UNIT- II : EMERGENCY PROVISIONS AND PARLIAMENTARY PRIVILEGES

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2.1. Learning objectives

After going through this unit you will be able to:

- discuss the concept of Emergency
- explain the Constitutional provisions related to Emergency in India
- analyze the effect of Emergency provisions on media reporting
- identify the Legislative and Parliamentary privileges
- analyze the effect of Legislative and Parliamentary privileges on media reporting

2.2. Introduction

Emergency is a serious situation or occurrence that happens unexpectedly and demands immediate action. It may pose immediate risk to health, life, property or environment. Most emergencies require urgent intervention to prevent a worsening of the situation, although in some situations, solutions may not be possible and agencies may only be able to offer proper care for the aftermath. The *state of emergency* is a time of crisis, declared by a government, during which normal laws and civil rights (including Freedom of Media) can be suspended. Another important facet of the law in Media Reporting is the limitation due to 'parliamentary privilege' which refers to two significant aspects of the law relating to both Houses of Parliament and of their members and committees – Freedom of Speech and Right of publication of proceedings.

In this unit you will learn about the concepts of Emergency, State of Emergency, Parliamentary and Legislative Privileges. You will also learn about different provisions and types of Emergency and the types of Parliamentary and Legislative Privileges under the Constitution of India. You will also be given an understanding about the effect and limitations on Media Reporting because of these constitutional provisions.

In the next unit we will discuss the penal provisions in India and the concept of Right to Information is analyzed in relation to international and domestic legislations along with the constitutional provisions and finally the Official Secrets Act, 1923.



LET US KNOW

Some Interesting Definitions and Quotes:

Emergency: A sudden serious and dangerous event or situation which needs immediate action to deal with.

– Oxford Advanced Learner's Dictionary

Privileges: Privilege is an exceptional right or advantage, an exemption from some duty or burden of attendance, to which certain

persons are entitled from a supposition of law that the situations they fill or the offices they are engaged in are such as require all their care, and that, therefore, without this indulgence it would be impracticable to execute such offices as advantageously as the public good requires.

– Earl Jowitt

Parliamentary Privileges: The sum of the peculiar rights enjoyed by each house collectively is a constituent part of the High Court of Parliament, and by members of each house of parliament individually, without which they cannot discharge their functions, and which exceed those possessed by other bodies or individuals.

– Sir Thomas Erskine May

2.3. Emergency and State of Emergency: Concepts

A precise definition of an *emergency* is difficult to arrive at. This definition may vary according to the agencies involved and the procedures used. This definition is usually set by the government, whose agencies are responsible for emergency planning and management. An emergency is a situation which poses an immediate risk to health, life, property or environment. Most emergencies require urgent intervention to prevent a worsening of the situation, although in some situations, solutions may not be possible and agencies may only be able to offer proper care for the aftermath. Whilst some emergencies are self evident (such as a natural disaster which threatens many lives), many smaller incidents require the opinion of an observer (or affected party) in order to decide whether it qualifies as an emergency.

A *state of emergency* is a governmental declaration that may suspend certain normal functions of government, may work to alert citizens to change their normal behaviors, or may order government agencies to implement emergency preparedness plans. It can also suspend all civil liberties. Such declarations usually come during a time of natural disaster, during periods of civil unrest, or following a declaration of war (therefore, in democratic countries many call this martial law).

In some countries, the state of emergency and its effects on civil liberties and governmental procedure are regulated by the constitution, or a law that limits the powers that may be invoked during an emergency or

rights suspended. Modification of emergency law or Constitution during the emergency is illegal.

2.3.1. Emergency Provisions under the *Constitution of India*

A state of emergency in India refers to a period of governance under an altered constitutional setup that can be proclaimed by the President of India, when he perceives grave threats to the nation from internal and external sources or from financial situations of crisis. Under the advice of the cabinet of ministers and using the powers vested in him largely by Part XVIII of the *Constitution of India*, the President can overrule many provisions of the constitution, which guarantee fundamental rights to the citizens of India and acts governing devolution of powers to the states which form the federation. In the history of independent India, there were three periods during which a state of emergency was deemed to have existed:

1. Between 26 October 1962 to 10 January 1968 during the India-China war — "the security of India" having been declared "threatened by external aggression".
2. In December 1971, originally proclaimed during the India-Pakistan war, and later extended along with the third proclamation — "the security of India" having been declared "threatened by external aggression".
3. Between 26 June 1975 to 21 March 1977 under controversial circumstances of political instability under the Indira Gandhi's prime ministership — "the security of India" having been declared as "threatened by internal disturbances".

