THE POWER TO PUNISH FOR CONTEMPT OF THE HOUSE:
EXAMINING THE CONSTITUTIONAL ISSUES AND CONFLICTS
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ABSTRACT
The Constitution of India confers upon the Parliament and State Legislatures broad privileges and immunities and vests with it the power to punish for breach of the same, which is more prominently known as the ‘power to punish for contempt of the House’. In this article, the author analyses the conflict between the exercise of this power and the freedom of the press under Article 19(1)(a) of the Constitution of India as well as the requirement of a just, fair and reasonable procedure under Article 21. It also explores the tussle between the legislature and the judiciary created due to this power. The author argues that the power to punish for contempt must be subject to Article 19(1)(a) and justifies why the decision in MSM Sharma needs to be overturned. Further, the author argues that this power must be exercised in accordance with procedural tests under Article 21 and reasons why failing to do would be a violation of principles of criminal law as well as natural justice. The author applauds the Supreme Court for taking a step towards limiting the arbitrary exercise of the power to punish for contempt of the House by the Speaker when the judiciary’s powers were being infringed upon. At the same time, she also notes that the Courts have so far failed to extend their own reasoning to its logical conclusion and explore whether the power to punish for contempt is itself suspect, given the difference in the historical backgrounds of the Indian Parliament and the House of Commons. The author emphasizes that the need of the hour is the codification of the privileges and immunities of the Parliament and the State Legislatures, which was envisaged at the time of the drafting of the Constitution itself and will be a step in the right direction in curbing the current arbitrary exercise of the power to punish for contempt of the House.

INTRODUCTION
The Constitution confers certain privileges on members of the Parliament and the State Legislatures\(^1\) so that they are able to perform their duties without hindrance.\(^2\) In order to safeguard the same, the House is also empowered to punish for its contempt arising from the breach of a privilege. This power is exercised by the Speaker\(^3\) or the Chairman,\(^4\) as the case may be. Shri Jawaharlal Nehru, praising the values of Parliamentary democracy, once remarked: “the Speaker represents the House, he represents the dignity of the House, the freedom of the House and because the House represents the nation, the Speaker becomes the symbol of the nation’s freedom and liberties. Therefore it should be a honored position, occupied always by men of outstanding ability and impartiality.”\(^5\) The Supreme Court of India has also quoted this with approval.\(^6\)

However, the exercise of the power to punish for contempt has led to grave constitutional issues due to the ambiguities therein and arbitrary exercise of the same by the Speaker, who has often claimed sky-high powers in this regard. In this article, the author explores the constitutional issues arising from the existence and exercise of this power. First, the author discusses the historical and constitutional background of parliamentary privileges and the power of contempt. This is followed by an analysis of the conflict between the power to punish for attempt and Article 19(1)(a) and thereafter, Article 21. Lastly, the author discusses the tussle between the judiciary and the legislature, where the author also challenges the Indian Parliament and State Legislatures’ power to punish for contempt.

**I. THE HISTORICAL AND CONSTITUTIONAL BACKGROUND OF PARLIAMENTARY PRIVILEGES AND CONTEMPT OF THE HOUSE**

Parliamentary privileges are those that are enjoyed by the house collectively and by its committees and members individually, without which they cannot discharge their functions.

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efficiently and effectively. The privilege of freedom of speech and immunity from proceedings was expressly granted to the members of the Indian Legislature for the first time under the Montague-Chelmsford reforms. Thereunder, a member of the Legislature had the immunity from any proceedings in any Court in respect of his “speech or vote” in either Chamber of the Indian Legislature. In the Government of India Act, 1935, however, and subsequently in the Indian Constitution, the scope of this privilege was widened tremendously.

Presently, Article 105(1) and Article 194(1) grant to the Parliament and the State Legislature respectively, the freedom of speech in the House. This has been understood to be in addition to the freedom of speech granted to every citizen under Article 19(1)(a). Article 105(2) and Article 194(2) grant to the Parliament and the State Legislature respectively, immunity from proceedings in respect of “anything said or vote given”. ‘Anything’ in this phrase has been read to be of the widest import and understood to be the equivalent of ‘everything’. Further, Articles 105(3) and 194(3) stipulate that the Parliament or State Legislatures by law shall define the privileges and immunities in other respects. However, the Parliament or the State Legislatures have not enacted any law in pursuance of this provision so far. Therefore, the powers, privileges and immunities of each House of Parliament and State Legislatures continue to be those of the House of Commons of the United Kingdom Parliament.

