

CHAPTER XIX

Privileges

(a) Questions of Privilege

157. Question of Privilege.— A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof.

158. Notice of question of privilege.— A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.

159. Conditions of admissibility of the question of privilege.— The right to raise a question of privilege shall be governed by the following conditions, namely:—

- (i) the question shall be restricted to a specific matter of recent occurrence;
- (ii) the matter requires the intervention of the House.

160. Mode of raising a question of privilege.— (1) The Speaker, if he gives consent under rule 157 and holds that the matter proposed to be discussed is in order, shall, after the question and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto:

Provided that where the Speaker has refused his consent under rule 157 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of sitting after the disposal of question.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than ten members rise accordingly, the Speaker shall declare that leave is granted. If less than ten members rise, the Speaker shall inform the member that he has not the leave of the House.

161. Questions of privilege to be considered by House or Committee.— If leave under rule 160 is granted, the House may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

162. Reference of questions of privilege to Committee by Speaker.— Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

163. Power of Speaker to give directions.— The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee of Privileges or in the House.

(b) Intimation to Speaker of arrest, detention, etc. and release of a member

164. Intimation to Speaker by Magistrate of arrest, detention, etc. of a member.— When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

165. Intimation to Speaker on release of a member.— When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.

166. Treatment of communications received from Magistrate.— As soon as may be, the Speaker shall, after he has received a communication referred to in rule 164 or rule 165, read it out in the House if in session, or if the House is not in session, direct that it may be published in the Bulletin for the information of the members :

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest or his subsequent release or discharge may not be intimated to the House by the Speaker.

(c) Procedure regarding service of a legal process and arrest within the precincts of the House.

167. Arrest within the precincts of House.— No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

168. Service of legal process.— A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.