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The Analyst

CURRENT AFFAIRS Handout

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CONTEXT: Petitions questioning whether legislative privileges can override citizens FR to FoS&E.

British Model

- FoS in Article 9 of the Bill of Rights (1689)
 - 'proceedings in Parliament'
- Contempt powers
- British Influence
 - USA
 - i. Article I, Section 6, US Constitution (1787)
 - ii. No Arrest during Attendance
 - 1. Except Treason, Felony, Breach of Peace
 - iii. Each chamber to regulate, discipline members

French Model

- Article 26 of 1958 Constitution
 - 'No Member of Parliament may be prosecuted'
- No Broad Contempt powers
- French Influence
 - German Basic Law
 - i. Article 46: No court proceedings of disciplinary action
 - ii. Article 18: Permission of Bundestag

Purpose

- Doctrine of necessity
- Legislative & deliberative functions
 - No burden of defending in court
- Holding the Govt to account
 - Forum for expressing the anxieties of citizen

- Dignity, efficiency, independence of legislature
 - Not protect individuals from due process
- Public interest > private interest
- Popular sovereignty: safeguards against legislative self-dealing
- Representative democracy: "Free Mandate"
 - Not tied to the party
 - Subject only to conscience
 - But bound mandate

Codification

- Australia
 - Australian Parliamentary Privileges Act 1987
 - i. category of actions which may be treated as contempts
 - ii. Judicial review: RoL, not to restrict the rights of citizens
- New Zealand
 - Parliamentary Privilege Act 2014
 - i. nature, scope and extent
 - ii. Review & amendment by the House itself



CONTEXT: Petitions questioning whether legislative privileges can override citizens FR to FoS&E.

105. Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof

- (1) Subject to the provisions of this Constitution and the rules and standing orders regulating the procedure of Parliament, there shall be **freedom of speech** in Parliament.
- (2) 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, and **no person shall be so liable in respect of the publication** by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- (3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from **time to time be defined by Parliament by law**, and, until so

122. Courts not to inquire into proceedings of Parliament

- (1) The **validity of any proceedings** in Parliament shall not be called in question on the **ground of any alleged irregularity of procedure**.
- (2) No **officer or member** of Parliament in whom powers are vested by or under this Constitution for **regulating procedure** or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

Collective Privileges

- Right to publish proceedings
 - also restrict if secrecy necessary
- Control over internal proceedings
 - No external auth/courts can interfere in the regular business
- Power to punish for contempt
 - Against members or outsiders
 - For breach of privilege or contempt
- Right to exclude strangers
 - Can hold private sittings
- Authority to enforce attendance
 - Members, witnesses, or officials
- Make rules to regulate own procedure

Individual Privileges

- FoS in the House
 - A 105(1) & A 194(1)
- Immunity from legal proceedings
 - civil or criminal action for their speech or votes in the House
- Exemption from arrest in civil cases
 - During session + 40 days before/after
 - Not in criminal cases or preventive detention
- Exemption from jury or witness duty
 - While Parliament in session



CONTEXT: Petitions questioning whether legislative privileges can override citizens FR to FoS&E.

Judicial Observations

- **K Anandan Nambiar case 1951**
 - MP no special status higher than that of an ordinary citizen
 - Liable to be arrested, detained, or questioned even during the session
- **Keshav Singh Case**
 - Parliamentary privileges cannot override FR
 - JR whether legislative privileges exercised within constitutional limits
- **Searchlight Case (M.S.M. Sharma v. Sri Krishna Sinha)**
 - Freedom of press to report parliamentary proceedings subject to parliamentary privileges & A 19(2)
 - Legislature's right to prohibit publication of certain parts of debates
- **Raja Ram Pal v. Speaker, Lok Sabha**
 - Privileges not absolute or beyond JR
 - JR if exercised in a grossly unconstitutional or mala fide manner
 - But Court hands-off approach
- **State of Kerala Vs. K. Ajith and Others 2021**
 - Privileges & immunities not gateways to claim exemptions from general law of the land
 - No immunity for vandalism

Challenges

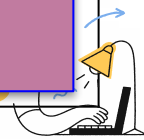
- Scope
 - Independence & integrity vs shield from accountability
- Conflict with constitutional principles
 - Equality
 - Immunity from arrest & legal process
- Misuse
 - FoS to make inflammatory, offensive, remarks
- Transparency & oversight
 - Challenging to hold accountable for abuse
 - Public trust in legislative process

Suggestions

- Responsible Use
 - Not personal or political gain
 - Not Inflammatory, offensive, false
- Respect rights of others
- Transparency
 - Reasons for claiming privileges
- Follow parliamentary procedures
 - impartiality and fairness

MAINS PRACTISE QUESTION

Discuss the significance of parliamentary privileges in India. Examine the major challenges associated with their exercise, quoting the relevant case laws.



