universities and other Universities in India and to Senior Advocates of Supreme Court, lawyers and Bar Councils, etc. in place of civil servants and judges. The Committee

finally agreed to the following list of category of persons/institutions to whom the questionnaire was sent:—

#### LIST OF CATEGORY OF PERSONS/INSTITUTIONS TO WHOM THE QUESTIONNAIRE WAS SENT

##### *Legislature*

- (i) Presiding Officers of Legislatures in India.
- (ii) Secretaries of State Legislatures and Union Territory Assemblies in India.
- (iii) Chairmen, Committees of Privileges of State Legislatures and Union Territory Assemblies in India.
- (iv) Secretaries, Commonwealth Parliamentary Association.
- (v) Members of Parliament (Lok Sabha & Rajya Sabha)

##### *Legal Profession*

- (vi) Senior Advocates, Supreme Court
- (vii) Secretaries of Bar Councils in India
- (viii) Lawyers, Advocates, etc.

##### *Press*

- (ix) Editors of National Newspapers
- (x) Editors of Prominent Indian Newspapers
- (xi) Chairman, Press Council of India

##### *Academicians*

- (xii) Vice-Chancellors of Central Universities
- (xiii) Vice-Chancellors of Universities in India.

### VII. QUESTIONNAIRE

25. The following questionnaire, alongwith an explanatory note<sup>11</sup>, as approved, by the Committee, was sent for eliciting opinion of eminent persons in the month of March, 1993:-

*Question No.1* — It is well-established that the sole purpose behind the powers, privileges and immunities granted to the Parliament, its Committees and its members and the Legislatures, their Committees and their members - as laid down under articles 105 and 194 of the Constitution respectively - is to enable the representatives of the people to discharge their duties and

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<sup>11</sup>. See Appendix I.

responsibilities effectively, efficiently, without any fear or favour and without any obstruction and hindrance.

Under these circumstances, is the criticism - that the Parliamentary privileges are anachronistic in a democratic set up like ours - justified?

*Question No.2 —* It is widely recognised by the authorities that the distinctive feature of Parliamentary privileges is their ancillary character, i.e., privileges of Parliament are the rights which are absolutely necessary for the due execution of its powers and to maintain its dignity.

Is the criticism - that the Parliamentary privileges are a relic of our colonial past and should be done away with - justified?

*Question No. 3 —* The fundamental principle is that a member of Parliament cannot claim any privilege in the matter of the application of the laws of the land. He cannot stand on a better footing than an ordinary citizen insofar as the application of the law of the land is concerned.

How far the impression that has been created - that the Parliamentary privileges create an elite and exclusive section of the society which is immune to the operation of the ordinary laws of the land is well founded?

*Question No.4 —* Parliamentary privileges are enjoyed and exercised by the representatives of the people under the specific provisions of the Constitution (an instrument that has been enacted and given to themselves by the people of India) so that they can perform their Parliamentary duties without any let or hindrance.

Can these Parliamentary privileges be then said to be enjoyed by the representatives of the people against the people and their interest?

*Question No.5 —* It is well-established that no House can create new privileges. Would, therefore, the criticism in certain quarters - that Legislatures are keen on extending their privileges - be justified?

*Question No.6 —* Some of the more important of the privileges of Parliament and its members, viz., freedom of speech in Parliament and immunity to a member from any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, have been provided for in the

Constitution. Some others, viz, freedom from arrest in civil cases have been provided for in other statutes like Civil Procedure Code etc. It is only "in other respects" that the Constitution states that "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 (Forty-fourth Amendment) Act, 1978."

In view of such specific provisions in the Constitution etc., would it not be proper to say that the Parliamentary privileges are certain and ascertainable and not vague and inscrutable for the citizens and the press as often alleged?

*Question No.7 —* Do you subscribe to the view that Parliamentary privileges need to be codified?

*Question No. 7A —* How far is it correct to say that once the Parliamentary privileges are codified, they will lose their flexibility in application to the circumstances and cases as and when they arise?

*Question No.8 —* Would you not agree with the opinion that codification of Parliamentary privileges will make them subject to fundamental rights enshrined in the Constitution and that they will thus come within the ambit of judicial scrutiny and determination?

*Question No.9 —* Would you not agree with the opinion that once Parliamentary privileges are codified, the power of Parliament to punish a person for committing its contempt - which has been described as the keystone of Parliamentary privileges and is similar to the power of courts to punish for its contempt - would be eroded by being subject to judicial scrutiny?

*Question No.10 —* Would it not be proper to say that if Parliamentary privileges were to be codified, precision would be gained at the sacrifice of the substance?

*Question No. 11 —* Do you feel that the absence of codification is responsible for confrontation between the Legislature and Judiciary and if so, do you agree that codification will put an end to this confrontation?

*Question No.12 —* Any other suggestion which you may like to make in the matter.

26. The questionnaire was sent to six hundred eminent persons/institutions etc. About seventy replies were received to the questionnaire.

A question-wise analysis<sup>12</sup> of the replies was done under five broad headings, viz, Legislature, Legal Profession, Press, the Vice-Chancellors of Universities and others.

27. The gist of analysis of replies received to each of the questions is as follows:—

**Question No.1:** It is well-established that the sole purpose behind the powers, privileges and immunities granted to the Parliament, its Committees and its members and the Legislatures, their Committees and their members - as laid down under articles 105 and 194 of the Constitution respectively - is to enable the representatives of the people to discharge their duties and responsibilities effectively, efficiently, without any fear or favour and without any obstruction and hindrance.

Under these circumstances, is the criticism, that the Parliamentary privileges are anachronistic in a democratic set up like ours, justified?

## ANALYSIS

S. No	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	1	18	-	5.26%	94.73%	-
2.	LEGAL PROFESSION	14	3	10	1	21.42%	71.42%	7.14%
3.	PRESS	10	4	6		40%	60%	
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	3	20		13.04%	86.95%	
5.	OTHERS	1	-	1	-	-	100%	-
	TOTAL	67	11	55	1			
	PERCENTAGE		16.41%	82.08%	1.49%			

**Conclusion:—** Majority view is that the criticism is not justified. Parliamentary privileges are not anachronistic in a democratic set up; these are rather absolutely essential for the smooth functioning of democracy.

<sup>12</sup> See Appendix II for detailed question-wise analysis in Tabular form.

**Question No.2:** It is widely recognised by the authorities that the distinctive feature of Parliamentary privileges is their ancillary character, *i.e.*, privileges of Parliament are the rights which are absolutely necessary for the due execution of its powers and to maintain its dignity.

Is the criticism that the Parliamentary privileges are a relic of our colonial past and should be done away-with justified?

### ANALYSIS

S. No	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	-	19	-	-	100%	-
2.	LEGAL PROFESSION	14	3	10	1	21.42%	71.42%	7.14%
3.	PRESS	10	3	6	1	30%	60%	10%
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	1	22		4.34%	95.65%	
5.	OTHERS	1	-	1	-	-	100%	-
	<b>TOTAL</b>	<b>67</b>	<b>7</b>	<b>58</b>	<b>2</b>			
	<b>PERCENTAGE</b>		<b>10.44%</b>	<b>86.56%</b>	<b>2.98%</b>			

**Conclusion:—** Majority view is that privileges are safeguards to enable the Parliament and its members to discharge their sacred duties and responsibilities. These cannot, therefore, be said to be a relic of our colonial past. These privileges should not be done away with. The criticism is not justified.

**Question No.3:** The fundamental principle is that a member of Parliament cannot claim any privilege in the matter of the application of the laws of the land. He cannot stand on a better footing than an ordinary citizen insofar as the application of the law of the land is concerned.

How far the impression that has created that the Parliamentary privileges create an elite and exclusive section of the society which is immune to the operation of the ordinary laws of the land is well founded?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up- Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	1	17	1	5.26%	89.47%	5.26%
2.	LEGAL PROFESSION	14	5	8	1	35.71%	57.14%	7.14%
3.	PRESS	10	3	7	-	30%	70%	
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	6	17		26.08%	73.91%	
5.	OTHERS	1		1			100%	
	TOTAL	67	15	50	2			
	PERCENTAGE		22.38%	74.62%	2.98%			

**Conclusion:—** Majority holds that the impression that has been created that Parliamentary privileges create an elite and exclusive section of the society which is immune to the operation of the ordinary laws of the land is totally erroneous and ill-founded.

**Question No.4:** Parliamentary privileges are enjoyed and exercised by the representative of the people under the specific provisions of the Constitution (an instrument that has been enacted and given to themselves by the people of India) so that they can perform their Parliamentary duties without any let or hindrance.

Can these Parliamentary privileges be then said to be enjoyed by the representatives of the people against the people and their interest?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	-	18	1	-	94.73%	5.26%
2.	LEGAL PROFESSION	14	4	9	1	28.57%	64.28%	7.14%
3.	PRESS	10	5	5		50%	50%	
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	4	19		17.39%	82.60%	
5.	OTHERS	1	-	1			100%	
	TOTAL	67	13	52	2			
	PERCENTAGE		19.40%	77.61%	2.98%			

**Conclusion:—** Parliamentary privileges are enjoyed and exercised by the representatives of the people so that they can perform their Parliamentary duties without any let or hindrance. In no way, these Parliamentary privileges can be said to be enjoyed by the representatives of the people against the people and their interest.