As a result, the Parliament is also vested with the power to punish for breach of privilege or contempt of the House, identical to that of the UK Parliament, which is exercised by the Speaker. Sir Erskine May has defined ‘contempt of Parliament’ as “any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which

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7 Subhash C. Kashyap, PARLIAMENTARY PRIVILEGES IN INDIA, 1554 (2000).
8 Section 28(1), THE GOVERNMENT OF INDIA ACT, 1935.
10 Art. 105(1) and 194(1), THE CONSTITUTION OF INDIA, 1950.
14 As per the Report of the Select Committee on the Official Secrets Act, House of Commons, (1938-39), such a privilege is conferred to the extent that disclosures made in the House whether by speeches or discussions, cannot be made the subject matter of a prosecution under the Official Secrets Act.
15 Art. 105(3) and 194(3), THE CONSTITUTION OF INDIA, 1950.
obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, even though there is no precedent of the offence”.

The power of the House to punish for contempt has been described as the keynote of parliamentary privilege as it would not be able to safeguard its authority and discharge the high functions entrusted to it properly if it had no power to punish offenders for the breach of its privileges. Further, the Supreme Court of India has held that Courts of law cannot scrutinize the exercise of the power of the House to punish for its contempt.

In Gunupati Keshavram Reddy v. Nafisul Hasan and the State of U.P., a citizen had been arrested for contempt of the Uttar Pradesh Assembly under the Speaker’s order without first being produced before a magistrate, as required under Article 22(2). The Supreme Court found this to be a violation of the citizen’s fundamental rights guaranteed under the Constitution of India and thus struck down the Speaker’s order. This establishes the first proposition of the author that the privileges granted to the members of the House and consequently the power to punish for contempt is subject to Part III of the Constitution. Thus, the exercise of this power cannot be in violation of the fundamental rights of the citizens under Articles 19 or 21.

II. THE CONFLICT BETWEEN THE POWER TO PUNISH FOR CONTEMPT AND ARTICLE 19(1)(A)

The fundamental right to freedom of speech and expression under Article 19(1)(a) has often come into conflict with the Parliament’s right to protect its privileges, particularly in relation to the freedom of the press. In India, the press is the most powerful organ that can influence and mobilize public opinion. Unless the press plays its role effectively and efficiently and publishes

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17 Thomas Erskine May, PARLIAMENTARY PRACTICE, 109 (7th edn.).
18 Luther Stearns Cushing, ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES OF THE UNITED STATES OF AMERICA, (1874); M.P. Jain, INDIAN CONSTITUTIONAL LAW, 85, (5th edn., 2008).
the proceedings of the Parliament in order to convey how laws are made and what discussions happen before laws are enacted, the role of the legislature would remain obscure. Although freedom of the press has not been expressly provided for in the Constitution of India, it has been read into the fundamental right to freedom of speech and expression. Further, Mr. Feroz Gandhi introduced the ‘Proceedings of Legislature (Protection of Publication) Bill’ in order to secure the protection for journalists in 1956 in Lok Sabha. This later came to be known as The Parliamentary Proceedings (Protection of Publication) Act 1956 or the ‘Feroz Gandhi Act’ which conferred protection to publication in newspapers or broadcasts by wireless telegraphy of substantially true reports of any proceedings of either House of Parliament, without malice and for public good. He stated:

“The Law of libel or defamation hangs like the sword of Democles over the heads of every editor and correspondent and keeps impressing on him how precarious his existence is. Any newspaper which today publishes the proceedings of our legislature does so at considerable risk and throws itself open to both civil and criminal action.”

On December 8 1975, the President repealed this Act by an Ordinance. Fortunately, in 1977, the Parliamentary Proceedings (Protection of Publication) Act, 1977 restored the Feroz Gandhi Act. Post the Constitution (Forty Fourth Amendment) Act, 1978, which brought in Article 361A, constitutional protection for reporting parliamentary proceedings was conferred upon the journalists as long as the publications were for public good, not false, perverted, inaccurate or actuated by malice.

