

Corporation was severely criticised. Later, the Corporation adopted an adjournment motion to record its strong resentment against it. The House took it as an affront to its dignity and authority. It was a breach of its privilege as it was interference with the members freedom of speech in the House. The House decided to impose a fine of Rs. 10,000 on the Corporation if it did not rescind its offending resolution.¹³⁶

Procedural

Each House has a Committee of Privileges to advise it in matters affecting its powers, privileges and immunities as well as those of its members and committees.

At the commencement of a new Lok Sabha, or from time to time, as the case may be, the Speaker nominates a Committee of Privileges. This committee is to consist of not more than 15 members.¹³⁷ The Chairman of the Committee is nominated by the Speaker in consultation with the party leaders. The Deputy Speaker when a member of the Committee functions as its Chairman.

¹³⁶ M.P. Jain, Ind. Const. Law, 59.

¹³⁷ L.S. Rule 313.

Lok Sabha

The function of the Committee is to examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved. If so, what is the nature of the breach, what are circumstances leading to it? The Committee may make such recommendations as it may deem fit.¹³⁸ The Committee may also state in its report the procedure to be followed by the House in giving effect to the committee's recommendations.¹³⁹

After the report is presented to the House, any member may move that the report be taken into consideration. After that the Speaker may put the question to the House.¹⁴⁰ However, before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration. Such debate is not to refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House.¹⁴¹ After the motion to take the Committee's report into consideration is accepted to, any member may move that the House agrees, or disagrees, or agrees with amendments, with the recommendations contained in the Committee's report.¹⁴²

138. L.S. Rule 314(1)

139. L.S. Rule 314(2)

140. L.S. Rule 315(1)

141. L.S. Rule 315(2)

142. L.S. Rule 315(3)

A motion that the report of the Committee be taken into consideration is accorded the same priority as is assigned to a matter of privilege under rule 225(1), unless there has been undue delay in bringing it forward. However, when a date has already been fixed for the consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.

The Committee on Privileges exercises an essentially adjudicatory function. This committee has a special obligation to discharge its functions objectively ^{with} ~~in~~ a judicial approach and in a non-political or non-partisan manner because, in a way, in deciding whether its privilege has been infringed, the judge is acting as a judge in his own cause. The procedures of the committee must conform with the canons of natural justice. Whenever some one is arraigned before the Committee for breach of parliamentary privilege, it is necessary that he be given a full and fair opportunity to defend himself and explain his conduct.

Like any other committee of the House, the Committee on Privileges has power to summon any witness through an order signed by the Secretary. The witness may be required to produce such documents as are required for

the use of the Committee. The Committee also has power to send for persons, papers and records. If any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question is to be referred to the Speaker whose decision is final. ¹⁴⁴ The Committee has discretion to treat any evidence given before the Committee as secret or confidential. ¹⁴⁵ The Committee may administer oath or affirmation to a witness examined before it. ¹⁴⁶ Refusal of a witness to take an oath or affirmation amounts to breach of privilege and contempt of the House.

An issue of privilege can be raised by a member on the floor of the House. A matter of privilege has precedence over all other matters in the House. According to the practice prevailing in the Lok Sabha, after a privilege issue is raised in the House, the Speaker invariably refers the matter to the person who is accused of infringing the privileges of the House to say what he has to say in the matter. After receiving his explanation, the matter may be dropped there and

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- 143. L.S. Rule 269.
 - 144. L.S. Rule 270.
 - 145. L.S. Rule 269(2)
 - 146. L.S. Rule 272(1).

then. If not, the Speaker has to rule whether there has been or not a prima facie breach of privilege. If the Speaker rules that there is a prima facie case, then the matter is referred to the Privileges Committee for inquiry and report. The Speaker may also suo motu refer the matter of breach of privilege to the committee for inquiry and report. The Privileges Committee has ruled that a privilege matter must be brought to the notice of the House at the earliest opportunity after the breach of privilege has occurred. If a member sleeps over his right without any ostensible reason, permission to raise the matter may be refused by the Speaker. ¹⁴⁷ If the House so desires, it may consider the question of privilege itself rather than refer the same to the Committee.

Refusal on the part of a witness before a Parliamentary Committee to answer any question which may be put to him is a contempt of the House and an infraction of the undoubted right of the House to conduct an inquiry which may be necessary in the public interest. ¹⁴⁸ Giving of false evidence before a committee may also invite punishment. As a resolution of the 12th November 1946 of the House of Commons says: "That if it shall

147. Priv. Dig. VII

148. Resolution passed by the House of Commons on the 12th August, 1947.

appear that any person hath given false evidence in any case before this House, or any committee thereof, this House will proceed with the utmost severity against the offender."

In some of the proceedings before the committee of Privileges against the press, questions have arisen as to the source of information to the press. In such matters, the press does not reveal its secret sources of information and the position is accepted ^{and} appreciated by the Committee and it does not pressurize the newspaper concerned to reveal its source. In some cases, the Committee of the House of Commons has stated that the source giving the information to the press is more culpable than the press publishing the information, but the real culprit could not be punished as the newspaper concerned refused to divulge the source. 149

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Supra, heading 8, Sec. IV, 89-91