**Question No.5:** It is well established that no House can create new privileges. Would, therefore, the criticism in certain quarters — that legislatures are keen on extending their privileges — be justified?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	-	16	3	-	84.21%	15.78%
2.	LEGAL PROFESSION	14	4	9	1	28.57%	64.28%	7.14%
3.	PRESS	10	4	4	2	40%	40%	20%
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	7	16		30.43%	69.56%	
5.	OTHERS	1	-	1	-	-	100%	-
	TOTAL	67	15	46	6			
	PERCENTAGE		22.38%	68.65%	8.95%			

**Conclusion:—** The majority view is that Parliamentary privileges are not created but they are evolved. The process of evolution of the privileges or defining of the privileges is wholly unrelated to the issue of Legislatures being keen on extending their privileges.

**Question No 6:** Some of the more important of the privileges of Parliament and its members, viz, freedom of speech in Parliament and immunity to a member from any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, have been provided for in the Constitution. Some others, viz freedom from arrest in civil cases have been provided for in other statutes like Civil Procedure Code, etc. It is only "in other respects" that the Constitution states that "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 (Forty-fourth Amendment) Act, 1978."

In view of such specific provisions in the Constitution etc., would it not be proper to say that the Parliamentary privileges are certain and ascertainable and not vague and inscrutable for the citizens and the press as often alleged?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	13	4	2	68.42%	21.05%	10.52%
2.	LEGAL PROFESSION	14	8	5	1	57.14%	35.71%	7.14%
3.	PRESS	10	4	6		40%	60%	
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	12	10	1	52.17%	43.47%	4.34%
5.	OTHERS	1	1	-	-	100%	-	-
	TOTAL	67	38	25	4			
	PERCENTAGE		56.71%	37.31%	5.97%			

**Conclusion:—** The majority view is that the Parliamentary privileges are certain and ascertainable and not vague. However, the majority felt that the relevant provisions of the Constitution leave much to be desired in respect of specifying and defining the exact privileges and immunities the legislators are entitled to.

**Question No.7:** Do you subscribe to the view that Parliamentary privileges need to be codified?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			yes/In favour	No/ Against	No Comments	yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	21	5	15	1	23.80%	71.42%	4.76%
2.	LEGAL PROFESSION	14	7	7	-	50%	50%	-
3.	PRESS	10	7	3	-	70%	30%	-
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	11	11	1	47.82%	47.82%	4.34%
5.	OTHERS	1	1	-	-	100%	-	-
	TOTAL	69	31	36	2			
	PERCENTAGE		44.92%	52.17%	2.89%			

**Conclusion:—** Though the margin of difference is very narrow, the majority is of the opinion that Parliamentary privileges need not be codified.

**Question No. 7A:** How far is it correct to say that once the Parliamentary privileges are codified, they will lose their flexibility in application to the circumstances and cases as and when they arise?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			yes/In favour	No/ Against	No Comments	yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	8	8	-	-	100%	-	-
2.	LEGAL PROFESSION	8	5	3	-	62.5%	37.5%	-
3.	PRESS	2	1	1	-	50%	50%	-
4.	VICE-CHANCELLORS OF UNIVERSITIES	8	4	4	-	50%	50%	-
5.	OTHERS	1	-	1	-	-	100%	-
	<b>TOTAL</b>	27	18	9	-			
	<b>PERCENTAGE</b>		66.66%	33.33%				

**Conclusion:—** Majority view is that once the Parliamentary privileges are codified, they will lose their flexibility in their application to the circumstances and cases as and when they arise.

**Question No. 8:** Would you not agree with the opinion that codification of Parliamentary privileges will make them subject to fundamental rights enshrined in the Constitution and that they will thus come within the ambit of judicial scrutiny and determination?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	13	2	4	68.42%	10.52%	21.10%
2.	LEGAL PROFESSION	14	9	5	-	64.28%	35.71%	-
3.	PRESS	10	8	2	-	80%	20%	-
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	14	8	1	60.86%	34.78%	4.34%
5.	OTHERS	1	1	-	-	100%	-	-
	TOTAL	67	45	17	5			
	PERCENTAGE		67.16%	25.37%	5.97%			

**Conclusion:—** The majority felt that codification of Parliamentary privileges will make them subject to fundamental rights enshrined in the Constitution and that they will thus come within the ambit of judicial scrutiny and determination.

**Question No. 9:** Would you not agree with the opinion that once Parliamentary privileges are codified the power of Parliament to punish a person for committing its contempt - which has been described as the keystone of parliamentary privileges and is similar to the power of courts to punish for its contempt - would be eroded by being subject to judicial scrutiny?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	11	6	2	57.89%	31.57%	10.52%
2.	LEGAL PROFESSION	14	7	7	-	50%	50%	-
3.	PRESS	10	5	5	-	50%	50%	-
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	7	15	1	30.43%	65.21%	4.34%
5.	OTHERS	1	1	-	-	100%	-	-
	TOTAL	67	31	33	3			
	PERCENTAGE		46.26%	49.25%	4.47%			

**Conclusion:—** Views on this question are divided almost equally. Majority opinion is that codification of Parliamentary privileges would not erode the Parliament's powers to punish for its contempt. One view is that the question does not arise as Parliament's power to punish for breach of privilege is there even without codification.

**Question No.10:** Would it not be proper to say that if Parliamentary privileges were to be codified, precision would be gained at the sacrifice of the substance?

### ANALYSIS

S. No.	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	12	5	2	63.15%	26.31%	10.52%
2.	LEGAL PROFESSION	14	3	10	1	21.47%	71.42%	7.14%
3.	PRESS	10	3	6	1	30%	60%	10%
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	8	15	-	34.78%	65.21%	-
5.	OTHERS	1	-	1	-	-	100%	-
	TOTAL	67	26	37	4			
	PERCENTAGE		38.80%	55.22%	5.97%			

**Conclusion:—** Majority view is that if Parliamentary privileges were to be codified, it would not be possible to achieve precision even at the risk of sacrificing substance.

**Question No.11:** Do you feel that the absence of codification is responsible for confrontation between the legislature and judiciary and if so, do you agree that codification will put up an end to this confrontation?

### ANALYSIS

S.No	Replies received from	Number of replies received	Break-up - Number-wise			Break-up Percentage wise		
			Yes/In favour	No/ Against	No Comments	Yes/In Favour	No/ Against	No Comments
1.	LEGISLATURE	19	4	14	1	21.05%	73.68%	5.26%
2.	LEGAL PROFESSION	14	3	11		21.42%	78.57%	
3.	PRESS	10	5	5		50%	50%	
4.	VICE-CHANCELLORS OF UNIVERSITIES	23	9	14		39.13%	60.86%	
5.	OTHERS	1	-	1	-	-	100%	-
	<b>TOTAL</b>	67	21	45	1			
	<b>PERCENTAGE</b>		31.34%	67.16%	1.49%			

**Conclusion:—** Absence of codification is not responsible for confrontation between the legislature and judiciary. If there is mutual trust and respect between legislature and judiciary, there is hardly any need to codify the law on the subject.

**Question No. 12 : Any other suggestion which you may like to make in the matter.**

A number of suggestions<sup>13</sup> were made by the persons/institutions to whom the questionnaire was sent. Some of the more important suggestions made by them are as follow:-

- (i) There ought to be greater awareness amongst Members of Parliament that the question of breach of privilege is a major issue not to be raised casually.
- (ii) Exercise of their privileges by Members should be rare and action by the House in dealing with alleged breaches of privileges should be even rarer.
- (iii) Members should exercise self-discipline and control in their dealings with public servants, especially members of the Executive.
- (iv) Impartial and judicious use of the existing privileges requires to be guaranteed.
- (v) There is a need to design steps necessary to ensure against the misuse or abuse of parliamentary privileges.
- (vi) Orientation programmes should be conducted for legislators so that they may have a basic understanding of the meaning, extent and scope of parliamentary privileges.

### **VIII. FINDINGS AND CONCLUSIONS**

28. The replies received make an interesting reading

On the most crucial question (Question No. 7) — whether parliamentary privileges need to be codified the response from legislatures was, as expected, predominantly against codification. Out of a total of 21 persons/institutions under the category 'Legislature', who replied to this question, while 5 were of the view that privileges need to be codified, 15 were against it and one did not offer any comments. Opinion on this question under the categories Judiciary and Vice-Chancellors of Universities, was equally divided. While under the former category, out of 14 replies 7 were in favour of codification and 7 against it, under the latter, out of 23 replies 11 were in favour, 11 were against and 1 did not offer any comments.

The overall majority (52.17%) was, however, against codification.

29. Majority was also of the view that — parliamentary privileges are not anachronistic in a democratic set-up (82.08%); privileges do not create any elite and exclusive section of the society which is immune from the ordinary laws of the land (74.62%); privileges are not enjoyed by the legislators against the people and their interest (77.61%); legislators are not keen on extending their privileges (68.65%); privileges are certain and ascertainable rather than vague and inscrutable.

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<sup>13</sup> See Detailed Analysis, Appendix II.

table (56.71%); codification of privileges will result in loss of flexibility (66.66%); codification will bring privileges within the ambit of judicial scrutiny and determination (67.16%); codification would not erode Parliament's power to punish for its contempt (49.25%); it would be incorrect to say that codification would ensure precision at the sacrifice of substance (55.22%); and codification would not put an end to confrontation between the Legislature and the Judiciary (67.16%).

