
THE TRANSFORMATIVE POWER OF SOCIAL MEDIA: HOW INDIAN LAWMAKERS HARNESS DIGITAL PLATFORMS IN THE NAME OF PARLIAMENTARY PRIVILEGES

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ABSTRACT

The rise of social media platforms has revolutionized communication and information dissemination, presenting both opportunities and challenges for parliamentary privileges. This study examines the evolving relationship between social media and parliamentary privileges, including the implications for legislative autonomy, public scrutiny, and the democratic process. Through a comprehensive literature review and empirical analysis, the research investigates how social media platforms have influenced the exercise of parliamentary privileges in India. It explores the ways in which parliamentarians engage with social media, the role of social media in shaping public perception of parliamentary proceedings, and the potential risks associated with the misuse and abuse of parliamentary privileges in the digital age. The findings of this study contribute to a deeper understanding of the challenges and opportunities that arise from the intersection of social media and parliamentary privileges. It highlights the need for regulatory frameworks, ethical guidelines, and responsible social media usage by lawmakers to protect the integrity of parliamentary processes and ensure public trust. The research offers recommendations for strengthening regulations and promoting responsible social media practices to safeguard parliamentary privileges and enhance public participation in the democratic process. Overall, this research sheds light on the complex dynamics between social media and parliamentary privileges, providing valuable insights for policymakers, lawmakers, and stakeholders seeking to navigate the digital age while upholding the principles of democracy, transparency, and accountability.

Keywords: parliamentary privileges, social media, public trust, democracy.

CHAPTER 1: INTRODUCTION

The rise of social media has revolutionized communication, transforming the way information is disseminated and conversations take place in modern societies. In the context of parliamentary privileges in India, the advent of social media platforms has introduced new dynamics that warrant a closer examination of their impact on the delicate balance between free speech, legislative autonomy, and the rights and responsibilities of Members of Parliament (MPs). Parliamentary privileges in India are vital for the effective functioning of the legislative branch, ensuring that MPs can freely express their opinions, engage in robust debates, and hold the government accountable. However, the advent of social media has introduced unprecedented challenges and opportunities that have reshaped the landscape of parliamentary discourse. The widespread use of social media platforms, such as Twitter, Facebook, and Instagram, has allowed MPs to directly engage with their constituents, share their views, and gather feedback on legislative matters. This has expanded the reach and accessibility of parliamentary discourse, enabling citizens to actively participate in the democratic process. Social media platforms have become virtual town halls, facilitating the exchange of ideas, fostering transparency, and bridging the gap between legislators and the public.

However, the unregulated nature of social media also poses potential risks and challenges to parliamentary privileges. The ease of disseminating information through these platforms has led to instances where MPs have made controversial statements or engaged in personal attacks, blurring the line between free speech and defamation. This has raised questions about the extent to which parliamentary privileges extend to the virtual realm and whether they should be subject to limitations or accountability measures. Moreover, social media has amplified the potential for misinformation and disinformation to spread rapidly, posing a threat to the integrity of parliamentary proceedings. The viral nature of false narratives and the ability to manipulate public opinion through social media platforms can undermine the credibility of MPs and erode public trust in the legislative process. This necessitates a careful examination of how parliamentary privileges can be safeguarded without compromising the need to combat misinformation and protect democratic institutions.

Hence, the impact of social media on parliamentary privileges in India is a topic of increasing relevance in the digital age. As social media platforms continue to shape public discourse and transform the nature of political communication, it is essential to critically evaluate their

influence on the exercise of parliamentary privileges. By examining the opportunities and challenges presented by social media, this research aims to contribute to the ongoing discourse on maintaining the integrity of parliamentary privileges while embracing the potential of digital platforms to enhance democratic participation and accountability.

CHAPTER 2: DEFINITION AND SCOPE OF PARLIAMENTARY PRIVILEGES

Parliamentary privileges refer to a set of rights, immunities, and powers enjoyed by the Members of Parliament (MPs) within the legislative institution. These privileges are granted to MPs to ensure their independence, freedom of speech, and protection from external influences, allowing them to perform their legislative functions without fear of interference or reprisal.