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29 Id.
The specific issue regarding the conflict between freedom of the press under Article 19(1)(a) and the Speaker’s power to punish for the contempt came before the Supreme Court in *M.S.M. Sharma v. Shri Krishna Sinha*. The editor of the magazine *Searchlight* was charged with contempt of House for publication of certain provisions of the speech that had been expunged by the Speaker. He moved the Supreme Court on the ground that the issue of a show cause notice for contempt amounted to the contravention of his fundamental rights under Article 19(1)(a) and Article 21. The Court therefore considered how Article 19(1)(a) and 21 were to be read with Article 194(3). It held that Articles 105(3) and 194(3) stand in the same supreme position as provisions of Part III of the Constitution. Thus, Article 19(1)(a) does not control Article 194(3) or 105(3) and the powers, privileges and immunities conferred by the latter do not yield to the fundamental right of the citizens to freedom of speech and expression. Further, applying the doctrine of harmonious construction, the Court held that Article 19(1)(a) is a general provision while Article 105(3) is special and thus, the former must yield to the latter.

The author argues that the Court’s decision in *M.S.M. Sharma* was *per incuriam* its decision in *Gunupati Keshavram Reddy v. Nafisul Hasan and the State of U.P.* and gravely undermined the sacrosanctity and inviolability of the fundamental rights. First, these rights are part of the basic structure of the Indian constitution and thus cannot be trampled by a provision such as Article 105 or 194. Second, these Article 105 and Article 194 carry the limitation “*Subject to the provisions of this Constitution*” which implies that their scope cannot extend beyond or prevail over the fundamental rights guaranteed under Part III. In any case, as opined by Subba rao J. in his minority judgment, any law that contravened the provisions of Article 19(1)(a) would be void by virtue of Article 13(2) unless saved by Article 19(2). It must be noted that Article 19(2) does not place a restriction on the exercise of the right under Article 19(1)(a) on the grounds of

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35 The Speaker has the power to expunge certain words and portions from the debate in the House. Rule 380 discussed expunction as follows: "If the Speaker it of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, may, in his discretion, order that such words be expunged from the proceeding of the House".
39 Art.105(1) and Article 194(1), *THE CONSTITUTION OF INDIA*, 1950.
contempt. Thus, there is no reason why the powers, privileges and immunities conferred on the Houses of the Parliament and the State Legislatures should be free from the impact of fundamental rights. Hence, Article 19(1)(a) must thus prevail over Article 105(3) and 194(3) and not vice-versa.

III. THE CONFLICT BETWEEN THE POWER TO PUNISH FOR CONTEMPT AND ARTICLE 21

The procedure for punishing a person for contempt of the House can be found, albeit partly, under the Rules of Procedure and Conduct of Business, which have been laid down by each House in exercise of its power under Article 118 in the case of the Parliament and Article 208 in the case of State Legislatures. These rules provide for a Committee for Privileges, which is nominated by the Speaker at the commencement of a new Lok Sabha and thereafter from time to time.\(^{40}\) In constituting the Committee of Parliamentary Privileges, the Speaker takes into consideration the claims, interests and the strength of various parties and groups in the House so that that the Committee is fully representative. The Deputy Speaker, when he is a member of the Committee, serves as its’ Chairman.\(^{41}\)

The House may consider a question of privilege and come to a conclusion, or it may refer it to the Committee on a motion made either by the member who raised the question or by any other member.\(^{42}\) However, referring the matter to the Committee has now become a matter of practice and the judgment is reserved until the report of the Committee is presented.\(^{43}\) The Speaker may also refer a matter \textit{su o mo tu} to the Committee.\(^{44}\) The Committee, after consideration of the matter referred to it, makes such recommendations as it deems fit.\(^{45}\) It may also recommend some specific form of punishment to be awarded to the offenders.\(^{46}\) The Committees of Privileges of Lok Sabha and Rajya Sabha may hold joint sittings where, for instance, a member

\(^{40}\) Rule 313, Rules of Procedure and Conduct of Business in the Lok Sabha, (15\textsuperscript{th} edn., 2014).
\(^{41}\) Proviso to Rule 258(1), Rules of Procedure and Conduct of Business in the Lok Sabha, (15\textsuperscript{th} edn., 2014).
\(^{42}\) Rule 226, Rules of Procedure and Conduct of Business in the Lok Sabha, (15\textsuperscript{th} edn., 2014).
\(^{44}\) Rule 277, Rules of Procedure and Conduct of Business in the Lok Sabha, (15\textsuperscript{th} edn., 2014).
\(^{45}\) Rule 314, Rules of Procedure and Conduct of Business in the Lok Sabha, (15\textsuperscript{th} edn., 2014).
or an officer of one House is alleged to have committed a breach of privilege or contempt of the other House.\textsuperscript{47} It is the general practice for the Committee to give an opportunity to the person alleged to have committed a breach of privilege or contempt of the House, to submit his explanation to the Committee in writing\textsuperscript{48} and also in person.\textsuperscript{49} After the report of the Committee has been presented to the House, the Chairman or any member of the Committee may move that the report be taken into consideration, whereupon the Speaker may put the question to the House. In case there are further developments after the presentation of the report, the House may consider the matter itself instead of referring it back to the committee.\textsuperscript{50}