30. Following are the conclusions that emerge from the analysis of replies to the questionnaire:—

- \* **The criticism that parliamentary privileges are anachronistic in a democratic set-up like ours is not justified. On the contrary, these are essential for smooth functioning of democracy and for maintaining the freedom and dignity of Parliament.**
- \* **The criticism that privileges are a relic of our colonial past is not justified. Privileges are safeguards to enable Parliament and its Members to discharge their duties and responsibilities effectively and usefully. Privileges should, therefore, not be done away with.**
- \* **The impression that parliamentary privileges create an elite and exclusive section of society which is immune to the operation of the ordinary laws of the land is totally erroneous and ill-founded.**
- \* **Parliamentary privileges are enjoyed and exercised by the representatives of the people so that they can perform their parliamentary duties without any let or hindrance. In no way can the privileges be said to be enjoyed by the representatives of the people against the interests of the people at large.**
- \* **The criticism that Legislatures are keen on extending their privileges is not justified. Privileges are not created but are evolved.**
- \* **Parliamentary privileges are certain and ascertainable and not vague and inscrutable as is often alleged. There was, however, a general feeling that the relevant Constitutional provisions leave much to be desired in specifying the exact privileges and immunities the legislators are entitled to.**
- \* **Parliamentary privileges need not be codified.**
- \* **If parliamentary privileges are codified, they will lose their flexibility in their application to the circumstances and cases as and when they arise.**
- \* **If codified, the parliamentary privileges will become subject to fundamental rights enshrined in the Constitution and they will come within the ambit of judicial scrutiny and determination.**
- \* **Majority feels that codification would not erode Parliament's power to punish for its contempt.**

- \* Even if the parliamentary privileges were to be codified, it would not be possible to achieve precision at the risk of sacrificing substance.
- \* Absence of codification is not responsible for confrontation between the legislature and judiciary. If there is mutual trust and respect between these two organs of democracy, there is hardly any need to codify the law of privileges.
- \* Majority felt that there ought to be greater awareness amongst Members that privilege matters need not be raised casually. Exercise of this right by Members should be rare and action by the House in such matters should be rarer. Members should exercise control and self-discipline while dealing with members of the Executive and others.
- \* It is also the view of a large number of persons that impartial and judicious exercise of the privileges by the Members needs to be guaranteed. It is also necessary to evolve a mechanism to ensure against misuse or abuse of privileges.

31. The Committee find from the various suggestions made in response to Question No. 12 (*See para 27 supra.*), that there is a general misgiving that parliamentary privileges are misused and abused by Members of Parliament by raising frivolous matters injudiciously and in a casual manner. The Committee also note that certain sections of the Press have been most persistent in demanding the codification of Parliamentary privileges as well as in suggesting that the Legislatures are reluctant to codify their privileges as it would circumscribe the scope for misuse of privileges.

32. The Committee, in spite of being convinced of the fallacy of the above argument, nevertheless decided to put the things in their proper perspective by making a detailed study of privilege cases that have arisen in Lok Sabha since 1952 and assess the allegation of misuse in the light of the statistical details of the study.

33. The Committee wish to bring on record that the study has revealed that the House — in spite of enjoying the penal power of committing to imprisonment persons proved to have been guilty of breach of its privilege and contempt — has exercised this power extremely rarely. Barring the cases of contempt of the House committed in the very presence of the House e.g., where visitors created disturbance in the proceedings by shouting slogans from the Visitors' Gallery or by throwing leaflets etc., there has been only one instance in Lok Sabha since 1952 when a person was sent to jail for having committed breach of privilege and contempt of the House.<sup>14</sup>

34. Similarly, the Committee of Privileges have always been very restrained and circumspect in recommending to the House any penal action even against

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<sup>14</sup>. Smt. Indira. Gandhi's Case. *See Privileges Digest*, October, 1979.

persons who were found to be guilty of having committed a breach of privilege and contempt of the House.

In their long history since 1952, the Committee have only on one occasion recommended to the House that the person who was found guilty of committing gross breach of privilege and contempt of the House, be summoned to its Bar and reprimanded by the Speaker<sup>15</sup>.

In another case, the Committee recommended that the displeasure of the House be conveyed to the contemnor for having committed breach of privilege and contempt of the House. The House, however, in its wisdom adopted a motion resolving that the contemnor be summoned to the Bar of the House and reprimanded in view of the gravity of the offence<sup>16</sup>.

35. The following observation of the Committee of Privileges reflect the true spirit and magnanimous approach usually adopted by the Committee in dealing with matters of breach of privilege and contempt of the House:—

“... the Committee would, in the highest traditions of the august body, not like to deflect from the correct and judicious stand taken by them in similar cases in the past. The Committee are entirely in agreement with the observations made by a predecessor Committee that it adds to the dignity of one and all if power in a democratic system is exercised with restraint; the more powerful a body or institution is, the greatest restraint is called for, particularly in exercising its penal jurisdiction.

The Committee consider that the House would best consult its own dignity and in keeping with the lofty traditions of Parliament, choose not to take any further notice of the matter<sup>17</sup>.”

36. The Committee also got a study made of the pattern of disposal of notices of question of privileges given by Members since 1980. The Committee find that out of hundreds of notices received every year, only a tiny fraction reaches the Committee stage, the majority being disallowed either at threshold (*i.e.*, without bringing the matter before the House) or through a ruling by the Speaker in the House. The following random figures should suffice to illustrate the point.

In 1981, out of 246 notices of question of privilege received in the Secretariat, 226 were disallowed at threshold, 17 were disallowed by the Speaker through a ruling given in the House and only 2 were referred to the Committee of Privileges. In 1991, out of 100 notices received 99 were disallowed at threshold and only 1 notice was referred to the Committee of Privileges. In 1992, however, out of 122 notices received all were disallowed at threshold, none being referred to the Committee.

37. With the strength of statistics as afore-mentioned, the Committee feel no hesitation in holding that the ground reality is entirely opposite to the picture

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<sup>15</sup> *Blitz case. See Privileges Digest, October, 1961.*

<sup>16</sup> *S.C. Mukherjee's Case. See Privileges Digest, April, 1971.*

<sup>17</sup> *Arun Shourie's case. 4th Report, Committee of Privileges (8 LS), 1989.*

projected insofar as allegations of misuse of parliamentary privileges are concerned. These facts and figures explode once and for all the myth of misuse and abuse of privileges.

38. The Committee are of the view that the Legislatures' power to punish for contempt is more or less akin and analogous to the power given to courts to punish for their contempt. Even the Contempt of Court, Act, 1971 does not specify the matters which constitute Contempt. Contempt of court in a given case has to be judged according to the facts and circumstances of each case. Likewise, the Committee feel what constitutes a breach of privilege or contempt of the House can best be decided according to the facts and circumstances of each case rather than by specifying them in so many words.

39. In the light of the replies received to the questionnaire, analysis thereof and the conclusions drawn therefrom (para 30 *supra*) as well as the discussion above, the Committee are inclined to hold that preponderance of opinion is against codification of parliamentary privileges.

## IX. RECOMMENDATION

40. The Committee recommend that it is not advisable to codify parliamentary privileges.

NEW DELHI:

18 July, 1994

27 Asadha, 1916 (Saka)

SHIV CHARAN MATHUR,

*Chairman,*

*Committee of Privileges.*

## **ORDERS OF THE SPEAKER**

**“Approved**

Sd/-  
SHIVRAJ V. PATIL  
5.8.1994”

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## MINUTES

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# MINUTES

## I

### ELEVENTH SITTING New Delhi, Monday, 11 May, 1992

The Committee sat from 15.15 to 16.35 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri Allola Indrakaran Reddy
9. Shri Tej Narayan Singh

#### SECRETARIAT

Shri G.L. Batra — *Additional Secretary*  
Shri S.C. Rastogi — *Under Secretary*  
Shri V.K. Sharma — *Assistant Director*

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7. The Chairman also pointed out that in view of the demand made in the House for codification of the law of privileges, a questionnaire might be prepared and circulated to important persons belonging to the four organs of democracy, viz., Legislature, Executive, Judiciary and Press. Replies to the questionnaire as and when received might be scientifically analysed and put up before the Committee for their consideration.

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| 8. | ** | ** | ** |
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*(The Committee then adjourned)*

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\*\* Paras 2-6 & 8 relate to another case and have accordingly been omitted.

## II

## THIRTEENTH SITTING

**New Delhi, Monday, 25 January, 1993**

**The Committee sat from 15.10 to 16.00 hours.**

## PRESENT

**Shri Shiv Charan Mathur — Chairman**

## MEMBERS

2. **Shri Ram Narain Berwa**
3. **Shri Ram Sunder Das**
4. **Shri Amal Datta**
5. **Shri Santosh Kumar Gangwar**
6. **Shri Anna Joshi**
7. **Shri Venkata Krishna Reddy Kasu**
8. **Shri Bhagwan Shankar Rawat**

## SECRETARIAT

**Shri T.S. Ahluwalia** — *Joint Secretary*

**Shri V.K. Sharma** — *Assistant Director*

2.      \*\*                          \*\*                          \*\*

3. The Chairman informed that, as decided by the Committee, the Secretariat had undertaken a study regarding privileges of members of Parliament and State Legislatures and prepared a questionnaire regarding codification of privileges. The Chairman also informed that the questionnaire, after its approval by the Committee, would be circulated to persons belonging to the four organs of the State, viz., the Executive, the Judiciary, the Press and the Legislature and after analysing their replies, a report would be prepared and presented to the Honourable Speaker, Lok Sabha. Copies of the questionnaire were then circulated to members of the Committee.

4. The Chairman read out some of the questions from the questionnaire regarding codification of privileges to the Committee. He also informed the members of the Committee that the questionnaire had been approved by the Honourable Speaker, Lok Sabha.

5. Shri Amal Datta expressed his views on the questionnaire. He was of the view that an explanatory note needed to be appended to the questionnaire giving

a brief overview of privileges for the benefit of the persons to whom the questionnaire would be sent.

