



Do You Agree That The Misuse of Parliamentary Powers Necessitates Codification in Order To Protect Individual Fundamental Rights? (150 Words) (GS 2; Indian Polity)

In England, the topic of parliamentary privileges arose in order to protect MPs from the monarch's wrath. Members of the two houses of parliament, as well as its committees, have specific rights, immunities, and exceptions.

Article 105 of the Indian Constitution deals with the powers and privileges of the Houses of Parliament, their members, and committees, while Article 194 deals with state legislatures.

The Conflict Between Privileges:

The Indian Constitution chose not to define the privileges, instead equating them to those of the House of Commons.

The Indian Parliament's wholesale acceptance of the British House of Commons' unwritten privileges, despite the fact that it operates under a written Constitution that guarantees a set of fundamental rights, including freedom of speech and expression, has recently resulted in conflict between the legislature and the press, as well as the judiciary.

Misuse Occurrences:

The lack of regulation of privileges creates ambiguity and infringes on the right to free speech and expression. In 2017, two prominent scribes from Kannada tabloids were sentenced to prison for violating the state assembly's privileges.

In other cases, like as The Blitz case (1951), The Searchlight case (1959), The Keshav Singh case, and The Hindu case (2003), parliamentary privileges generated unneeded difficulties and prosecution of the media and individuals.

Despite its abuse and opposition to democratic rights, the codification of privileges is largely opposed since it would subject privileges to fundamental rights, preventing judicial review and the growth of new privileges.

These privileges were acquired from the English parliament, which has now abandoned the past—acts and words that are disrespectful of Parliament or its members are no longer recognised as privilege issues. In 1987, Australia, too, codified privileges.

Even the Constitution Review Commission, led by Justice M.N. Venkatachaliah, advised that privileges be defined and restricted in order for legislatures to work freely and independently. As a result, the Indian parliament should work toward codifying them over time.