The President can declare three types of emergencies:

- National Emergency
- State Emergency
- Financial Emergency

National Emergency under Article 352

National emergency is caused by war, external aggression or armed rebellion in the whole of India or a part of its territory. Such an emergency was declared in India in 1962 (Indo-China war), 1971 (Indo-Pakistan war),

and 1975 (declared by Indira Gandhi to maintain law and order in the country). The President can declare such an emergency only on the basis of a written request by the Council of Ministers headed by the Prime Minister. Such a proclamation must be approved by the Parliament within one month. Such an emergency can be imposed for six months. It can be extended by six months by repeated parliamentary approval. In such an emergency, Fundamental Rights of Indian citizens can be suspended. The six freedoms under Right to Freedom are automatically suspended. However, the Right to Life and Personal Liberty cannot be suspended. During Emergency the Parliament can make laws on the 66 subjects of the State List (which contains subjects on which the state governments can make laws). Also, during emergency all money bills are referred to the Parliament for its approval. During the period of Emergency the term of the Lok Sabha can be extended by a period of one year but not more than six months from the date when the emergency has ceased to exist.

State Emergency under Article 356

'President's Rule' or 'Central Rule' (State Emergency) is the term used in India when a state government is dissolved and is placed under the direct rule by the President of India. President's Rule is enabled by Article 356 of the *Constitution of India* and it is declared due to failure of constitutional machinery in a state. If the President is satisfied, on the basis of the report of the Governor of the concerned state or from other sources ,that the governance in a state cannot be carried out according to the provisions in the Constitution, he can declare emergency in the state. The state governor can dissolve the house on his own discretion, if there is no clear majority in the house, on the advice of the ruling party or by the central government. The governor then dissolves the house, placing it in 'suspended animation' for a period of six months. After six months, if there is no clear majority, then fresh elections are held.

During the State Emergency the Parliament makes laws on the 66 subjects of the State List. All money bills have to be referred to the Parliament for approval. In this situation ministers of state legislature are not allowed to perform action in state. Such an emergency must be approved by the Parliament within a period of six months. It is imposed for six months and

can last for a maximum period of three years with repeated parliamentary approval every six months. If the Emergency needs to be extended for more than three years, it can be done by a constitutional amendment. This type of amendment was carried on in case of Punjab and Jammu and Kashmir.

It is called President's Rule as the President of India governs the state instead of an elected Chief Minister, but at administrative level the state Governor is delegated the executive authority on behalf of the central government. This Article was enabled as a means for the central government to assert authority over a state if civil unrest (such as riots) occurred and the state government didn't have the means to end the unrest. Critics of president's rule argue that most of the time, it has been used as a pretext to dissolve state governments ruled by political opponents. Thus, it is seen by many as a threat to the federal state system.

Almost all states in India have undergone this type of an emergency. Since the *Constitution of India* was adopted in 1950, the central government has used this Article more than 100 times to dissolve state governments and impose President's Rule. This article was used for the first time during Vimochana Samaram (or The Liberation Struggle in the history of Kerala is the political agitation that started in 1958 against first communist government) to dismiss the democratically elected Communist Ministry of Kerala on July 31, 1959.

Financial Emergency under Article 360

If the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened, the President can declare Financial Emergency. Such an emergency must be approved by the Parliament within two months. It has never been declared in India. Such a situation had arisen once in India, but was avoided by selling off of the gold assets of India.

Financial Emergency once proclaimed remains enforced till the President revokes it. During Financial Emergency, the President can reduce the salaries of all government officials, including judges of the Supreme Court and High Courts. All money bills passed by the state legislatures are submitted to the President for his approval. He can direct the state to observe certain principles (economy measures) relating to financial matters.

2.3.2. Code of Conduct for the Press, 1971

A Press Consultative Committee appointed by the Government of India during the Emergency of 1971 has formulated a Code of Conduct for the Press in time of Emergency. These are:

- Withhold publication of information considered by the appropriate authorities to be detrimental to national interests.
- Stop dissemination of confidential information collected in the course of professional duties.
- Withhold republication of information and comment prejudicial to national interests from foreign and internal sources.
- Avoid loose talk, as this is likely to lead to wild rumours due to the general belief in public that members of the press have access to sources not generally available.