6. \*\* \*\* \*

**The Committee decided that an explanatory note explaining the privileges and facilities etc. available to members of Parliament may be circulated alongwith the questionnaire.**

**7. The Committee decided to meet again on Monday, 15 February, 1993.**

***(The Committee then adjourned)***

**\*\* Paras 2 & 6 relate to another case and have accordingly been omitted.**

### III

#### FOURTEENTH SITTING New Delhi, Monday, 15 February, 1993

The Committee sat from 15.20 to 16.30 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri K. Ramamurthy

#### SECRETARIAT

Shri T.S. Ahluwalia — *Joint Secretary*

Shri V.K. Sharma — *Assistant Director*

2. At the outset, the Chairman informed the Committee that, as desired by the Committee, a forwarding letter to the Questionnaire regarding codification of privileges together with an Explanatory Note thereto had been prepared by the Secretariat to be sent to the eminent persons belonging to four pillars of democracy, viz., the Legislature, the Executive, the Judiciary and the Press. The Chairman elicited the views of the members on the Questionnaire and the Explanatory Note.

Members expressed their views.

3. Some members of the Committee suggested certain amendments to the Questionnaire and the Explanatory Note thereto.

The amendments to the Questionnaire and the Explanatory Note were accepted by the Committee.

4. The Committee decided that the Questionnaire together with the Explanatory Note be circulated to persons belonging to the four pillars of the democracy viz., the Legislature, the Executive, the Judiciary and the Press requesting them to send their replies to the Secretariat by 30 April, 1993.

*(The Committee then adjourned)*

## IV

### FIFTEENTH SITTING New Delhi, Thursday, 27 May, 1993

The Committee sat from 15.10 to 16.00 hours

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Dr. Debi Prosad Pal
7. Shri Bhagwan Shankar Rawat
8. Shri Allola Indrakaran Reddy

#### SECRETARIAT

Shri G.L. Batra — *Additional Secretary*  
Shri T.S. Ahluwalia — *Joint Secretary*  
Shri V.K. Sharma — *Assistant Director*

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5. The Committee then took up for consideration the analysis of the first batch of 25 replies to the questionnaire regarding codification of privileges. The Chairman read out some of the replies to the members.

Members expressed their views.

6. \*\*                      \*\*                      \*\*

7. The Committee decided to sit also on Tuesday, 8 June, 1993 to further deliberate on the analysis of the replies to the Questionnaire regarding codification of privileges.

*(The Committee then adjourned)*

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\*\* Paras 2-4 & 6 relate to another case and have accordingly been omitted.

**SEVENTEENTH SITTING**  
**New Delhi, Wednesday, 9 June, 1993**

The Committee sat from 15.20 to 15.45 hours.

**PRESENT**

Shri Shiv Charan Mathur                      —                      *Chairman*

**MEMBERS**

2. Shri Ram Narain Berwa
3. Shri Santosh Kumar Gangwar
4. Shri Anna Joshi
5. Shri Venkata Krishna Reddy Kasu
6. Shri Tej Narayan Singh

**SECRETARIAT**

Shri T.S. Ahluwalia                      —                      *Joint Secretary*

Shri V.K. Sharma                      —                      *Assistant Director*

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5. The Committee then took up for consideration the analysis of the second batch of 5 replies to the questionnaire regarding codification of privileges. The Chairman read out some of the replies to the members.

Members expressed their views.

6. The Committee decided to meet again on Tuesday, 29 June, 1993 and Wednesday, 30 June, 1993.

*(The Committee then adjourned)*

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\*\* Paras 2-4 relate to another case and have accordingly been omitted.

**TWENTY-SECOND SITTING**  
**New Delhi, Wednesday, 25 August, 1993**

## PRESENT

## MEMBERS

- SECRETARIAT**

### Members expressed their views.

- (The Committee then adjourned)*

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## VII

### TWENTY-FOURTH SITTING

New Delhi, Tuesday, 7 September, 1993

The Committee sat from 11.20 to 12.00 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Santosh Kumar Gangwar
4. Shri Anna Joshi
5. Shri Venkata Krishna Reddy Kasu
6. Shri Uttamrao Patil
7. Shri Bhagwan Shankar Rawat

#### SECRETARIAT

Shri J.P. Ratnesh — *Director*  
Shri V.K. Sharma — *Assistant Director*

2. The Committee took up for consideration the consolidated analysis of replies to the questionnaire regarding codification of privileges. The Chairman read out some of the questions from the questionnaire regarding codification of privileges and replies thereto to the Committee.

Members expressed their views.

3. The Committee decided to meet again on Thursday, 30 September, 1993 and Friday, 1 October, 1993.

*(The Committee then adjourned)*

## VIII

### TWENTY-SEVENTH SITTING New Delhi, Monday, 11 October, 1993

The Committee sat from 15.15 to 15.45 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Santosh Kumar Gangwar
5. Shri Syed Masudal Hossain
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri Tej Narayan Singh

#### SECRETARIAT

Shri J.P. Ratnesh — *Joint Secretary*  
Shri V.K. Sharma — *Under Secretary*  
Shri A.S. Chera — *Assistant Director*

2. The Committee took up for consideration the consolidated analysis of 9 replies to the questionnaire regarding codification of privileges.

Members expressed their views.

3. The Committee decided that Question No. 7 of the questionnaire be split into two parts.

4. The Committee also decided that revised Question No. 7 be sent to Shri Jaswant Singh and Shri Syed Shahabuddin, MPs, for their comments.

*(The Committee then adjourned)*

## IX

### **TWENTY-EIGHTH SITTING** **New Delhi, Tuesday, 12 October, 1993**

The Committee sat from 11.15 to 11.30 hours.

#### **PRESENT**

Shri Shiv Charan Mathur — *Chairman*

#### **MEMBERS**

2. Shri Ram Sunder Das
3. Shri Santosh Kumar Gangwar
4. Shri Syed Masudal Hossain
5. Shri Anna Joshi
6. Shri Venkata Krishna Reddy Kasu
7. Shri Tej Narayan Singh

#### **SECRETARIAT**

Shri A.S. Chera — *Assistant Director*

2. The Committee took up for further consideration of the consolidated analysis of 9 replies to the questionnaire regarding codification of privileges.

Members expressed their views.

*(The Committee then adjourned)*

**THIRTY-SECOND SITTING**  
**New Delhi, Wednesday, 9 February, 1994**

**PRESENT**

**Shri Shiv Charan Mathur** — *Chairman*

## MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Santosh Kumar Gangwar
5. Shri Tej Narayan Singh
6. Prof. (Dr.) S.S. Yadav

**SECRETARIAT**

Shri J.P. Ratnesh	—	Joint Secretary
Shri V.K. Sharma	—	Under Secretary
Shri A.S. Chera	—	Assistant Director

- 2.      \*\*                          \*\*                          \*\***

3. The Committee then took up for consideration the consolidated analysis of 10 replies to the questionnaire regarding codification of privileges.

**Members expressed their views.**

4. The Committee decided that a consolidated analysis of all the replies received upto 28 February, 1994 might be prepared for the consideration of the Committee at their next sitting.

- 5. The Committee decided to meet again on Wednesday, 2 March, 1994.**

*(The Committee then adjourned)*

**\*\* Para 2 relates to another case and has accordingly been omitted.**

**THIRTY-THIRD SITTING**  
**New Delhi, Wednesday, 2 March, 1994**

**PRESENT**

**Shri Shiv Charan Mathur** — *Chairman*

## MEMBERS

2. **Shri Ram Narain Berwa**
3. **Shri Santosh Kumar Gangwar**
4. **Shri Bhagwan Shankar Rawat**
5. **Shri Allola Indrakaran Reddy**
6. **Prof. (Dr.) S.S. Yadav**

**SECRETARIAT**

Shri J.P. Ratnesh	—	Joint Secretary
Shri V.K. Sharma	—	Under Secretary
Shri A.S. Chera	—	Assistant Director

2. At the outset, the Committee took up for consideration the consolidated analysis of all the replies to the questionnaire regarding codification of privileges.

**Members expressed their views.**

3. The Committee decided that a Draft Report on consolidated analysis of all the replies to the questionnaire regarding codification of privileges might be prepared for the consideration of the Committee at their next sitting.

4. \*\* \*\*
5. \*\* \*\*

***(The Committee then adjourned)***

**\*\* Paras 4 & 5 relate to another case and have accordingly been omitted.**

**THIRTY-FOURTH SITTING**  
**New Delhi, Thursday, 5 May, 1994**

**PRESENT**

**Shri Shiv Charan Mathur** — *Chairman*

2. **Shri Ram Narain Berwa**
3. **Shri Ram Sunder Das**
4. **Shri Santosh Kumar Gangwar**
5. **Shri Anna Joshi**
6. **Shri Bhagwan Shankar Rawat**
7. **Shri Allola Indrakaran Reddy**
8. **Shri Tej Narayan Singh**
9. **Prof. (Dr.) S.S. Yadav**

Shri G.L. Batra	—	Additional Secretary
Shri V.K. Sharma	—	Under Secretary
Shri A.S. Chera	—	Assistant Director

2. The Committee took up for consideration of their Draft Fourth Report. Members desired that they might be given more time to study the Draft Report.