CONTEXT: Lok Sabha productivity of just 15%

Parliamentary Productivity: Previous

Data :

- Budget Session: LS 93% productivity
 - Discussion: 35 hours to <15 hours
 - 2021–22: 76% Demands for Grants passed without any discussion
- Monsoon Session 2025
 - LS 29%, RS 34%
 - Question Hour: 23% in LS, 6% in RS
- 17th LS (2019–2024) productivity 47%: PRS
- Annual sittings: 121 days (1952–70)
 - ~68 days since 2000
- 16th & 17th LS: Bills Referred: ~20%
 - 35% in 17th LS <1 hour discussion: PRSIndia
- No Deputy Speaker
- Opposition business <10% of House time
 - 20–25% in UK
 - No Private Member's Bill passed since 1970: PRSIndia
- Ordinances
 - 6/year (2000–10) to 12/year (2014–23)
 - Delegated legislation 4x

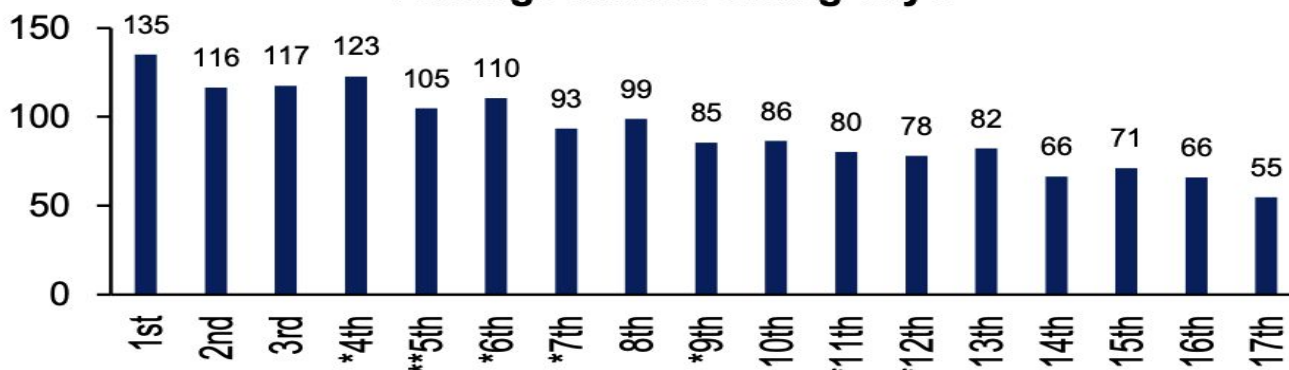
Reasons

- PMO-led lawmaking
 - >90% Bills govt-driven
- Opposition limited session time >> disruptions as protest tool >> productivity
 - CAA, Hindenburg
- Partisan Speakers' rulings
 - >150 MP suspensions in 2023
- Committees Role: ~20% Bills referred in 16th and 17th LS

Consequences

- Accountability
 - Fewer sittings
 - Question Hour questions answered
- Legislation Quality
 - Minimal debate
- Public Distrust
 - Parliament's ineffectiveness >> apathy, disillusionment
- Silencing Voices
 - Centralised lawmaking
 - 0 Private Members' Bills passed
- Judiciary filling Vacuum

Average annual sitting days



Note: * indicates a term less than five years; ** indicates a six year term.