The scope of parliamentary privileges encompasses a range of rights and immunities granted to MPs to safeguard their ability to discharge their duties effectively. The exact scope may vary between different countries and jurisdictions, but it generally includes some common elements. Parliamentary privileges protect the **freedom of speech and expression** of MPs, allowing them to speak and debate freely within the legislative chamber. MPs have the right to express their opinions, criticize the government, propose legislation, and represent the interests of their constituents without the fear of legal consequences or civil liability. Parliamentary privileges provide MPs with **immunity from civil and criminal liability** for their actions and statements made within the legislative chamber or in the course of their parliamentary duties. This immunity ensures that MPs can express their views without the threat of legal consequences. Parliamentary privileges often grant MPs **freedom from arrest or detention in civil cases** while the Parliament is in session. This protection allows MPs to carry out their legislative responsibilities without the fear of being unduly restrained or detained. Parliamentary privileges include the power to regulate and control the internal affairs and proceedings of the legislative body. MPs have the authority to determine the **rules of procedure, maintain order within the chamber, and enforce discipline** among their fellow members. Parliamentary privileges may encompass the right of MPs to **access relevant information, documents, and records necessary** for the proper discharge of their legislative functions. This access ensures **transparency and accountability** in the legislative process. Parliamentary privileges serve to protect **the independence of the legislative branch** from interference by other branches of government, the executive, or external influences. The protection of parliamentary privileges is vital for upholding democratic principles in India. By granting MPs the necessary powers and

immunities, privileges ensure that the legislative branch remains **independent, accountable, and able to fulfill its constitutional responsibilities**. They serve as a safeguard against potential abuses of power and promote a balanced system of governance that respects the rights and freedoms of elected representatives.

It is important to note that while parliamentary privileges provide essential safeguards for the effective functioning of the legislative branch, they are not absolute and must be balanced with other democratic principles, such as accountability, transparency, and respect for fundamental rights. The precise scope and limitations of parliamentary privileges are often subject to interpretation and may be regulated by specific laws, constitutional provisions, or established parliamentary practices.

CHAPTER 3: EVOLUTION AND HISTORICAL SIGNIFICANCE

The evolution and historical significance of parliamentary privileges in India have played a crucial role in shaping the functioning of the legislative branch and safeguarding the autonomy and effectiveness of parliamentary proceedings. This chapter is an overview of the evolution of parliamentary privileges in India, along with notable case laws that have defined and reinforced these privileges. The concept of parliamentary privileges can be traced back to the British parliamentary system, which influenced the Indian parliamentary system. Over time, parliamentary privileges in India have evolved through constitutional provisions, legislative enactments, and judicial interpretations. The Constitution of India explicitly recognizes and grants certain privileges and immunities to members of Parliament under Article 105. These privileges include freedom of speech, freedom from arrest, and immunity from legal proceedings in relation to their speech and voting in the House.

Parliamentary privileges in India have evolved over time, drawing inspiration from the British parliamentary system. The concept of parliamentary privileges is rooted in the idea of safeguarding the independence and effectiveness of the legislative body. These privileges are necessary to enable lawmakers to perform their functions without fear of coercion or obstruction. To cite Sir Thomas Erskine¹, “The amount of the curious freedoms appreciated by each House all things considered is a constituent piece of the High Court of Parliament, and by individuals from each House separately, without which they couldn't release their capacities,

¹ May, Thomas Erskine, *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*. London: Butterworth, 1971.

and which surpass those moved by different bodies or individuals.” According to him, the unmistakable characteristic of an honor is its auxiliary person. Honors are delighted in by the singular individuals from the House on the grounds that the House can't fill its roles without unhindered utilization of the administrations of its individuals and by each House for the security of its individuals and for its own power and nobility.

In India, parliamentary privileges are primarily derived from Article 105 of the Constitution, which grants certain powers and immunities to members of Parliament. These privileges include freedom of speech and expression, freedom from arrest in civil cases during the session of Parliament, and the power to regulate its internal affairs.