**3. The Committee decided that the Draft Fourth Report might be considered and adopted at their next sitting.**

**4.      \* \* \***

*(The Committee then adjourned)*

**\*\* Para 4 relates to another case and has accordingly been omitted.**

### XIII

#### THIRTY-SIXTH SITTING New Delhi, Friday, 24 June, 1994

The Committee sat from 15.15 to 16.45 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Santosh Kumar Gangwar
4. Shri Anna Joshi
5. Shri P.R. Kumaramangalam
6. Shri Tej Narayan Singh
7. Prof. (Dr.) S.S. Yadav
8. Shri Bhagwan Shankar Rawat

#### SECRETARIAT

Shri V.K. Sharma — *Under Secretary*

2. The Committee took up for consideration of their Draft Fourth Report. Members expressed their views.
3. The Committee decided that para 27 of the Draft Fourth Report which reads as follows be omitted:-

“27. The Committee are constrained to observe that the response to the questionnaire has not been as heart-warming as the Committee would have liked it to be. Out of about 600 eminent persons/institutions to whom the questionnaire was forwarded for giving their views, only about seventy chose to respond.”
4. The Committee also decided that the word “however” be omitted from first line of para 28 of the Draft Fourth Report.
5. The Committee decided that a para be added in the Draft Fourth Report emphasising that the House, instead of misusing its privileges, has always been very reluctant to exercise its penal powers. The Committee of Privileges, have also been consistently magnanimous in recommending to the House not to take any action against the concerned persons even though they were guilty of committing breach of privilege if adequate amends were made by them by tendering apologies and regrets.
6. The Committee decided to meet again on Wednesday, 13 July, 1994.

*(The Committee then adjourned)*

## XIV

### THIRTY-SEVENTH SITTING New Delhi, Monday, 18 July, 1994

The Committee sat from 15.00 to 15.50 hours.

#### PRESENT

Shri Shiv Charan Mathur — *Chairman*

#### MEMBERS

2. Shri Ram Narain Berwa
3. Shri Santosh Kumar Gangwar
4. Shri Syed Masudal Hossain
5. Shri Anna Joshi
6. Shri Venkata Krishna Reddy Kasu
7. Shri P.R. Kumaramangalam
8. Shri Bhagwan Shankar Rawat
9. Shri Tej Narayan Singh

#### SECRETARIAT

Shri J.P. Ratnesh — *Joint Secretary*

Shri V.K. Sharma — *Under Secretary*

2. The Committee took up for consideration of their Draft Fourth Report regarding 'Codification of Parliamentary Privileges.'

Members expressed their views.

3. The Committee adopted the Draft Fourth Report with modifications as detailed in *Appendix*.

4. The Committee authorised the Chairman to lay their Fourth Report on the Table of the House after the approval of the Hon'ble Speaker, Lok Sabha.

*(The Committee then adjourned)*

## APPENDIX

### MODIFICATIONS

- (i) *For existing paragraph 31 substitute the following paragraph:—*

“31. The Committee find from the various suggestions made in response to Question No.12 (*See 27 supra.*), that there is a general misgiving that Parliamentary privileges are misused and abused by members of Parliament by raising frivolous matters injudiciously and in a casual manner. The Committee also note that certain sections of the Press have been most persistent in demanding the codification of Parliamentary privileges as well as in suggesting that the Legislatures are reluctant to codify their privileges as it would circumscribe the scope for misuse of privileges.”

- (ii) *For existing paragraph 33, substitute the following paragraph:—*

“33. The Committee wish to bring on record that the study has revealed that the House — in spite of enjoying the penal power of committing to imprisonment persons proved to have been guilty of breach of its privileges and contempt — has exercised this power extremely rarely. Barring the cases of contempt of the House committed in the very presence of the House, *e.g.* where visitors created disturbance in the proceedings by shouting slogans from the Visitors’ Gallery or by throwing leaflets etc., there has been only one instance in Lok Sabha since 1952 when a person was sent to jail for having committed breach of privileges and contempt of the House<sup>14</sup>.”

- (iii) *For existing sub-paragraph to paragraph 34, substitute the following paragraph:-*

“In their long history since 1952, the Committee have only on one occasion recommended to the House that the person who was found guilty of committing gross breach of privileges and contempt of the House, be summoned to its Bar and reprimanded by the Speaker<sup>15</sup>.”

- (iv) *For existing paragraph 37, substitute the following paragraph:—*

“37. With the strength of statistics as aforementioned, the Committee feel no hesitation in holding that the ground reality is entirely opposite to the picture projected insofar as allegations of misuse of Parliamentary privileges are concerned. These facts and figures explode once and for all the myth of misuse and abuse of privileges.”

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# APPENDICES

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## APPENDIX I

(See para 25 of the Report)

### EXPLANATORY NOTE

Article 105 of the Constitution which provides for the powers, privileges and immunities of the Houses of Parliament and of the members and the Committees thereof, reads as follows:

- “(1) Subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.
- (2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- (3) In other respects, 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 (Forty-fourth Amendment) Act, 1978.
- (4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of a House of Parliament or any committee thereof as they apply in relation to members of Parliament.”

2. The corresponding provisions relating to the powers, privileges and immunities of the Houses of State Legislatures and of the members and committees thereof are contained in Article 194 of the Constitution which are in identical terms to those in Article 105 relating to Parliament.

3. Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978, came into force with effect from 20 June, 1979. Prior to that, clause (3) of Article 105 provided that in other respects, the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House shall be such as from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees at the commencement of the Constitution, *i.e.*, on 26 January, 1950.

No law has so far been enacted by Parliament and State Legislatures in pursuance of clause (3) of Articles 105/194 of the Constitution to define the powers, privileges and immunities of each House and of the members and the committees thereof. In the absence of any such law, therefore, the powers, privileges and immunities of the Houses of Parliament and State Legislatures and

of the members and the committees thereof continue in actual practice to be governed by the precedents of the British House of Commons as they existed on the date our Constitution came into force.

4. There is a lot of misgiving in the minds of the public at large, the press and others about the exact scope of Parliamentary privileges. The facilities available to members of Parliament and State Legislatures are generally confused with the privileges and immunities available to them. Parliamentary privileges are certain rights and immunities enjoyed by each House of Parliament collectively and by members of each House individually without which they cannot discharge their functions. They are granted to members in order that they may be able to perform their duty in Parliament without any let or hindrance. They are available to individual members only insofar as they are necessary for the House to perform its functions freely. When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the members individually or of the House in its collective capacity, the offence is called a 'breach of privilege' and is punishable by the House. Facilities and amenities such as housing facility, medical facility, telephone facilities, facility of sanctioning telephone connections and LPG connections to the public provided to members of Parliament are not privileges.

5. In view of the above, a questionnaire has been prepared on the codification of privileges and certain other matters and it has been decided to obtain the views of eminent persons belonging to the four pillars of democracy, viz., the Legislature, the Executive, the Judiciary and the Press, thereon.

## APPENDIX II

(See para 26 of the Report)

### CODIFICATION OF PARLIAMENTARY PRIVILEGES

#### *Consolidated Analysis of the Replies*

*Question No. 1* — It is well established that the sole purpose behind the powers, privileges and immunities granted to the Parliament, its Committees and its members and the Legislatures, their Committees and their members — as laid down under articles 105 and 194 of the Constitution respectively — is to enable the representatives of the people to discharge their duties and responsibilities effectively, efficiently, without any fear or favour and without any obstruction and hindrance.

Under these circumstances, is the criticism — that the Parliamentary privileges are anachronistic in a democratic set up like ours — justified ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.	Yes		
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.		No	
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly		No	
16.	Nagaland Legislative Assembly		No	
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly		No	
19.	Uttar Pradesh Legislative Assembly		No	
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocates			No Comments
29.	P.H. Parekh & Co. Advocates, Supreme Court	Yes		
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat		No	
37.	Executive Editor, Hindustan Times	Yes		
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.		No	
40.	Press Trust of India	Yes		
41.	Publisher, Krukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University		No	
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University	Yes		To the extent privilege are misused
50.	Vice Chancellor, North-Eastern Hill University		No	
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		
57.	Vice Chancellor, Cochin University		No	
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University		No	
61.	Sri Krishnadaveraya University, Anantapur	Yes		
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		11	55	

**Question No. 2 —** It is widely recognised by the authorities that the distinctive feature of Parliamentary privileges is their ancilliary characters, i.e. privileges of Parliament are the rights which are absolutely necessary for the due execution of its powers and to maintain its dignity.

It is criticism that the Parliamentary privileges are a relic of our colonial past and should be done away with justified ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.		No	
7.	Dr. Girja Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.		No	
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly		No	
16.	Nagaland Legislative Assembly		No	
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
19.	Uttar Pradesh Legislative Assembly		No	
	<i>Legal Profession</i>			
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocates			No comments
29.	P.H. Parekh & Co. Advocates, Supreme Court	Yes		
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
	<i>Press</i>			
34.	Editor, Nai Duniya		No	
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
37.	Executive Editor, Hindustan Times	Yes		
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.			No comments
40.	Press Trust of India	Yes		
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University		No	
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University		No	
50.	Vice Chancellor, North-Eastern Hill University		No	
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		
57.	Vice Chancellor, Cochin University		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University		No	
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		7	58	

**Question No. 3 —** The fundamental principle is that a member of Parliament cannot claim any privilege in the matter of the application of the laws of the land. He cannot stand on a better footing than an ordinary citizen insofar as the application of the law of the land is concerned.

How far the impression that has been created that the Parliamentary privileges create an elite and exclusive section of the society which is immune to the operation of the ordinary laws of the land is well founded ?