2.3.3. Effect of Emergency Provisions on Media Freedom

There is no provision in our Constitution for suspension of Fundamental Rights except during the Emergency period as mentioned under the provisions in Part XVIII. Two Provisions relevant in this context are Articles 358 and 359. Article 358 deals with National Emergency, which empowers the state to suspend the operation of Article 19 (Right to Freedom of Speech and Expression which includes Freedom of Media) during the operation of a Proclamation of Emergency made under Article 352. Any law or order made after the coming into operation of the Proclamation of Emergency, cannot be challenged on the ground of violation of any provision of Article 19. Even after the Emergency is over, the constitutionality of the acts done or omitted to be done during Emergency cannot be challenged on the same ground. Therefore, the effect of Article 358 is enormous on the Media Freedom which is guaranteed by Article 19. As soon as the Proclamation ceases to operate, the legislative enactments passed and the executive actions taken during the course of emergency shall be inoperative and Article 19 which remains suspended during the Emergency is automatically revived and begins to operate. The suspension of Article 19 under Article 358 applies to the whole country and covers all the States.

But after the amendment of the Article 359(1) by the 44th Amendment (1978) of the Constitution now the Fundamental Rights conferred under Article 20 (Protection in respect of conviction for offences) and 21 (Right to life and personal liberty) cannot be suspended even during the Proclamation of Emergency under Article 352 (National Emergency). The Effect of the Article 359 is that during Emergency under Article 352 a journalist who may have been imprisoned or detained under any law of preventive detention, may challenge his imprisonment or detention on the grounds available under Articles 20 and 21 even if all other Fundamental Rights are suspended under Article 358 or the enforcement of Article 19 has been barred by an Order under Article 389. Order issued under Article 359 may extend to the whole of India or may be confined to any part of the territory of India.

Proclamation of State Emergency under Article 356 will not effect Fundamental Rights at all. In fact in a National Emergency the Media has a vital role to play. During this period the role of the Media is important from the point of view of the government and the people. The strength of the people's morale and determination depends much upon the way the news and views are published and disseminated through the Media. If we take the example of a modern war, information of value to the enemy not only relates to the movement of troops, aircraft or military operations but also to such matters as food and supplies, communications, internal political conditions, etc. During State Emergency though the Media Freedom is not lifted the Media should be careful about not publishing the news and views which might either directly be of use to the enemy as affecting tactical, strategic or industrial plans or indirectly tend to strengthen the morale of the enemy.

Similarly, under Proclamation of Financial Emergency under Article 360, Fundamental Rights cannot be curtailed. Financial Emergency provisions expand executive powers only.



CHECK YOUR PROGRESS – A

1. What is Emergency?
2. What is State of Emergency?
3. Which Part and Articles of the *Constitution of India* contains Emergency provisions?

4. Choose the correct answer:

(a) National Emergency was proclaimed in India –

(i) Once (ii) Twice (iii) Thrice (iv) Four times

(b) All six freedoms under the *Constitution of India* are suspended during

National Emergency except –

(i) Right to Freedom (ii) Educational Rights (iii) Cultural Rights

(iv) Right to Life and Personal Liberty

(c) During the State Emergency or President's Rule thePresident of India

delegates executive authority to –

(i) Chief Minister (ii) Home Minister (iii) Governor (iv) Law Minister

(d) Financial Emergency is proclaimed under Article –

(i) 352 (ii) 358 (iii) 356 (iv) 360

2.4. Parliamentary and Legislative Privileges: Concept

Parliamentary or Legislative Privileges are the legal immunities conferred upon the members of the parliament or a legislature with regard to the acts they may perform in the legislature or on its behalf. That means no member may be held to account by an outside body or individual for words spoken within Parliament. The principal parliamentary privilege in the UK Parliament is that of freedom of speech in its proceeding, given statutory expression in Article 9 of the 1689 Bill of Rights. This marked the parliamentary victory over the royal executive in the struggle that had lasted for most of the 17th century. Similar notions exist in most other democratic legislatures. Also surviving, but of diminished importance, are the privileges of freedom from arrest in civil process, freedom of access to the monarch, and rights of punishment against those abusing parliamentary privilege or those held to be in contempt of parliament. Parliamentary Privilege is also known as Absolute Privilege.

Parliamentary privilege is controversial because of its potential for abuse; a member can use this privilege to make damaging allegations that would ordinarily be discouraged by defamation laws, without looking at the fact the such allegations are having any basis or not.