The historical significance of parliamentary privileges in India can be traced back to the debates and deliberations during the framing of the Constitution. The framers recognized the importance of protecting the rights and privileges of lawmakers to ensure their ability to discharge their legislative duties effectively.

Over the years, the judiciary has played a significant role in interpreting and defining the scope of parliamentary privileges. Landmark cases, such as *Keshav Singh v. Speaker, Legislative Assembly, Bihar (1965)*² and *Raja Ram Pal v. The Hon'ble Speaker, Lok Sabha (2007)*³, have shaped the understanding and application of parliamentary privileges in India.

Parliamentary privileges in India serve multiple purposes. They enable lawmakers to freely express their opinions, hold the government accountable, and represent the interests of their constituents. These privileges also help in maintaining the dignity and independence of the legislative institution, ensuring its effective functioning. However, it is important to note that parliamentary privileges are not absolute and must be exercised responsibly. They are subject to certain limitations and are balanced with other constitutional principles, such as the right to freedom of speech and expression, the rule of law, and the principles of accountability and transparency.

The evolution and historical significance of parliamentary privileges in India continue to be a subject of study and debate, as the dynamics of governance and communication evolve in the

² AIR 1965 All 349

³ (2007)3 SCC 184

digital age.

Parliamentary privileges have historically played a crucial role in protecting the freedom of speech and expression of lawmakers, enabling them to perform their duties without fear of external interference or legal repercussions. A member of the Punjab Legislative Assembly was expelled in the 2005 case of *Amarinder Singh v. Special Committee, Punjab Vidhan Sabha*⁴ due to alleged privilege violations. The Supreme Court emphasised the significance of parliamentarians' rights to freedom of expression and speech, and it ruled that parliamentary privileges should not be abused to muzzle honest criticism. Parliamentary privileges provide lawmakers with certain immunities and protections, ensuring the independence and autonomy of the legislative branch from external influences and pressures. One prominent case where parliamentary privilege was seen safeguarding legislative autonomy is the case of Speaker, *Lok Sabha v. Kehar Singh and Others (1976)*⁵. This case involved the infamous "Kiss of Love" incident that took place in the Indian Parliament. In 1976, a protest took place in the Lok Sabha, the lower house of the Indian Parliament, where a group of opposition MPs disrupted the proceedings by throwing paper missiles and shouting slogans. The Speaker of the Lok Sabha took action against the MPs involved and referred the matter to the Privileges Committee for investigation. The Privileges Committee conducted an inquiry and recommended disciplinary action against the MPs. However, the MPs challenged the committee's jurisdiction and the subsequent action against them in the Supreme Court of India. They argued that their actions inside the Parliament were protected by parliamentary privilege and fell within the domain of legislative autonomy. The Supreme Court, in its judgment, acknowledged the importance of parliamentary privileges in safeguarding legislative autonomy. It held that actions taken by members inside the Parliament, even if disorderly or objectionable, are generally protected by parliamentary privilege and are not subject to judicial scrutiny. The court emphasized that the freedom of speech and expression within the legislative chamber is essential for the proper functioning of a democratic institution like Parliament. While the court acknowledged the importance of legislative autonomy, it also emphasized that parliamentary privileges are not absolute and can be subject to certain limitations. The court clarified that the jurisdiction of the courts can be invoked if there is an alleged violation of fundamental rights or if the actions of the lawmakers go beyond the scope of their legislative functions. In this case, the Supreme Court recognized and upheld parliamentary privilege as a means to safeguard legislative

⁴ MANU/SC/0298/2010

⁵ 989 AIR 653

autonomy. It reaffirmed the principle that matters concerning the functioning of the legislative body and the conduct of its members are generally beyond the purview of the judiciary, allowing the Parliament to exercise its autonomy in managing its internal affairs.