S. No.	Replies received from	For/ Yes	Against/ No.	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.	Yes		
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.		No	
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly		No	
16.	Nagaland Legislative Assembly		No	
17.	Punjab Legislative Assembly		No	

S. No	Replies received from	For/ Yes	Against/ No	Remarks
18.	Rajasthan Legislative Assembly		No	
19.	Uttar Pradesh Legislative Assembly		No	
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court	Yes		
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court	Yes		
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocates			No comments
29.	P.H. Parekh & Co. Advocates, Supreme Court	Yes		
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar		No	

S. No	Replies received from	For/ Yes	Against/ No	Remarks
36.	Chief Editor, Tarun Bharat		No	
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.		No	
40.	Press Trust of India	Yes		
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University	Yes		
50.	Vice Chancellor, North-Eastern Hill University	Yes		
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
57.	Vice Chancellor, Cochin University		No	
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University	Yes		
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University	Yes		
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		15	50	

**Question No. 4** — Parliamentary privileges are enjoyed and exercised by the representatives of the people under the specific provisions of the Constitution (an instrument that has been enacted and given to themselves by the people of India) so that they can perform their parliamentary duties without any let or hindrance.

Can these parliamentary privileges be then said to be enjoyed by the representatives of the people against the people and their interest ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.		No	
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly		No	
16.	Nagaland Legislative Assembly		No	
17.	Punjab Legislative Assembly		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
18.	Rajasthan Legislative Assembly		No	
19.	Uttar Pradesh Legislative Assembly		No	
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court	Yes		
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocate	Yes		
29.	P.H. Parekh & Co. Advocates, Supreme Court			No comments
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
36.	Chief Editor, Tarun Bharat		No	
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.	Yes		
40.	Press Trust of India	Yes		
41.	Publisher, Krukshetra Newspaper	Yes		
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University		No	
50.	Vice Chancellor, North-Eastern Hill University		No	
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
57.	Vice Chancellor, Cochin University		No	
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University	Yes		
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University	Yes		
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		13	52	

**Question No. 5 —** It is well established that no House can create new privileges. Would, therefore, the criticism in certain quarters - that legislatures are keen on extending their privileges - be justified ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.			This is certainly not happened with either House of the U.K. Parliament.
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly			No comments
16.	Nagaland Legislative Assembly		No	
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly		No	
19.	Uttar Pradesh Legislative Assembly		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<b><i>Legal Profession</i></b>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court	Yes		
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court			No comments
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocate		No	
29.	P.H. Parekh & Co. Advocates, Supreme Court	Yes		
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
<b><i>Press</i></b>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat		No	
37.	Executive Editor, Hindustan Times			No comments

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
38.	Managing Editor, Uttar Bihar	Yes		
39.	Chief Editor, Hint Publications (P) Ltd.		No	
40.	Press Trust of India	Yes		
41.	Publisher, Kurukshetra Newspaper	Yes		
42.	Editor, Janmorcha			No comments
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University		No	
50.	Vice Chancellor, North-Eastern Hill University	Yes		
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		
57.	Vice Chancellor, Cochin University		No	
58.	Vice Chancellor, Pondicherry University		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University	Yes		
61.	Sri Krishnadaveraya University, Anantapur	Yes		
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana	Yes		
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University	Yes		
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		15	46	

**Question No. 6 —** Some of the more important of the privileges of Parliament and its members, viz., freedom of speech in Parliament and immunity to a member from any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, have been provided for in the Constitution. Some others, viz., freedom from arrest in civil cases have been provided for in other statutes like Civil Procedure Code etc. It is only "in other respect" that the Constitution states that "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 (Forty-fourth Amendment) Act, 1978."

In view of such specific provisions in the Constitution etc., would it not be proper to say that the parliamentary privileges are certain and ascertainable and not vague and inscrutable for the citizens and the press as often alleged ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal	Yes		
2.	Deputy Speaker, Legislative Assembly, West Bengal	Yes		
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly	Yes		
4.	Shri Jaswant Singh, M.P.	Yes		
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.	Yes		
8.	Shri Murlidhar C. Bhandare, M.P.	Yes		
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.			No comments
10.	Parliament of Nauru		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly	Yes		
13.	Goa Legislative Assembly	Yes		
14.	Haryana Legislative Assembly	Yes		
15.	Mizoram Legislative Assembly		No	
16.	Nagaland Legislative Assembly	Yes		
17.	Punjab Legislative Assembly	Yes		
18.	Rajasthan Legislative Assembly	Yes		
19.	Uttar Pradesh Legislative Assembly	Yes		
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court	Yes		
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court	Yes		
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court	Yes		
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court	Yes		
28.	B.C. Dasgupta & Co., Solicitors and Advocates			No comments
29.	P.H. Parekh & Co., Advocates, Supreme Court		No	
30.	Khaitan & Partners, Advocates & Notaries	Yes		
31.	Singhanian & Co., Solicitors & Advocates	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
32.	Bhasin & Co., Advocates, Supreme Court		No	
33.	O.P. Sapra & Associates, Advocates	Yes		
<i>Press</i>				
34.	Editor, Nai Duniya		No	
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat	Yes		
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.	Yes		
40.	Press Trust of India		No	
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication	Yes		
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning	Yes		
45.	Banaras Hindu University	Yes		
46.	Vidyasagar University	Yes		
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University	Yes		
49.	Vice Chancellor, Jammu University	Yes		
50.	Vice Chancellor, North-Eastern Hill University	Yes		
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
53.	Jai Narain Vyas University, Jodhpur	Yes		
54.	Kumaun University		No	
55.	University of Jodhpur	Yes		
56.	Vice Chancellor, Cochin University	Yes		
57.	Vice Chancellor, Rabindra Bharat University		No	
58.	Vice Chancellor, University of Madras		No	
59.	Vice Chancellor, Pondicherry University		No	
60.	Vice Chancellor, South Gujarat University			No comments
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior	Yes		
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA	Yes		
Total		38	25	

**Question No. 7 — Do you subscribe to the view that parliamentary privileges need to be codified?**

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly		No	
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.	Yes		
6.	Dr. Subramanian Swamy, M.P.	Yes		Privilege to free speech & to have information from the govt. etc. should only be codified.
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K		No	There may well be circumstances in which Parliament is forced to codify its privileges.
10.	Republic of Nauru	Yes		
11.	Office of the Clerk of the House of Representatives, New Zealand			The Standing Orders Committee on the Law of Privileges & related matters suggested codification — report not adopted.

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
12.	Office of the Clerk of the Senate, Australia (Senate)	Yes		
13.	House of Assemblies, West Indies	Yes		
14.	Bihar Legislative Assembly		No	
15.	Goa Legislative Assembly		No	
16.	Haryana Vidhan Sabha		No	
17.	Mizoram Legislative Assembly		No	
18.	Nagaland Legislative Assembly		No	
19.	Punjab Vidhan Sabha		No	
20.	Rajasthan Legislative Assembly		No	
21.	Uttar Pradesh Legislative Assembly		No	
<i>Legal Profession</i>				
22.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	
23.	Shri S.B. Bhasme, Senior Advocate, Supreme Court	Yes		
24.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
25.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
26.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court	Yes		
27.	Shri A.K. Chitale, Senior Advocate, Supreme Court		No	
28.	Shri P.K. Agarwal, Advocate	Yes		
29.	Shri K.L. Rathee, Advocate, Supreme Court	Yes		
30.	B.C. Dasgupta & Co., Solicitors and Advocates		No	
31.	P.H. Parekh & Co. Advocates, Supreme Court	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
32.	Singhania & Co., Solicitors & Advocates	Yes		
33.	Bhasin & Co., Advocates, Supreme Court	Yes		
34.	M/s O.P. Sapra & Associates, Advocates		No	
35.	Khaitan & Partners Advocates & Notaries		No	
<i>Press</i>				
36.	Editor, Nai Duniya	Yes		
37.	Editor, Loklehar	Yes		
38.	Chief Editor, Tarun Bharat		No	
39.	Executive Editor, Hindustan Times	Yes		
40.	Managing Editor, Uttar Bihar	Yes		
41.	Chief Editor, Hint Publications (P) Ltd.		No	
42.	Press Trust of India	Yes		
43.	Publisher, Kurukshetra Newspaper	Yes		
44.	Editor, Janmorcha	Yes		
45.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
46.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
47.	Banaras Hindu University		No	
48.	Vidyasagar University		No	
49.	Vice Chancellor, Jadavpur University	Yes		
50.	Vice Chancellor, University of Rajasthan		No	
51.	Vice Chancellor, University of Jammu		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
52.	Vice Chancellor, North-Eastern Hill University	Yes		
53.	Vice Chancellor, Gujarat Vidyapith	Yes		Flexibility should be there
54.	Himachal Pradesh University		No	
55.	Jai Narain Vyas University, Jodhpur		No	
56.	Kumaun University	Yes		
57.	University of Jodhpur		No	
58.	Vice Chancellor, Rabindra Bharati University	Yes		
59.	Vice Chancellor, Cochin University		No	
60.	Vice Chancellor, Pondicherry University	Yes		
61.	Vice Chancellor, University of Madras	Yes		
62.	Vice Chancellor, South Gujarat University	Yes		
63.	Sri Krishnadaveraya University, Anantapur		No	
64.	University of Pune	Yes		
65.	University of Kurukshetra, Haryana		No	
66.	Jiwaji University, Gwalior	Yes		
67.	Aligarh Muslim University	Yes		
68.	Berhampur University, Orissa			No comments
<i>Other</i>				
69.	Mrs. Vidya Stokes, Ex-MLA	Yes		
Total		31	36	