2.4.1. Constitutional Provisions on Legislative & Parliamentary Privileges

The *Constitution of India*, like that of the U.K. or the U.S.A., provides for the independence of the functioning of the Houses of legislature, both at the Union and State levels. Article 105 of the Constitution defines parliamentary privileges of both Houses of Parliament and of their members and committees and Article 194, which is an exact reproduction of Article 105, deals with the State Legislatures and their members and committees. The members are also given protection because the House cannot perform its functions without the service of its members. Since there is no difference between the terminology of Articles 105 and 194, it may be sufficient to refer only to Article 105.

Parliamentary privilege is an essential incident to the high and multifarious functions which the legislature is called upon to perform. In defining parliamentary privilege this Article 105 adopts certain method. Two privileges, namely, 'freedom of speech' and 'freedom of publication of proceedings', are specifically mentioned in clauses (1) and (2). With respect to other privileges of each House, clause (3) before its amendment in 1978 laid down that the powers, privileges and immunities shall be those of the House of Commons of the United Kingdom at the commencement of the Constitution until they are defined by an Act of Parliament.

2.4.2. Freedom of speech

Article 105, clause (1), expressly safeguards freedom of speech in parliament. It says: there shall be freedom of speech in parliament. Clause (2) further provides that 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. Article 105 (2) confers immunity, *inter alia*, in respect of 'anything said in Parliament', the word 'anything' is of the widest import and is equivalent to 'everything'. No action, civil or criminal, will therefore lie against a member for defamation or the like in respect of things said in parliament or its committees. The immunity is not limited to mere spoken words, it extends to votes, as clause (2) specifically declares,

"any vote given by him in parliament or any committee thereof". Though not expressly stated, the freedom of speech would extend to other acts also done in connection with the proceedings of each House, such as, for Notices of Motions, questions, reports of the committee, or the resolutions.

Freedom of speech in Parliament is subject to the provisions of the Constitution relating to the procedures of Parliament, i.e., subject to the articles relating to procedures in Part V including Articles 118, 121, 208 and 211. Thus, for example, freedom of speech in Parliament would not permit a member to discuss the conduct of any judge of the Supreme Court or of a High Court. Likewise, the freedom of speech is subject to the rules of procedures of a House, such as use of unparliamentary language or unparliamentary conduct.

The freedom of speech guaranteed under clause (1) is different from that which a citizen enjoys as a fundamental right under Article 19 (1) (a). The freedom of speech as a fundamental right does not protect an individual absolutely for what he says. The right is subject to Reasonable Restrictions under Article 19(2). The term freedom of speech used in Article 105 means that no Member of Parliament shall be liable to any proceedings, civil and criminal, in any court for the statements made in debates in the Parliament or any committee thereof. The freedom of speech conferred under this article cannot therefore be restricted under Article 19(2). Clauses (1) and (2) of Article 105 protect what is said within the house and not what a member of Parliament may say outside. Accordingly, if a member publishes his speech outside Parliament, he will be held liable if the speech is defamatory.

2.4.3. Right of publication of proceedings

Clause (2) of Article 105 expressly declares that no person shall be liable in respect of the publication by order under the authority of a House of Parliament, of any report, paper, votes or proceedings. The English Common Law accords the defence of qualified privilege to fair and accurate unofficial reports of parliamentary proceedings, published in a newspaper or elsewhere. In India, the Parliamentary Proceedings (Protection of Publication) Act, 1956 under Section 3 enacts that no person shall be liable to any proceedings, civil or criminal, in a court in respect of the publication of a

substantially true report of the proceedings in either House of the Parliament, unless it is proved that the publication is made with malice. The protection under this Section is only given to newspapers or broadcasting agencies. The protection is available provided that the publication is made for public good.

2.4.4. Law Courts and Privileges

The powers, privileges and immunities of each House of Parliament and State Legislatures as well as all its members and all its committees as mentioned under Article 105 and Article 194 are subject to the laws made by the appropriate legislature and also to all other provisions of the Constitution. A House of Parliament or Legislature cannot try anyone or any case directly as a court of justice can, but it can proceed quasi-judicially in cases of contempt of its authority or take up motions concerning its privileges and immunities in order to seek removal of obstructions to the due performance of its legislative functions. If any question of jurisdiction arises as to a certain matter, it has to be decided by a court of law in appropriate proceedings. For example, the jurisdiction to try a criminal offence such as murder, committed even within a House vests in ordinary courts and not in a Parliament or in a State Legislature. Also, a House of Parliament or State Legislature cannot in exercise of any supposed powers under Articles 105 and 194 decide election disputes for which special authorities have been constituted under the Representation of People Act, 1951 enacted in compliance with Article 329.