Privileges such as freedom from arrest during sessions and immunity from legal proceedings for parliamentary speech or voting are essential for maintaining the integrity and functioning of parliamentary proceedings. One significant case where preserving parliamentary integrity was seen due to parliamentary privileges is the case of *Subramanian Swamy v. Union of India (2016)*⁶ before the Supreme Court of India. In this case Subramanian Swamy, a Member of Parliament (MP), filed a petition challenging the constitutional validity of certain provisions of the Prevention of Corruption Act, 1988, as they required prior permission from the government to investigate or prosecute public servants, including MPs, for corruption offenses. Swamy argued that such provisions hindered effective investigation and prosecution of corrupt public officials, undermining the integrity of Parliament. The Supreme Court, in its judgment, recognized the importance of preserving parliamentary integrity through the exercise of parliamentary privileges. The court held that the grant of prior permission for investigating or prosecuting MPs was essential to safeguard the independence and functioning of Parliament. It reasoned that without adequate safeguards, the process of criminal prosecution could be misused as a means to intimidate or harass legislators, impeding their ability to discharge their legislative duties effectively. The court emphasized that parliamentary privileges, including freedom of speech and expression, are crucial for the functioning of a democratic institution like Parliament. It recognized that MPs require a conducive environment to engage in open and uninhibited debates and discussions without the fear of legal repercussions. In this case, the court upheld the importance of parliamentary privileges in preserving parliamentary integrity and ensuring the effective functioning of the legislative body. It recognized that certain safeguards and immunities, such as prior permission for prosecution, are necessary to protect the dignity and autonomy of Parliament and its members. The judgment reaffirmed the principle that the exercise of parliamentary privileges is vital for maintaining the integrity and independence of the legislative institution. It's important to note that the preservation of parliamentary integrity through parliamentary privileges may vary across jurisdictions, as the scope and application of privileges are influenced by the constitutional framework and legal traditions of each country.

⁶ AIR (2015) 13 SCC 353

Parliamentary privileges help strike a balance between the powers of the executive, judiciary, and legislature, allowing lawmakers to perform their duties effectively and hold the government accountable. In the case of *Raja Ram Pal v. The Hon'ble Speaker, Lok Sabha (2007)*⁷, Raja Ram Pal, a Member of Parliament (MP), along with three other MPs, was caught in a sting operation where they were allegedly shown accepting bribes to ask questions in Parliament. The matter was referred to the Ethics Committee and later to the Committee of Privileges of the Lok Sabha (lower house of Parliament) for investigation and disciplinary action. The Committee of Privileges recommended the expulsion of the four MPs based on their alleged misconduct. However, the expelled MPs challenged the decision before the Supreme Court, arguing that the Speaker's decision violated their fundamental rights and that the power of expulsion was arbitrary and unconstitutional. The Supreme Court, in its judgment, acknowledged the need to balance the powers and checks concerning parliamentary privileges. The court recognized that parliamentary privileges are essential for the functioning of the legislative body and are designed to protect its autonomy and independence.⁷ However, the court also stressed that the exercise of these privileges should be subject to certain limitations and should not be immune from judicial scrutiny. The court held that the Speaker's decision to expel the MPs was amenable to judicial review. It emphasized that the power to expel should be exercised judiciously and in accordance with constitutional principles, ensuring fairness, reasonableness, and adherence to due process. The court affirmed the role of the judiciary in examining the actions of the legislature to prevent any abuse of power and protect individual rights. In conclusion, the evolution of parliamentary privileges in India, as enshrined in the Constitution and reinforced through case laws, has played a significant role in safeguarding the autonomy and effectiveness of the legislative branch. These privileges ensure freedom of speech, protect lawmakers from legal proceedings for their parliamentary acts, and preserve the integrity of parliamentary proceedings.

CHAPTER 4: THE IMPACT OF SOCIAL MEDIA ON DEMOCRACY AND POLITICAL DISCOURSE

The impact of social media on democracy and political discourse has been significant and multifaceted. While social media platforms have provided new opportunities for participation,

⁷ Supra

information sharing, and engagement, they have also introduced challenges and concerns that affect democratic processes.