However, there are various gaping loopholes in the procedure for the exercise of the power to punish for contempt which conflict with and jeopardize the promise of Article 21. In \textit{A.M. Paulraj v. Speaker, Tamil Nadu Legislative Assembly},\textsuperscript{51} the Petitioner was punished for the contempt of the previous assembly by the subsequent assembly. While the previous assembly had awarded the punishment of one week of simple imprisonment, the newly elected assembly decided to arrest and detain him for two weeks. The Petitioner thus claimed that his fundamental right under Article 21 had been violated. The Court held that since in the United Kingdom a new House of Commons has the power to punish a person for contempt of the earlier House of Commons, the same could be done in India. However, the Court opted to not comment on the arbitrary increase in the period of imprisonment. Further, the Court, re-iterating its position in \textit{M.S.M. Sharma v. Shri Krishna Sinha},\textsuperscript{52} came to the conclusion that procedure as established under Article 194(3) read with Article 208 was not violated in the instant case.\textsuperscript{53} It said:

"It follows, therefore, that Art. 194(3) read with the rules so framed has laid down the procedure for enforcing its powers, privileges and immunities. If, therefore, the Legislative Assembly has the powers, privileges and immunities of the House of Commons and if the petitioner is eventually deprived of his personal liberty as a result of the proceedings before the

\textsuperscript{47} Report of Joint Sitting of Committees of Privileges of Lok Sabha and Rajya Sabha, (1954).
\textsuperscript{48} Report of the Privileges Committee, First Lok Sabha, \textit{Deshpande Case}, 4-5, (9 July 1952).
\textsuperscript{51} A.M. Paulraj v. Speaker, Tamil Nadu Legislative Assembly, AIR 1986 Mad 248.
\textsuperscript{53} A.M. Paulraj v. Speaker, Tamil Nadu Legislative Assembly, AIR 1986 Mad 248, ¶29.
Committee of Privileges, such deprivation will be in accordance with procedure established by law and the petitioner cannot complain of the breach, actual or threatened, of his fundamental right under Art. 21”.

The author argues that the decision in *A.M. Paulraj* once again failed to protect the sacrosanctity of fundamental rights and accord them their due status in the Constitution. Further, this case also throws up grave constitutional issues in light of the fact that the Parliament has its own penal jurisdiction and can imprison people like the Courts, yet it is not obliged to follow just, fair and reasonable procedure laid down under Article 21.

First, there is no precedent value of any of the decisions of the Speaker or the recommendations of the Committee on Parliamentary Privileges, which allows ample scope for arbitrariness and fluctuating standards in each case. This did in fact occur in the case of *Balasubramanium v. State of Tamil Nadu* where the Speaker punished the editor of a magazine to an unprecedented three months of rigorous imprisonment for contempt of the House. Fortunately, public opinion took over thereafter and the Chief Minister had to intervene. Ultimately, the Court awarded notional compensation to the petitioner for the violation of his fundamental right under Article 21.

Second, the non-application of Article 21, as was done in *A.M. Paulraj* closes all doors for the test of fairness and reasonableness of penal sanction, which is a basic principle of criminal law. Third, despite the fact that the standard of proof for criminal conviction is beyond reasonable doubt in the light of the fact that imprisonment places a complete restriction on one’s liberty, in the case of imprisonment by the House, this standard is not followed. In fact, persons are imprisoned even without the requirement of a *mala fide* intention or *mens rea*. This is demonstrated by the case of *M.S.M. Sharma*, wherein the Petitioner was punished despite the fact that he neither had knowledge that the said portion has been expunged nor a *mala fide* intent.

