



Privilege Motion

Why in News

Congress' chief whip in the [Rajya Sabha](#) sought to move a [privilege motion](#) against the **Union Culture Minister over the appointment of chairperson of the [National Monuments Authority \(NMA\)](#).**

- The educational and professional background of the current chairperson of NMA does not meet the requirements of law passed by Parliament in March 2010.

National Monuments Authority (NMA)

- **Established:** NMA is set up under the **Ministry of Culture** as per the provisions of the [Ancient Monuments and Archaeological Sites and Remains \(Amendment and Validation\) Act \(AMASR\)](#) which was enacted in March, 2010.
- **Functions:** Several functions have been assigned to the NMA for the protection and preservation of monuments and sites through management of the prohibited and regulated areas around the centrally protected monuments.
 - NMA also considers grant of permissions to applicants for construction related activity in the prohibited and regulated areas.
- **Qualifications for the Appointment of the Chairman:** AMASR Act says that the **chairperson of the NMA** should have “proven experience and expertise in the field of archaeology, country and town planning, architecture, heritage, conservation architecture or law”.

Key Points

- **About:** It is concerned with the **breach of [parliamentary privileges](#) by a minister.**
- **Breach of Parliamentary Privileges:** Parliamentary Privileges are **certain rights and immunities enjoyed by members of Parliament**, individually and collectively, so that they can “effectively discharge their functions”.
 - When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is punishable under law of Parliament.
 - **A notice is moved in the form of a motion by any member of either House against** those being held guilty of breach of privilege.
 - Its purpose is **to censure the concerned minister.**
- **Role of the Speaker/Rajya Sabha (RS) Chairperson:**
 - The Speaker/RS chairperson is the **first level of scrutiny** of a privilege motion.
 - The Speaker/Chairperson can decide on the privilege motion himself or herself **or refer it to the privileges committee of the Parliament.**
 - If the Speaker/Chairperson gives consent under relevant rules, the member concerned is given an opportunity to make a short statement.
- **Rules Governing Privilege:**
 - **Rule No 222** in Chapter 20 of the **Lok Sabha Rule Book** and correspondingly **Rule 187** in Chapter 16 **of the Rajya Sabha rulebook** governs privilege.

- Rules say that a member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or a committee thereof.

Parliamentary Privileges

- Parliamentary privileges are **special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members.**
- The Constitution also extends the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees. **These include the Attorney General of India and Union ministers.**
- The parliamentary privileges **do not extend to the President** who is also an integral part of the Parliament. **Article 361** of the Constitution provides for privileges for the President.
- **Article 105** of the Constitution expressly mentions **two privileges**, that is, freedom of speech in Parliament and right of publication of its proceedings.
- Apart from the privileges as specified in the Constitution, **the Code of Civil Procedure, 1908**, provides for freedom from arrest and detention of members under civil process during the continuance of the meeting of the House or of a committee thereof and forty days before its commencement and forty days after its conclusion.
- It needs to be noted that the **Parliament, till now, has not made any special law** to exhaustively codify all the privileges.

Privilege Committee

- It is a **Standing Committee**. It examines the cases of breach of the privileges of the House and its members and recommends appropriate action.
- The **Lok Sabha** committee has **15** members, while the **Rajya Sabha** committee has **10** members.

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