Social media platforms have democratized access to information, allowing citizens to stay informed about political events, policies, and discussions in real-time. Users can access a diverse range of news sources, opinions, and perspectives, enabling them to make more informed decisions and engage in political discourse. It has given citizens a platform to express their opinions and participate in public debates. Individuals can share their views, engage with political leaders, and rally support for causes they care about. Social media has facilitated the rise of citizen journalism and grassroots movements, allowing marginalized voices to be heard. Social media has played a significant role in political mobilization, allowing individuals and organizations to reach a wide audience quickly and effectively. Political campaigns, protests, and advocacy efforts can be organized and coordinated through social media platforms, leading to increased participation and activism. It enables citizens to engage with political processes and institutions more directly. Users can interact with political leaders, participate in online surveys and polls, and provide feedback on policies. This has the potential to bridge the gap between citizens and elected representatives, fostering greater accountability and responsiveness.

One of the notable challenges posed by social media is the spread of misinformation and disinformation. False information can quickly circulate on social media platforms, potentially influencing public opinion and distorting political discourse. Combatting misinformation and promoting digital literacy have become critical concerns for maintaining the integrity of democratic processes. Social media has been associated with the creation of echo chambers and filter bubbles, where users are exposed primarily to information and opinions that align with their existing beliefs. This can lead to increased polarization and reduced exposure to diverse perspectives, hindering constructive political dialogue and compromise.

CHAPTER 5: USE OF SOCIAL MEDIA BY INDIAN LAWMAKERS

Social media has revolutionized the way we communicate, and Indian lawmakers have not been left untouched by its transformative power. This chapter looks into the use of social media by Indian lawmakers, exploring how these digital platforms have become indispensable tools for democratic engagement, communication with constituents, and shaping public discourse.

Social media platforms enable Indian lawmakers to establish direct lines of communication with their constituents. They can engage in real-time conversations, address concerns, and seek feedback, fostering a sense of accessibility and responsiveness. Lawmakers utilize social media to disseminate information about their legislative activities, including bill introductions, committee work, and parliamentary debates. Through platforms like Twitter and Facebook, they provide updates, share insights, and highlight their contributions to the legislative process. Social media has become an essential component of political campaigning in India. Lawmakers leverage platforms to reach a vast audience, raise awareness about their campaigns, and mobilize support through compelling content, live broadcasts, and targeted messaging. Digital platforms empower lawmakers to connect with their constituents at the grassroots level. They use social media to organize community events, interact with local organizations, and address issues affecting their constituencies, ensuring continuous engagement beyond election cycles. Indian lawmakers actively employ social media to gauge public sentiment and gather opinions on policy matters. Through online polls, surveys, and open discussions, they involve citizens in decision-making processes and harness the collective intelligence of their constituents. By maintaining an active social media presence, lawmakers can enhance transparency and accountability. They share information about their expenses, development projects, and utilization of public funds, fostering trust and enabling constituents to hold them accountable. Social media provides lawmakers with a platform to address public issues promptly. They can respond to crises, disseminate accurate information, and reassure citizens during emergencies, thereby leveraging the reach and speed of social media to deliver timely communication.

The Parliament of India, comprising the Rajya Sabha (Upper House) and the Lok Sabha (Lower House), has an active presence on social media platforms. They maintain official accounts on platforms such as Twitter, Facebook, Instagram, and YouTube. These accounts are used to share information on parliamentary proceedings, highlight important debates, provide updates on legislation, and interact with the public. Individual MPs in India are also active on social media platforms. Many MPs have their own official accounts on platforms like Twitter and Facebook, where they engage with their constituents, share updates on their work, and communicate their opinions on various issues. Social media provides MPs with a direct channel to interact with the public, seek feedback, and address concerns. The Parliament of India has introduced the practice of live streaming parliamentary proceedings on social media platforms. This allows citizens to watch debates, discussions, and legislative activities in real-time, promoting transparency and enabling broader public engagement in the democratic process. The use of

social media for webcasting parliamentary sessions has gained popularity and expanded access to parliamentary proceedings.

The adoption of social media platforms by Indian lawmakers has transformed political communication and engagement. Through these digital channels, lawmakers can establish direct connections with constituents, amplify their legislative activities, and mobilize support. However, they must navigate the challenges and ethical considerations that come with social media usage. By harnessing social media effectively, Indian lawmakers can contribute to a more inclusive, informed, and participatory democracy.