**Question No. 7A —** How far is it correct to say that once the parliamentary privileges are codified, they will lose their flexibility in application to the circumstances and cases as and when they arise ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, West Bengal Legislative Assembly	Yes		
2.	Deputy Speaker, West Bengal Legislative Assembly	Yes		
3.	Shri Jaswant Singh, M.P.	Yes		
4.	House of Assemblies, West Indies	Yes		
5.	Goa Legislative Assembly	Yes		
6.	Haryana Legislative Assembly	Yes		
7.	Mizoram Legislative Assembly	Yes		
8.	Punjab Legislative Assembly	Yes		
<i>Legal Profession</i>				
9.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court	Yes		
10.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	
11.	Shri Rustom S. Gae, Senior Advocate, Supreme Court	Yes		
12.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court	Yes		
13.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
14.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
15.	Khaitan & Partners, Advocates & Notaries	Yes		
16.	Singhanian & Co., Solicitors & Advocates		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Press</i>				
17.	Press Trust of India		No	
18.	Awaz Publication	Yes		
<i>Vice Chancellors of Universities</i>				
19.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning	Yes		
20.	Vice Chancellor, University of Rajasthan	Yes		
21.	Vice Chancellor, Vidyasagar University	Yes		
22.	Vice Chancellor, Rabindra Bharati University		No	
23.	Vice Chancellor, Cochin University	Yes		
24.	Vice Chancellor, University of Madras		No	
25.	Vice Chancellor, University of Pune		No	
26.	Vice Chancellor, Jiwaji University		No	
<i>Other</i>				
27.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		18	9	

**Question No. 8 —** Would you not agree with the opinion that codification of parliamentary privileges will make them subject to fundamental rights enshrined in the Constitution and that they will thus come within the ambit of judicial scrutiny and determination ?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legislature</i>				
1.	Speaker, Legislative Assembly, West Bengal	Yes		
2.	Deputy Speaker, Legislative Assembly, West Bengal	Yes		
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly	Yes		
4.	Shri Jaswant Singh, M.P.			No comments
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.	Yes		
8.	Shri Murlidhar C. Bhandare, M.P.	Yes		
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.			No comments
10.	Parliament of Nauru	Yes		
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly			Question does not arise
13.	Goa Legislative Assembly	Yes		
14.	Haryana Legislative Assembly	Yes		
15.	Mizoram Legislative Assembly	Yes		
16.	Nagaland Legislative Assembly	Yes		
17.	Punjab Legislative Assembly	Yes		
18.	Rajasthan Legislative Assembly	Yes		
19.	Uttar Pradesh Legislative Assembly	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court	Yes		
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	If partly codified
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court	Yes		
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court	Yes		
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court	Yes		
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court	Yes		
26.	Shri P.K. Agarwal, Advocate	Yes		
27.	Shri K.K. Rathee, Advocate, Supreme Court	Yes		
28.	B.C. Dasgupta & Co., Solicitors and Advocates		No	
29.	P.H. Parekh & Co. Advocates, Supreme Court		No	
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates	Yes		
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar	Yes		
36.	Chief Editor, Tarun Bharat	Yes		
37.	Executive Editor, Hindustan Times		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
38.	Managing Editor, Uttar Bihar	Yes		
39.	Chief Editor, Hint Publications (P) Ltd.	Yes		
40.	Press Trust of India	Yes		
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication	Yes		
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning	Yes		
45.	Banaras Hindu University	Yes		
46.	Vidyasagar University	Yes		
47.	Vice Chancellor, Jadavpur University			No comments
48.	Vice Chancellor, Rajasthan University	Yes		
49.	Vice Chancellor, Jammu University	Yes		
50.	Vice Chancellor, North-Eastern Hill University	Yes		
51.	Vice Chancellor, Gujarat Vidyapith	Yes		
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University	Yes		
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharati University	Yes		
57.	Vice Chancellor, Cochin University		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
58.	Vice Chancellor, Pondicherry University	Yes		
59.	Vice Chancellor, University of Madras	Yes		
60.	Vice Chancellor, South Gujarat University		No	
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune	Yes		
63.	University of Kurukshetra, Haryana	Yes		
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University	Yes		
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA	Yes		
Total		45	17	

**Question No. 9 —** Would you not agree with the opinion that once parliamentary privileges are codified the power of Parliament to punish a person for committing its contempt — which has been described as the keystone of parliamentary privileges and is similar to the power of courts to punish for its contempt — would be eroded by being subject to judicial scrutiny?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<b>Legislature</b>				
1.	Speaker, Legislative Assembly, West Bengal	Yes		
2.	Deputy Speaker, Legislative Assembly, West Bengal	Yes		
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly	Yes		
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.	Yes		
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.	Yes		
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly			The ques- tion does n't arise
13.	Goa Legislative Assembly	Yes		
14.	Haryana Legislative Assembly	Yes		
15.	Mizoram Legislative Assembly	Yes		
16.	Nagaland Legislative Assembly	Yes		
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
19.	Uttar Pradesh Legislative Assembly	Yes		
<i>Legal Profession</i>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court	Yes		
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	If partly codified
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court	Yes		
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court	Yes		
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court		No	
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court	Yes		
28.	B.C. Dasgupta & Co., Solicitors and Advocates	Yes		
29.	P.H. Parekh & Co., Advocates, Supreme Court	Yes		
30.	Khaitan & Partners, Advocates & Notaries	Yes		
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court		No	
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya	Yes		
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.	Yes		
40.	Press Trust of India		No	
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication	Yes		
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning	Yes		
45.	Banaras Hindu University	Yes		
46.	Vidyasagar University	Yes		
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University	Yes		
49.	Vice Chancellor, Jammu University		No	
50.	Vice Chancellor, North-Eastern Hill University		No	
51.	Vice Chancellor, Gujarat Vidyapith		No	If codification is not exhaustive but only illustrative
52.	Vice Chancellor, Himachal Pradesh University	Yes		
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
57.	Vice Chancellor, Cochin University			No comments
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	
60.	Vice Chancellor, South Gujarat University	Yes		
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA	Yes		
Total		31	33	

**Question No. 10** — Would it not be proper to say that if parliamentary privileges were to be codified, precision would be gained at the sacrifice of the substance?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<b>Legislature</b>				
1.	Speaker, Legislative Assembly, West Bengal	Yes		
2.	Deputy Speaker, Legislative Assembly, West Bengal	Yes		
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly	Yes		
4.	Shri Jaswant Singh, M.P.	Yes		
5.	Shri Syed Shahabuddin, M.P.		No	
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.	Yes		
8.	Shri Murlidhar C. Bhandare, M.P.	Yes		
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.			No comments
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly	Yes		
14.	Haryana Legislative Assembly	Yes		
15.	Mizoram Legislative Assembly	Yes		
16.	Nagaland Legislative Assembly	Yes		
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly	Yes		
19.	Uttar Pradesh Legislative Assembly	Yes		
<b>Legal Profession</b>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court		No	If codified in parts
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court	Yes		
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court		No	
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court	Yes		
28.	B.C. Dasgupta & Co., Solicitors and Advocate			No Comments
29.	P.H. Parekh & Co. Advocates, Supreme Court		No	
30.	Khaitan & Partners, Advocates & Notaries	Yes		
31.	Singhania & Co., Solicitors & Advocates		No	
32.	Bhasin & Co., Advocates, Supreme Court		No	
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya		No	
35.	Editor, Loklehar		No	
36.	Chief Editor, Tarun Bharat	Yes		
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar		No	
39.	Chief Editor, Hint Publications (P) Ltd.			No Comments

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
40.	Press Trust of India		No	
41.	Publisher, Kurukshetra Newspaper		No	
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication	Yes		
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning	Yes		
45.	Banaras Hindu University	Yes		
46.	Vidyasagar University	Yes		
47.	Vice Chancellor, Jadavpur University		No	
48.	Vice Chancellor, Rajasthan University	Yes		
49.	Vice Chancellor, Jammu University	Yes		
50.	Vice Chancellor, North-Eastern Hill University		No	
51.	Vice Chancellor, Gujarat Vidyapith	Yes		
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University		No	
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University		No	
57.	Vice Chancellor, Cochin University	Yes		
58.	Vice Chancellor, Pondicherry University		No	
59.	Vice Chancellor, University of Madras		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
60.	Vice Chancellor, South Gujarat University		No	
61.	Sri Krishnadaveraya University, Anantapur	Yes		
62.	University of Poona		No	
63.	University of Kurukshetra, Haryana		No	
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		26	37	

**Question No. 11 —** Do you feel that the absence of codification is responsible for confrontation between the legislature and judiciary and if so, do you agree that codification will put an end to this confrontation?