CONTEXT: Lok Sabha productivity of just 15%

Reforms Needed

- Scrutiny
 - Committee System: Mandate 75% Bills
 - Public consultations
- Limit Whip
 - Anti-Defection
 - confidence motions & money bills (LCI 170th report)
 - MP autonomy
- Consensus based approach
 - Institutional Dialogue: structured, periodic meetings of Speaker, PM, LoO
 - Opposition Days
- Guaranteed Sitting Days: statutory minimum of 100–120 days
- MP/MLA exchange programmes: procedural and ethical best practices

MAINS PRACTISE QUESTION

What are the reasons for low productivity of the Parliament? Discuss its consequences on governance and accountability, and suggest measures to enhance the effectiveness of parliamentary functioning.



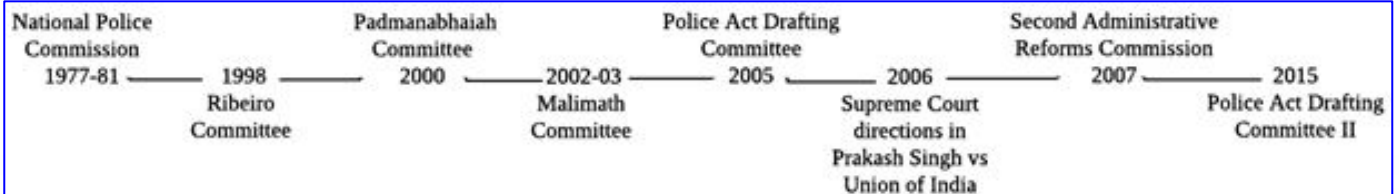
Newspaper : The Hindu Page Number : 5

UPSC agrees in Supreme Court to defer meeting to finalise next Odisha DGP

Police Reforms

● Prakash Singh vs. Union of India

- State Security Commission - no unwarranted interference + evaluate performance
- DGP - 2 years, merit-based
- POs on operational duty (SP, SHOs) - 2 years
- Separate prosecution, investigation, law and order, and other functions
- Police Establishment Board - below DSP transfers, postings, promotions
- Police Complaints Authority
- National Security Commission - select Chiefs of Central Police Organisations - 2 years



● **National Police Commission**

- training processes for constables
- state security commission
- Assured minimum tenure for the chief of the police
- Internal Management - CP

● **Ribeiro Commission**

- Police Establishment Board - transfer, promotion, punishment
- Police recruitment board - non-gazetted POs

● **Padmanabhaiah Committee**

- Police training advisory council
- Additional SP for crime & investigation
- District Police Complaints Authority

● **Police Act Drafting Committee**

- All officers min 2 years tenure
- SHO not below SI rank
- Transfer prohibited except as per law



SYLLABUS : PRELIMS : Indian Polity and Governance
Newspaper : Indian Express **Page Number : 8**

CHAPTER V.—COMPTROLLER AND AUDITOR-GENERAL OF INDIA

148. (1) There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule:

Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(Part V.—The Union.—Arts. 148—151.)

(4) The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

(5) Subject to the provisions of this Constitution and of any law made by Parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

(6) The administrative expenses of the office of the Comptroller and Auditor-General, including all salaries, allowances and pensions payable to or in respect of the persons serving in that office, shall be charged upon the Consolidated Fund of India.

- Guardian of the public purse - T&A in management of public funds - both C&S
- upholding financial discipline
- checks and balances in a democratic system

Constitutional and Legal Provisions

- Article 148: Appointment, tenure and Conditions, Independence
- Duties and Powers (Article 149): Parliament prescribes
- Form of Accounts (Article 150)
- Submission of Reports (Article 151)
 - Reports on Union accounts to the President and placed before Parliament
 - Reports on State accounts to the Governor, placed before Legislature
- Certification of Net Proceeds (Article 279): CAG certifies the net proceeds of taxes and duties, which is final and binding.
- CAG's (Duties, Powers, and Conditions of Service) Act, 1971:
 - Tenure: 6 years or age of 65, whichever is earlier
 - Removal: like SC judge
 - Resignation: Addressed to the President
 - Service Conditions: Cannot be varied to the CAG's disadvantage after appointment



SYLLABUS : PRELIMS : History of India
Newspaper : Indian Express **Page Number :** 1

- ~1200 AD to 1526 AD
- Rulers of Turkish & Afghan origin
- Dynasties
 - Mamluk Dynasty (AD 1206–AD 1290)
 - Khilji Dynasty (AD 1290–AD 1320)
 - Tughlaq Dynasty (AD 1320–AD 1412)
 - Sayyid Dynasty (AD 1412–AD 1451)
 - Lodi Dynasty (AD 1451– AD 1526)