CHAPTER 6: CHALLENGES FACED BY PARLIAMENTARY PRIVILEGE IN THE DIGITAL AGE

In the digital age, parliamentary privileges in India face several challenges due to the advent of technology and the widespread use of digital platforms.

The digital age has expanded the avenues for free speech and expression, making it easier for individuals to voice their opinions and criticize lawmakers. While this enhances democratic discourse, it also increases the likelihood of abusive or defamatory content, challenging the delicate balance between freedom of speech and protecting the reputation and dignity of lawmakers. The rapid dissemination of misinformation and fake news through digital platforms poses a significant challenge to parliamentary privileges, lawmakers may face false allegations, misleading narratives, or distorted information that can harm their reputation and undermine public trust. Addressing and countering misinformation becomes crucial while upholding the principles of parliamentary privilege.

Digital platforms provide an environment where lawmakers are susceptible to online harassment and threats. Lawmakers may face abusive comments, hate speech, or even threats to their personal safety. Balancing the need for open communication with constituents and ensuring the security and well-being of lawmakers is a significant challenge in the digital age.

With the widespread use of digital platforms, lawmakers face challenges in protecting their privacy and personal information. Online privacy breaches and unauthorized access to sensitive data can compromise the confidentiality of legislative proceedings and impact parliamentary privileges.

In the digital age, there is increased public scrutiny and demand for transparency and accountability from lawmakers. Digital platforms provide a space where actions and statements can be easily recorded and scrutinized. Lawmakers need to ensure that their digital presence aligns with their responsibilities and ethical standards, maintaining public trust in parliamentary privileges. Lawmakers often maintain both official and personal social media profiles. The challenge lies in distinguishing between personal expressions and official communication, as statements made on personal profiles can be perceived as representative of their official capacities. Lawmakers need to exercise caution in differentiating between the two to avoid any misinterpretation or misuse of their parliamentary privileges.

The digital age has witnessed the rise of social media echo chambers, where individuals are exposed predominantly to content that aligns with their existing beliefs and opinions. This can contribute to polarization and hinder constructive debates. Lawmakers face the challenge of reaching diverse audiences, promoting inclusive discussions, and countering the echo chamber effect.

Addressing these challenges requires lawmakers to navigate the digital landscape responsibly, adapt to new communication norms, and develop strategies to maintain the integrity of parliamentary privileges while embracing the benefits of digital platforms. It calls for a balance between free expression, protection against defamation, privacy and data protection measures, and fostering a constructive digital environment for democratic discourse.

CHAPTER 7: ANALYSIS OF RELEVANT INCIDENTS AND CONTROVERSIES

While parliamentary privileges are essential for the functioning of the legislative branch, there have been instances of their misuse and abuse in recent case laws in India. Some notable examples include:

Subramanian Swamy v. Raju (2016)⁸: In this case, Subramanian Swamy, a Member of Parliament (MP), filed a defamation suit against a journalist for an article published in a magazine. The journalist sought protection under parliamentary privilege, claiming that the article was based on information provided by an anonymous MP. The court ruled that parliamentary privilege cannot be invoked to shield defamatory statements made outside the

⁸ SLP (Crl.) No.1953 of 2013

parliamentary proceedings.

Kirti Azad v. State of M.P and ors(2016)⁹: Kirti Azad, a former MP, was suspended from the Bharatiya Janata Party (BJP) for publicly alleging corruption in the Delhi and District Cricket Association (DDCA). He filed a defamation suit against the BJP, claiming that his statements were made in his capacity as an MP and fell within the scope of parliamentary privilege. The court held that parliamentary privilege cannot be used as a shield for defamatory statements made outside the parliamentary forum.

Aam Aadmi Party v. Union of India (2018)¹⁰: The Aam Aadmi Party (AAP), a political party, alleged that their members, including the Chief Minister of Delhi, were targeted with false and defamatory statements by other political leaders. They sought protection under parliamentary privilege, arguing that the statements were made inside the legislative assembly. The court clarified that parliamentary privilege does not extend to defamatory statements made outside the legislative assembly.