Lastly, principles of natural justice require that one cannot be a judge in his own cause. However, the Speaker, who belongs to the House whose contempt has been committed and often continues to have political motivations, cannot meet this standard. Once elected to the high office

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54 Maneka Gnadhi v. Union of India, 1978 SCR (2) 621.
as Presiding Officer, the Speaker in the United Kingdom servers ties with his political party in order to discharge his functions in a non-partisan manner. However, there is no constitutional convention in India akin to the one in United Kingdom that demands that the position of a Presiding Officer be unbiased and neutral.\textsuperscript{57} As a result, in India, Presiding Officers often retain their party affiliations even after being elected as Speaker, albeit with a few exceptions.\textsuperscript{58} In the light of this lacuna, there have indeed been various instances of biased behavior\textsuperscript{59} which show that decisions in cases pertaining to the contempt of court can be vitiated by the Speaker’s political interests and thus violate the fundamental rights of the accused under Article 21.

**IV. THE TUSCLE BETWEEN THE LEGISLATURE AND THE JUDICIARY**

The Constitution disallows any discussion in the Parliament about the conduct of any judge of the Supreme Court or the High Court in the discharge of his duties.\textsuperscript{60} Similarly, the Constitution disallows the Supreme Court and the High Courts from inquiring into the proceedings of the Parliament.\textsuperscript{61} When the House acts in vindication of it’s rights and privileges, the Courts of the land have no right to interfere.\textsuperscript{62} However, the Constitution is silent on the aspect of the nature and extent of the privileges of the legislature. Thus, due to the ambiguous limits of the power of the Speaker to punish for contempt, there has been constant tussle between the judiciary and the legislature.

\textsuperscript{57} In the United Kingdom, the speaker’s candidature in his constituency remains uncontestable in the next elections. This why it is said “Once a Speaker, always a Speaker”.

\textsuperscript{58} Dr. N. Sanjeeva Reddy for example formally denounced the membership of his party when he was elected as the Speaker of the Lok Sabha in 1967. A similar action was done by Mr. Malik Mohiniddin of the J&K Legislative Assembly.

\textsuperscript{59} Dr. N.S. Ghelot, OFFICE OF THE SPEAKER IN INDIA, 150, (1985).

Mr. K.N. Ranganath, when he was the Speaker of the Karnataka Legislative Assembly, participated in the Congress (I) working Committee in 1982. The Bihar speaker in 1982 adjourned the House in order to save the Jagannath Mishra ministry which was threatened by the defeat of an Ordinance on the floor of the House. In Haryana, the Speaker adjourned the House in order to prevent a no-confidence motion against him on the floor of the House.

\textsuperscript{60} Art. 121 and 211, THE CONSTITUTION OF INDIA, 1950.

\textsuperscript{61} Art. 122 and 212, THE CONSTITUTION OF INDIA, 1950.

The *Keshav Singh* case is the *locus classicus* on the subject of the dispute between the judiciary and the legislature. This judgment came in the aftermath of the order passed by the unprecedented Full Bench of 28 judges of the Allahabad High Court that stayed the decision of the U.P. Assembly, exercising its power under Article 226. The Assembly had passed a resolution ordering two judges of that Court to be brought in custody before the House to explain why they should not be punished for contempt of the House. The two judges had admitted the habeas corpus petition and granted bail to Keshav Singh who had previously been declared to be guilty of breach of privilege by the Speaker. The consequent stay order issued by the full bench resulted in a stalemate upon which the President referred the matter under Article 143 to the Supreme Court for its opinion. Justice Ganjendhragadkar, writing on behalf of the majority made various pertinent observations. First, it was held that notwithstanding a general warrant issued by the Assembly, the Courts could examine the legality of the committal in proper proceedings. Justice Ganjendhragadkar distinguished between the Indian Parliament and the United Kingdom Parliament in order to reach this conclusion. He noted that the basis of the English Convention to treat a general or unspeaking order issued by the House as conclusive is rooted in the fact that the House of Commons was the highest court of justice at one time. Thus, the House of Commons came to regarded a superior court of record, with the result that the general warrants issued by it were not subjected to close scrutiny in the same manner as warrants issued by the superior courts of record were held to be exempt from such scrutiny. However, in India, Legislative Assemblies have never discharged any judicial functions and their historical and constitutional background does not support their claim to be regarded as Courts of record in any sense. Thus, no House in India can claim immunity from scrutiny of the general warrants issued by it by Courts.