Central Administration

- Ilbari Turks (slave dynasty): carried out mainly by trusted slaves; or members of the royal household
 - Loyalty prerequisite for holding high office
- Sultan: head of admin with all military, administrative & legal powers

- **Wizarat:** After sultan, most important
 - Diwani-Wizarat, headed by the wazir
 - Wazir [PM] general supervisor of depts
 - Financial organisation
 - Advice to sultan
 - Check land revenue collections & record of all income and expenditures
 - Charitable donations: waqfs, inams

Central Administration Contd...

- **Diwan-i-Arz**
 - For military organisation
 - Headed by the Ariz-i-Mumalik
 - Maintained royal contingents
 - Recruited soldiers, discipline
 - Alauddin Khilji introduced dagh (branding) and huliyah (description) system and cash payment to soldiers
 - Firuz Tughlaq abolished
 - Muhammad Tughlaq continued dagh
 - Sikandar Lodi: huliyah referred to as chehrah
- **Naib-ul-Mulk:** deputy of Ariz
- **Diwan-i-Insha:** Headed by the Dabir-i-Khas
 - looked after dept of royal correspondence
 - Dabir: formal channel of communication between the centre and the other areas of the empire
 - i. also private secretary to Sultan

- **Diwan-i-Riyasat:** Important during reign of Alauddin Khilji
 - registered all supplies of commodities and maintained standards in markets [checking weights and measures, etc.]
- **Diwan-i-Risalat**
 - headed by Sadr-us-Sadr, who was also the Qadi-i-mumalik
 - Responsible for administration of justice and religious matters
- **Diwan-i-Mazalim:** Headed by Amir-i-Dad in the absence of Sultan
 - Supervise qadis, kotwal (police) and muhtasib (Executive officer who supervised and enforced public morals and public conveniences)



SYLLABUS : PRELIMS : History of India
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Provincial Administration

- Provinces (iqta) placed in charge of governors called wali or muqti
- Later, provinces partitioned into shiqs (administered by shiqdars)
 - Faujdars assisted Shiqdar in maintaining L&O during Tughlaq period
- Then shiqs partitioned into Pargana (local administration)
- Function of Governor
 - Collection of revenue
 - Law & order
 - Opposition to central authority under control
 - Maintaining a military unit under his command
- Ariz helped the governor in these military duties
- Sahib-i-Diwan: maintained financial accounts of the provincial income and expenditure



SYLLABUS : PRELIMS : Indian Polity and Governance
Newspaper : Indian Express **Page Number :** 8

Responsibility of ECI

- Under Election Symbols (Reservation and Allotment) Order, 1968
- Specification, reservation, choice and allotment of symbols at elections for the recognition of political parties
- Can be either reserved, (exclusive to a recognised political party) or 'free'
- EC publishes lists through a notification in the Gazette
- Unrecognised registered parties
 - Newly registered or not secured enough % votes to become recognised party
 - Can choose from free, non-exclusive symbols
 - Subsequent elections, these symbols are declared free again

Choice

- Unregistered to give names of 10 symbols, in order of preference, out of the list of free symbols
- 1968 order: may also propose 3 new symbols
 - with names, design and drawings
 - No resemblance to existing reserved symbols or free symbols
 - No religious or communal connotation, or depict any bird or animal

What if recognised political party splits?

- Para 15 of the Symbols Order, 1968: EC to decide on the claim of rival factions
- Decision of EC binding
- Criteria to resolve dispute in case of split
 - 3 tests outlined in the Sadiq Ali case
 - i. Test of Aims and Objects of the Party Constitution;
 - ii. Test of Party Constitution;
 - iii. Test of Majority
 - If EC could not test strength of rival groups based on support within the party organisation
 - i. Testing majority only among elected MPs and MLAs
 - If both legislative and organisational indecisive: ECI freezes the symbol and asks both factions to choose new



Constitutional Limits on Arrest



SYLLABUS : PRELIMS : Indian Polity and Governance
Newspaper : The Hindu **Page Number : 12**