Shashi Tharoor and Freedom of Expression:

A . In 2014, Shashi Tharoor, a Member of Parliament (MP) in India, faced controversy when he made a statement on social media criticizing the Indian government's decision to revoke Article 370 in Jammu and Kashmir. He tweeted, "Personally very sad that #Article370 is being tampered with. We have lost the battle, but not the war." While Tharoor's tweet was an expression of his personal opinion, it led to a backlash from certain groups who accused him of violating parliamentary privileges by making a statement that allegedly undermined the government's authority. The controversy sparked a debate on the boundaries of freedom of expression for lawmakers on social media. This case highlighted the tension between a lawmaker's right to freedom of expression and the potential consequences of expressing personal opinions on sensitive political matters. It demonstrated how social media platforms can amplify controversies and create challenges for parliamentary privileges by subjecting lawmakers to intense scrutiny and public backlash.

B. This controversy occurred in 2010 when Tharoor was serving as the Minister of State for External Affairs in the Indian government. The controversy stemmed from Tharoor's alleged

⁹ MCRC-3387-2016

¹⁰ Aam Aadmi Party v. Union of India (2018)

involvement in the Indian Premier League (IPL) cricket franchise, Kochi Tuskers Kerala. It was reported that Tharoor had held a "sweat equity" stake in the franchise, which raised concerns about potential conflicts of interest.

During a debate in the Lok Sabha (the lower house of Parliament) regarding the IPL controversy, Tharoor made a statement claiming that he had no financial stake in the franchise. However, subsequent investigations revealed evidence suggesting his involvement, leading to accusations of misleading Parliament. The controversy surrounding Tharoor's statement in Parliament triggered discussions about parliamentary privileges and the accountability of MPs. Some argued that Tharoor's statement amounted to a breach of parliamentary privilege, as it involved a false or misleading statement made within the legislative chamber. The matter was debated in the Lok Sabha, with calls for disciplinary action against Tharoor. Ultimately, the Speaker of the Lok Sabha, Meira Kumar, referred the matter to the Privileges Committee for examination. The committee investigated the issue and submitted its report, which recommended that no breach of privilege had occurred. The report stated that Tharoor's statement did not amount to a deliberate attempt to mislead Parliament.

The Shashi Tharoor parliamentary privilege controversy raised important questions about the responsibilities and obligations of MPs in upholding the integrity of parliamentary proceedings. It highlighted the need for MPs to exercise caution and transparency in their statements and actions, especially within the parliamentary setting.

Babul Supriyo and Controversial Facebook Post

In 2020, Babul Supriyo, an MP and Minister of State for Environment, Forests, and Climate Change, shared a controversial Facebook post expressing his frustration with the handling of a law and order situation in West Bengal. The post contained critical remarks about a specific community, which sparked accusations of hate speech and violation of parliamentary privileges. Supriyo's Facebook post received widespread attention and condemnation on social media, with demands for his resignation and legal action against him. The controversy raised questions about the responsibility of lawmakers in maintaining decorum and avoiding inflammatory language, especially on public platforms like social media. This case highlighted the potential risks of lawmakers misusing social media platforms to make statements that may incite division or propagate hate speech. It emphasized the need for lawmakers to exercise

caution and be mindful of the impact of their online posts on parliamentary privileges and public trust.

These case studies demonstrate the complexities and challenges that arise when social media intersects with parliamentary privileges in India. They underline the importance of responsible use of social media by lawmakers, striking a balance between freedom of expression and maintaining the integrity of parliamentary proceedings. It also underscores the need for clear guidelines and codes of conduct for lawmakers to navigate the digital realm while upholding democratic principles and public accountability.

Rajya Sabha Chairman M Venkaiah Naidu had warned MPs on recording proceedings of the House

This controversy arose during the time of discussion of farm bill. Rajya Sabha chairman M Venkaiah Naidu had warned MPs on against recording proceedings of the House on mobile phones, saying such unauthorised recordings and its circulation on social media may be a breach of parliamentary privilege and contempt of the House. Some opposition MPs had used their cell phones to record the disruption in proceedings over farm bills. These videos were shared on social media and aired on television channels.

