A heated debate is going on relating to the Parliamentary Privileges in India, and most debatable question in concept of parliamentary privileges is its codification. The law of parliamentary privileges is contained in art 105 and 194 of the constitution. In these articles the privileges of freedom of speech in parliament and immunity to members from any proceeding in any court of law in respect of anything said or vote given by them in parliament or any committee there of have been specifically provided for in the constitution.

Having specifically incorporate the most fundamental parliamentary privileges and most basic immunity in the text of the constitution, the constituent assembly decided to leave the powers, privileges and immunities of each house of parliament and state legislature and as well as their members and committees in other respects, to be defined by law by their respective houses from time to time.

In clause 3 of article 105 would have ended there, then there could be no doubt that parliament of state legislature, as the case may be, shall have only such powers and privileges as are defined by law, but this does not mean that they will have none, if no such law is made as contemplated in this clause. But the second limb of art 105(3) confers on parliament the powers privileges and immunities of the house of commons until no such law is made defining their privileges the specific provision until so
defined by law," has been the main source of inspiration and arguments for recurrent and insistent demand for the codification of parliamentary privileges.

Explaining the reasons for leaving the parliament privileges undefined in the constitution Dr. Ambedkar the Chairman of the Drafting committee pointed out that apart from the privilege of freedom of speech and immunity from arrest, the privileges of parliament were much wider and extremely difficult to define. In this view, it was not practicable to enact a complete code on privileges and immunities of parliament as a part of the constitution and the best course was to leave it to parliament itself to define its privileges and in the meanwhile to confer on parliament the privileges enjoyed by the House of commons.

I have attempted my levels best to study the concept of parliamentary privileges in India. I have tried my levels best to draw a list of privileges available to members to parliament. I have also tried to solve the conflict between fundamental rights and parliamentary privileges in this thesis.

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Dated : (Krishna)
Place :