Legal Safeguards

- **Right to be Informed:** grounds for arrest; else violates A 22(1) & Section 50 CrPC (Section 47 BNSS, 2023)
- **Time of Arrest:** Arrest memo must contain
 - Section 57 CrPC (Section 58 BNSS, 2023) requirements
- **Production Before Magistrate:** within 24 hours (excluding travel time)
- **Right to Consult Lawyer:** and be defended
- **Warrant Requirement:** For non-cognisable offences
- **Protection Against Degrading Treatment**
 - Right to dignity under A 21

Case Laws

- **Vihaan Kumar v. State of Haryana (2025):**
 - Meaningfully inform of grounds for arrest
 - **Direct Communication:** Not To relatives or ambiguous records
 - i. arrested person must understand grounds directly
 - Precedent for safeguarding personal liberty and procedural fairness
- **Arnesh Kumar v. State of Bihar (2014):**
 - Guidelines to prevent misuse of criminal laws and harassment
 - Arrests should be exception if punishment <7 years
 - Continuing prosecution based on frivolous/false allegations = abuse of legal process, violates PoNJ

- **Maneka Gandhi v. Union of India (1978):**

- Article 14 is antithesis to arbitrariness
- Arbitrary arrest violates the Golden Triangle

Detention

- **Arrest vs. Detention**
 - Arrest is formal police custody with probable cause of offence
 - Detention is temporary hold for investigation without charge
- **Procedural Safeguards Under A 22**
 - Right to be informed
 - Right to consult lawyer
 - Before magistrate within 24 hours
- **Preventive Detention:** Procedural safeguards of A 22 (1) & (2) do not apply
- **Duration of Preventive Detention:** 3 months; extension permitted by Advisory Board



Q1. With reference to preventive detention in India, consider the following statements :

1. A person under preventive detention is ordinarily entitled to be informed of the grounds of detention and to have access to legal representation as a matter of right.
2. The initial period of preventive detention cannot ordinarily exceed three months, unless the requirements relating to the Advisory Board are satisfied.
3. Preventive detention is distinct from ordinary arrest because it is intended primarily to prevent a person from committing certain acts rather than to punish an offence already committed.

Which of the above given statements is/are correct?

- a) 1 only
- b) 2 and 3 only
- c) 1 and 2 only
- d) All of the above

Answer: b

Q2: Which of the following statements regarding the Delhi Sultanate's Administration is Not correct?

- a) Diwan-i-Arz was concerned with the organisation and administration of the military.
- b) Diwan-i-Insha dealt with the Sultan's official correspondence.
- c) Diwan-i-Risalat was primarily responsible for maintaining market standards, including checking weights and measures.
- d) Diwan-i-Mazalim dealt with complaints and grievances and supervised certain judicial and administrative matters.

Answer: c

Q3. With reference to the Comptroller and Auditor General of India (CAG), consider the following statements:

1. The CAG's appointment, oath, conditions of service and independence are provided under Article 148 of the Constitution.
2. The duties and powers of the CAG are prescribed by Parliament under Article 149.
3. The CAG submits reports relating to the accounts of the Union to the President and those relating to the accounts of a State to the Governor.

How many of the statements given above is/are correct?

- a) Only One
- b) Only Two
- c) All Three
- d) None

Answer: c

Q4. With reference to the Election Commission of India (ECI) and election symbols, consider the following statements:

1. The Election Commission regulates the specification, reservation, choice and allotment of election symbols under the Election Symbols (Reservation and Allotment) Order, 1968.
2. An unrecognised registered political party can choose a symbol from the list of free symbols.
3. A symbol allotted to an unrecognised registered political party automatically becomes permanently reserved for that party in subsequent elections.

Which of the above given statements is/are correct?

- a) 1 only
- b) 2 and 3 only
- c) 1 and 2 only
- d) 2 only

Answer: c

Q5. With reference to Parliamentary privileges and judicial scrutiny of parliamentary proceedings, consider the following statements:

1. Article 105 provides freedom of speech in Parliament, subject to the Constitution and the rules and standing orders regulating parliamentary procedure.
2. A Member of Parliament enjoys immunity from court proceedings for anything said or any vote given by him in Parliament or in a parliamentary committee.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: c





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