2.4.5. Some points on Parliamentary and Legislative Privileges

Important points on privileges of each House of Parliament and Legislative Assemblies and its members and Committees are under the *Constitution of India*, various statutes and rules:

(i) Freedom of speech in Parliament [of Article 105(1)].

(ii) Immunity to a member from any proceedings in any court in respect of any thing said or any vote given by him in Parliament or any Committees thereof [Article 105(2)].

(iii) Immunity to a person from proceedings in any court in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or Proceedings [Article 105(2)].

(iv) Prohibition on the courts to inquire into proceedings of Parliament (Article 122).

(v) Freedom from arrest of Members in civil cases during the continuance of the session of the House and forty days before its commencement and forty days after its conclusion (of section 135 of the Code of Civil Procedure).

(vi) Right of the House to receive immediate information of the arrest, detention, conviction, imprisonment and release of Member (of Rules 222A and 222B of the Rules of Procedure and Conduct of Business in Rajya Sabha).

(vii) Prohibition of arrest and service of legal process within the precincts of the House without obtaining the permission of the Chairman/Speaker.

(viii) Prohibition of disclosure of the proceeding or decision of a secret sitting of House.

(ix) Members or Officers of the House cannot give evidence or produce documents in courts of law, relating to the proceedings of the House without the permission of the House (of First Report of Committee of Privileges of Rajya Sabha presented to the House on the 1st May, 1958).

(x) Members or Officers of the House cannot attend as a witness before the other House or a Committee thereof or before a House of State Legislature or a Committee thereof without the permission of the House and they cannot be compelled to do so without their consent (of Sixth Report of Committee of Privileges of Second Lok Sabha, adopted by Lok Sabha on the 17th December, 1958 and Thirty-third Report of the Committee of Privileges of Rajya Sabha, adopted by the House on 30th March, 1993).

(xi) All Parliamentary Committees are empowered to send for persons, papers and records relevant for the purposes of the inquiry by a Committee. A witness may be summoned by a Parliamentary Committee who may be required to produce such documents as are required for the use of a Committee.

(xii) The evidence tendered before a Parliamentary Committee and its report and proceedings cannot be disclosed or published by anyone until these have been laid on the Table of the House.

2.4.6. Effect of Legislative & Parliamentary Privileges on Media Reporting

The Press is often called an extension of Parliament. It conveys to the people the substance of Parliamentary legislation and discussion and keeps the people informed of what is happening in Parliament with different reporting. Though what appears in the Press may influence the Members and provide them with necessary background, if the published report and materials do not form an authentic record of facts and exclusive reliance cannot be placed by a Member of Parliament on the matter as reported. Thus, it has been ruled by successive Presiding Officers that questions, motions and other notices which are merely based on Press reports may not be admitted. The Member may be required to produce some other primary evidence on which his notice is based.

Media Freedom has not been expressly provided for in the Constitution, but is implicit in the fundamental right of the "freedom of speech and expression" guaranteed to the citizens under Article 19(1)(a) of the Constitution. It has been settled by judicial decisions that freedom of speech and expression includes freedom of the Press. But while enjoying the "freedom of speech and expression" it is a breach of privilege and contempt of the House to publish expunged (partly omitted) proceedings of the House. This question came up for consideration before the Supreme Court in the *Searchlight* case wherein the Court held that a report of the whole speech including the expunged portion though factually correct, law may regard it as perverted and unfaithful and the publication of such a report may, *prima facie,* be regarded as constituting a breach of privilege of the House.

Absolute immunity has been conferred under the Constitution on all personnel connected with the publication of proceedings of either House of Parliament, if such publication is made by or under the authority of the House. [of Article 105(2)]. This immunity does not, however, extend to the publication of reports of Parliamentary proceedings in newspapers, whether published by a Member of the House or by any other person, unless such publication is expressly authorised by either House. However, constitutional protection has been given to the publication in newspapers or broadcasts by wireless telegraphy of substantially true reports of any proceedings of either House of Parliament, provided the reports are for the public good and are not actuated by malice.



CHECK YOUR PROGRESS – B

1. What is Parliamentary or Legislative Privileges?
2. Which two Articles of the *Constitution of India* contain the main provisions of related to Parliamentary or Legislative Privileges?
3. What is 'Freedom of Speech' as mentioned under Article 105 of the *Constitution of India*?
4. Which of the Following is not a Parliamentary and Legislative Privilege?