Second, the Court held that the question of determining the construction of Article 194 with respect to the nature, scope, and effect of powers of the House ultimately rested with the judiciary of the country. Further, Article 194(3) cannot be read in isolation and Article 211, 226 and 32 limits its scope. This article expressly states the conduct of a judge in the discharge of his

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63 Re: Keshav Singh’s Case (Special Reference No. 1 of 1964 under Article 143), AIR 1965 SC 745.
65 A general warrant, as opposed to a special warrant, is one that does not specify which privilege the offender has breached.
duties can never become the subject matter of any action taken by the House in exercise of its powers or privileges conferred by the latter part of Article 194(3). Further, Article 226 empowers the High Court to issue a writ of habeas corpus to “any authority”, which would include the Parliament as no exception is made in favor of a detention order by the House for breach of its privileges. Third, Article 212 does not have the effect of limiting the power of the Court to test the legality of an action of the Speaker. It only ousts the jurisdiction of the Court in cases involving the regulation of procedure inside the House.

Thus, in this case, the Supreme Court astutely interpreted the Constitution and rightly claimed the power of determining the nature and scope of the Speaker’s power to punish for contempt of the House, and took a step in the direction of curbing the arbitrary exercise of sky-high power often claimed by Speakers. However, the Court failed to take its own reasoning to its logical end. The fact that the Indian Parliament can be distinguished from the House of Commons on the ground that the former has never been the equivalent of the Court also leads to the conclusion that its power to punish for contempt is itself suspect. The ambiguity regarding this power is magnified by the fact that the Indian Legislature cannot claim many privileges of the House of Commons such as the privilege to pass acts of retainer and impeachments or the privilege to have at all times the right to petition, counsel or remonstrate with the Sovereign, which owe their existence to the House of Commons’ original status.

CONCLUSION

In this article, the author highlighted the various constitutional issues that arise from the power of the Speaker to punish for contempt of the House, as it exists in its present form. The author argued that Article 105 and 194 must necessarily yield to Part III of the Constitution and thus members of the Press should not be held liable for contempt even for publication of expunged material as long as the same was done without knowledge or mala fide intent. Further, the procedure for punishing for contempt must be subject to the Article 21 jurisprudence and the Speaker must not be allowed to curtail the liberty of individuals by imprisoning them without

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following the standard of fair, just and reasonable procedure as is followed by the Courts. The author also explored the tussle between the judiciary and the legislature due to lack of clarity on the nature, extent and scope of the power to punish for contempt. Here the author observed that the Speaker’s power to punish for contempt is itself suspect given that the Indian Parliament and State Legislatures never had judicial powers, unlike the House of Commons from which it derives its privileges, immunities and powers.

All the above issues can however be resolved by the development of healthy conventions such as referring the matter to the Committee of Privileges whenever a question is raised. More importantly, even though Article 105(3) and Article 194(3) expressly obligate the legislature to enact a law codifying its privileges and laying down the procedures for its exercise & punishment for breach, no such efforts have been made till date. This issue was also addressed by the Constituent Assembly at the time of drafting. Mr. Alladi Krishnaswami Ayyar said that it is only a temporary measure that the privileges of the House of Commons were being made applicable to the Parliament and there is nothing that prevents the Parliament from setting up the proper machinery for formulating privileges.

Thus, it is clear that the makers of the Constitution always intended for the privileges to be limited and codified in the near future, which has now become the need of the hour. Further, it is argued that even if this power in and of itself is allowed to exist, there should be an independent mechanism to investigate alleged breach of privileges and contempt of the House in accordance with the principles of natural justice and subject to the just, fair and reasonable standard under Article 21. While there is a need to grant parliamentary privileges and secure their protection in order to enable the efficient and effective functioning of the Parliament and State Legislatures, there is also a need to ensure that they are not abused and used as a means to violate the citizens’ fundamental rights.

69 Art. 105(3) read with Entry 74 of List I and Art194(3) read with Entry 39 of List II, THE CONSTITUTION OF INDIA, 1950.
70 Privileges, Practice and Procedure, RAJYA SABHA (Mar. 30, 1993) available at https://www.google.co.in/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8&q=parliamentary+privileges+and+power+to+punish+for+contempt&.
71 Statement of Alladi Krishnaswami Ayyar, CONSTITUENT ASSEMBLY DEBATES, 155 (May, 1949).
72 V. Vijaya Kumar, A need for Codification, 45th Annual Conference of Indian Political Science Association; Vinod Sethi, Press and the Parliament, 41(4), THE INDIAN JOURNAL OF POLITICAL SCIENCE, 657, 664, (December, 1980).