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
<b>Legislature</b>				
1.	Speaker, Legislative Assembly, West Bengal		No	
2.	Deputy Speaker, Legislative Assembly, West Bengal		No	
3.	Chairman, Committee of Privileges, Nagaland Legislative Assembly	Yes		
4.	Shri Jaswant Singh, M.P.		No	
5.	Shri Syed Shahabuddin, M.P.	Yes		
6.	Dr. Subramanian Swamy, M.P.			No comments
7.	Dr. Girija Vyas, M.P.		No	
8.	Shri Murlidhar C. Bhandare, M.P.		No	
9.	Clerk of the Journals and of the Committee of Privileges, House of Commons, U.K.		No	
10.	Parliament of Nauru		No	
11.	House of Assemblies, West Indies		No	
12.	Bihar Legislative Assembly		No	
13.	Goa Legislative Assembly		No	
14.	Haryana Legislative Assembly		No	
15.	Mizoram Legislative Assembly	Yes		
16.	Nagaland Legislative Assembly	Yes		
17.	Punjab Legislative Assembly		No	
18.	Rajasthan Legislative Assembly		No	
19.	Uttar Pradesh Legislative Assembly		No	
<b>Legal Profession</b>				
20.	Shri S.N. Chowdhury, Senior Advocate, Supreme Court		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
21.	Shri S.B. Bhasme, Senior Advocate, Supreme Court	Yes		
22.	Shri Rustom S. Gae, Senior Advocate, Supreme Court		No	
23.	Dr. V. Gaurishanker, Senior Advocate, Supreme Court		No	
24.	Shri P.K. Chatterjee, Senior Advocate, Supreme Court		No	
25.	Shri A.K. Chitale, Senior Advocate, Supreme Court		No	
26.	Shri P.K. Agarwal, Advocate		No	
27.	Shri K.K. Rathee, Advocate, Supreme Court		No	
28.	B.C. Dasgupta & Co., Solicitors and Advocates		No	
29.	P.H. Parekh & Co., Advocates, Supreme Court		No	
30.	Khaitan & Partners, Advocates & Notaries		No	
31.	Singhania & Co., Solicitors & Advocates	Yes		
32.	Bhasin & Co., Advocates, Supreme Court	Yes		
33.	O.P. Sapra & Associates, Advocates		No	
<i>Press</i>				
34.	Editor, Nai Duniya		No	
35.	Editor, Loklehar	Yes		
36.	Chief Editor, Tarun Bharat		No	
37.	Executive Editor, Hindustan Times		No	
38.	Managing Editor, Uttar Bihar	Yes		
39.	Chief Editor, Hint Publications (P) Ltd.		No	

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
40.	Press Trust of India	Yes		
41.	Publisher, Kurukshetra Newspaper	Yes		
42.	Editor, Janmorcha	Yes		
43.	Editor, Awaz Publication		No	
<i>Vice Chancellors of Universities</i>				
44.	Vice Chancellor, Sri Sathya Sai Institute of Higher Learning		No	
45.	Banaras Hindu University		No	
46.	Vidyasagar University		No	
47.	Vice Chancellor, Jadavpur University	Yes		
48.	Vice Chancellor, Rajasthan University		No	
49.	Vice Chancellor, Jammu University		No	
50.	Vice Chancellor, North-Eastern Hill University	Yes		
51.	Vice Chancellor, Gujarat Vidyapith		No	
52.	Vice Chancellor, Himachal Pradesh University		No	
53.	Jai Narain Vyas University, Jodhpur		No	
54.	Kumaun University	Yes		
55.	University of Jodhpur		No	
56.	Vice Chancellor, Rabindra Bharat University	Yes		
57.	Vice Chancellor, Cochin University		No	
58.	Vice Chancellor, Pondicherry University	Yes		
59.	Vice Chancellor, University of Madras	Yes		

S. No.	Replies received from	For/ Yes	Against/ No	Remarks
60.	Vice Chancellor, South Gujarat University	Yes		
61.	Sri Krishnadaveraya University, Anantapur		No	
62.	University of Pune	Yes		
63.	University of Kurukshetra, Haryana	Yes		
64.	Jiwaji University, Gwalior		No	
65.	Aligarh Muslim University		No	
66.	Berhampur University, Orissa		No	
<i>Other</i>				
67.	Mrs. Vidya Stokes, Ex-MLA		No	
Total		21	45	

*Question No. 12* — Any other suggestion which you may like to make in the matter.

S. Replies received from No.	Suggestions
1. Speaker, Legislative Assembly West Bengal	Parliamentary privileges may remain as they are at the moment.
2. Deputy Speaker, Legislative Assembly, West Bengal	No question of codification.
3. Chairman, Committee of Privileges, Nagaland Legislative Assembly	Codification of privileges would not be in the interest of Parliament or State Legislature.
4. Shri Jaswant Singh, MP	Suggestion is that there ought to be greater awareness amongst Members of Parliament that the breach of Parlia- mentary privilege is a major issue not to be raised casually.
5. Shri Syed Shahabuddin, MP	Codification will take into account ex- perience of the Parliamentary system before and after independence as well as the circumstances in which the In- dian legislators function and eliminate excessive claims to privilege by some legislators.
6. Dr. Subramanian Swamy, MP	There are only two areas of privileges — whose scope need not be codified - which require to be retained. One is the privilege to free speech inside the House and alongwith it the privilege to re- ceive accurate information from the Government in answer to questions and debates etc. The second is the free- dom of movement to and from the constituency or from any part of the country without hindrance subject of course to the "reasonable restrictions".
7. Shri Murlidhar C. Bhandare, MP	Exercise of privilege should be rare and the action of the House in dealing with its breach of privilege should even be rarer.
8. Goa Legislative Assembly	It is not advisable to codify the privi- leges of the House.

S. Replies received from No.	Suggestions
9. Mizoram Legislative Assembly Secretariat	Should not be codified.
10. Nagaland Legislative Assembly	Codification of privileges would not be in the interest of Parliament and State Legislatures.
11. House of Assembly, West Indies	Codification should retain Parliament as sole judge of its own procedures and privileges.
12. Shri P.K. Chatterjee, Senior Advocate, Supreme Court	The Privilege of the Members of Parliament to distribute telephone connection or L.P.G. connections should be done away with as these give rise to corruption.
13. Shri S.B. Bhasme, Senior Advocate, Supreme Court	Parliamentary Privileges should be partly codified.
14. Shri S.N. Chowdhury, Senior Advocate, Supreme Court	Courts should always interpret laws passed by Parliament to be valid unless impossible to reconcile.
15. P.H. Parekh & Co., Advocates, Supreme Court	It is high time that every legislator submits his financial statement to the Speaker of the respective legislature and should also point out the financial position of their relations and it is necessary that the impression which public have that the legislators become overnight rich should be avoided.
16. Khaitan & Partners Advocates & Notaries	The existing constitutional rights for privileges etc. as contemplated under articles 105 and 194 coupled with the practice and procedure of the British Parliament, are good, sufficient and flexible enough to protect the interest of the Members of Parliament for the general benefit of the ordinary citizen including the Assemblies and the Houses of Parliament in India.
17. Singhanian & Co., Solicitors & Advocates	Emoluments and privileges of the Members of Parliament need to be

S. Replies received from No.	Suggestions
	much more than even what are in developed countries like USA and UK. Members of Parliament should be allowed to travel liberally to different parts of the world to have first-hand experience what is economically and socially happening there.
18. M/s. O.P. Sapra & Associates, Advocates	Parliamentary debates should be the mirror of intellectual and concern for the welfare of the people.
19. Shri K.L. Rathee, Advocate, Supreme Court	Members of Legislatures should exercise self-discipline and control in the matter of their dealings with the Members of the Executive.
20. Shri P.K. Agarwal, Advocate	Parliamentary Privileges need to be codified.
21. Editor, Nai Duniya	Political parties should be persuaded to draw their code of conduct for their Members in keeping with the democratic norms of behaviour.
22. Editor, Loklehar	Right to recall should be provided.
23. Executive Editor, Hindustan Times	Codification will have the sanctity and support of the Constitution.
24. Chief Editor, Hint Publications (P) Ltd.	An impression has already gained ground among the people that the Members are on various pretexts trying to enhance their privileges and perks which are essentially for their personal benefit and not for the welfare of the people or the discharge of their duties.
25. Press Trust of India	Deletion of section 3 of Article 105 of the Constitution might itself serve the purpose of codification and remove any ambiguity about Parliamentary privileges.
26. Vice-Chancellor, Sri Sathya Sai Institute of Higher Learning	Codification of privileges not necessary as it would mean rigidity and rigidity would mean chaos at times.

S. Replies received from No.	Suggestions
27. Banaras Hindu University	Article 19(2) of the Constitution needs amendments so that contempt of the House also finds a place there.
28. Vidyasagar University	Impartial and judicious use of the existing privileges require to be guaranteed.
29. Vice-Chancellor, University of Rajasthan	Privileges etc. may be clearly spelled out and publicised.
30. Vice-Chancellor, North-Eastern Hill University.	May be codified.
31. Vice-Chancellor, Gujarat Vidyapith	Need to design steps necessary to ensure against misuse or abuse of the privileges, should be recognised.
32. Jai Narain Vyas University Jodhpur	It should be left to the Parliament, Press, Public Opinion and the Judiciary to develop the law of Parliamentary privileges.
33. Kumaun University	Codification of privileges may not be deferred any more merely on the ground of judicial review.
34. Vice-Chancellor, Rabindra Bharti University	The Committee of Privileges should comprise of not only Members of Parliament but certain persons of public eminence as well to decide on the issues of breach of privileges as and when they arise.
35. Vice-Chancellor, Cochin University	Self-interest and self-regulation of the Legislators are the only guarantee against undue imposition against the rights of the people of legislative privileges and immunity. Judicial restraint is also warranted in reviewing the actions of the legislature. The highest constitutional bodies function on the trust vested in them; the control should be in the form of checks and balances.

S. Replies received from No.	Suggestions
36. Vice-Chancellor, University of Madras	Before codification a Committee consisting of Parliamentarians, academicians, lawyers and judges must go into the matter and submit a report which should be placed before the people for debate. The codification may take place thereafter.
37. Sir Krishnadevaraya University Anantapur	Political process should be clean and democratic. Orientation programmes should be conducted for the legislators.
38. University of Poona	Parliamentary privileges should be codified.
39. University of Kurukshetra	A Committee of eminent jurists and academicians specialists in Constitution and Political Science be constituted to prepare a comprehensive report after undertaking an indepth study of the problem.
40. Aligarh Muslim University	Members of Parliament should exercise their powers, privileges etc. judiciously.
41. Berhampur University, Orissa	Parliamentary conduct should be developed on the support of conventions and public opinion.