   (a) Right of publication of proceedings

   (b) Freedom from arrest

   (c) Freedom of Speech

   (d) Immunity to a member from any proceedings in any court in respect of any thing said in Parliament

   (e) Immunity from Contempt of court

2.5. Let us sum up

In this unit you have been introduced to the basic concepts of Emergency, State of Emergency and the Parliamentary and Legislative immunities along with the limitations on Media Reporting due to various constitutional provisions related to the concepts. Let us now quickly sum up these concepts.

An emergency is a situation which poses an immediate risk to health, life, property or environment. Most emergencies require urgent intervention to prevent a worsening of the situation, although in some situations, solutions may not be possible and agencies may only be able to offer proper care for the aftermath. A *state of emergency* is a governmental declaration that may suspend certain normal functions of government, may work to alert citizens to change their normal behaviors, or may order government agencies to implement emergency preparedness plans. It can also suspend all civil liberties.

A state of emergency in India refers to a period of governance under an altered constitutional setup that can be proclaimed by the President of

India, when he perceives grave threats to the nation from internal and external sources or from financial situations of crisis. This proclamation is done under the advice of the cabinet of ministers.

The President can declare three types of emergencies :

National Emergency under Article 352 (all Fundamental Rights are suspended, except the rights under Articles 20 and 21), State Emergency under Article 356 (No suspension of Fundamental Rights) and Financial Emergency under Article 360 (No suspension of Fundamental Rights). During the National Emergency Article 19 which guarantees Media Freedom is not operative; therefore, it affects Media Reporting.

Parliamentary or Legislative Privileges are the legal immunities conferred upon members of a parliament or a legislature with regard to acts they may perform in the legislature or on its behalf. Parliamentary Privilege is also known as Absolute Privilege. The *Constitution of India*, under Articles 105 and 194 provide for the independence of the functioning of the Houses of legislature, both at the Union and State levels. Two main immunities provided under these Articles are Freedom of Speech and Right of publication of proceedings.

While enjoying the “freedom of speech and expression”, it is a breach of privilege and contempt of the House for the Media to publish expunged (partly omitted) proceedings of the House. However, constitutional protection has been given to the publication in newspapers or broadcasts of substantially true reports of any proceedings of either House of Parliament, provided the reports are for the public good and are not actuated by malice.



2.6. Answers to check your progress

A

1. *Emergency* is a serious situation or occurrence that happens unexpectedly and demands immediate action. It may pose immediate risk to health, life, property or environment. Most emergencies require urgent intervention to prevent a worsening of the situation, although in some situations, solutions may not be possible and agencies may only be able to offer proper care for the aftermath.

2. A *state of emergency* is a governmental declaration that may suspend certain normal functions of government, may work to alert citizens to change their normal behaviors, or may order government agencies to implement emergency preparedness plans. It can also suspend all civil liberties.

3. Articles 352 to 360 Part XVIII of the *Constitution of India* contains Emergency provisions.

4. (a) (iii) Thrice
(b) (iv) Right to Life and Personal Liberty
(c) (iii) Governor
(d) (iv) 360

B

1. Parliamentary or Legislative Privileges are the legal immunities conferred upon members of a parliament or legislature with regard to acts they may perform in the legislature or on its behalf. That means no member may be held to account by an outside body or individual for words spoken within Parliament.

2. Article 104 and 194 of the *Constitution of India* contains the main provisions related to Parliamentary or Legislative Privileges.

3. Article 105, clause (1), expressly safeguards freedom of speech in parliament. It says: there shall be freedom of speech in parliament. Clause (2) further provides that 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.

4. (e) Immunity from Contempt of court



2.7. Further Readings

- **H. K. Saharay:** ***The Constitution of India – An Analytical Approach***
- **Dr. J. N. Pandey :** ***Constitutional Law of India***
- **Aurobindo Mozumdar:** ***The Law and the Newspapers***



2.8. Possible questions

1. Enumerate the Emergency Provisions under the *Constitution of India*?
2. Analyse the effect of Emergency Provisions under the *Constitution of India* on Media Reporting.
3. Explain the Parliamentary and Legislative Privileges as enumerated under different Articles of the *Constitution of India*?
4. Analyse the effect of Parliamentary and Legislative Privileges guaranteed under the *Constitution of India* on Media Reporting?
5. State briefly different provisions on Parliamentary and Legislative Privileges under various statutes and rules other than the *Constitution of India*.