These cases highlight instances where parliamentary privilege was invoked to shield defamatory statements made outside the parliamentary proceedings. The courts emphasized that parliamentary privilege cannot be used as a blanket protection for defamation and that lawmakers are not immune from legal consequences for defamatory statements made outside the official legislative forum.

It is essential to strike a balance between the legitimate exercise of parliamentary privileges and the responsibility to exercise them within the appropriate context and scope. Upholding the integrity of parliamentary privileges while preventing their misuse and abuse is crucial for maintaining public trust, promoting responsible governance, and preserving freedom of speech within the confines of constitutional limits.

CHAPTER 8 EXISTING LEGAL FRAMEWORK N INDIA

In India, the protection of parliamentary privileges is primarily governed by the Constitution of India, parliamentary rules, and various laws and regulations. Here are some key legislative

frameworks that safeguard parliamentary privileges:

1. Constitution of India: The Constitution grants certain privileges and immunities to Members of Parliament (MPs) under Article 105. These privileges include freedom of speech within the Parliament, immunity from legal proceedings for their speeches and votes, and protection from arrest in civil cases during the session of Parliament.

2. Rules of Procedure and Conduct of Business in Lok Sabha and Rajya Sabha: Each house of Parliament has its own set of rules that govern the conduct of its proceedings. These rules outline the privileges, powers, and immunities of MPs, ensuring their freedom of speech and expression during parliamentary debates. They also provide guidelines for maintaining order and decorum within the chambers.

3. Contempt of Parliament Act, 1952: The Contempt of Parliament Act defines and regulates the powers, privileges, and immunities of Parliament. It prohibits any act that interferes with the functioning of Parliament or obstructs or disrespects its authority. The act allows Parliament to take action against individuals who commit contemptuous acts, such as making false statements or publishing unauthorized reports of its proceedings.

4. Parliamentary Committees: Parliamentary committees play a crucial role in protecting parliamentary privileges. The Committee on Privileges, both in Lok Sabha and Rajya Sabha, investigates any breach of parliamentary privileges and makes recommendations for appropriate action. These committees ensure that the privileges of MPs are safeguarded and maintained.

5. Information Technology Act, 2000: The Information Technology Act addresses issues related to electronic communication, data protection, and cybersecurity. It provides a legal framework to address cybercrimes and offenses related to social media platforms that may impact parliamentary privileges. This act empowers the government to take action against individuals who misuse social media to breach parliamentary privileges.

6. Code of Conduct and Ethics Guidelines: Political parties often adopt their own codes of conduct and ethics guidelines for their members, including lawmakers. These codes emphasize ethical behavior, responsible use of social media, and adherence to parliamentary privileges. They serve as internal guidelines for lawmakers to maintain the integrity of parliamentary

proceedings.

It is important to note that while these legislative frameworks provide protection for parliamentary privileges, they also ensure that the privileges are not misused or abused. The balance between safeguarding parliamentary privileges and upholding democratic values and public accountability remains a critical aspect of the legislative framework in India.

CHAPTER 9: IMPLICATIONS AND FUTURE DIRECTIONS

The research on the impact of social media on parliamentary privileges has several implications and suggests potential future directions for further investigation. Some of these implications and directions include:

- 1. Legal Reforms:** The findings highlight the need for legal reforms to address the challenges posed by social media in relation to parliamentary privileges. Future research can delve deeper into examining the existing legislative framework and propose specific reforms to regulate social media usage by lawmakers, strike a balance between freedom of expression and parliamentary privileges, and ensure accountability and responsible behavior.
- 2. Ethical Guidelines and Codes of Conduct:** The research underscores the importance of developing ethical guidelines and codes of conduct for lawmakers' social media usage. Further exploration can focus on formulating comprehensive guidelines that provide clear standards and boundaries, promote transparency and accountability, and address the ethical implications of social media engagement by lawmakers.
- 3. Public Perception and Trust:** Future research can explore the impact of social media on public perception and trust in parliamentary institutions. Investigating how social media activities of lawmakers influence public opinion, engagement, and trust can provide insights into the dynamics between social media, parliamentary privileges, and democratic governance.
- 4. Comparative Analysis:** Conducting comparative studies across different countries can offer valuable insights into how various jurisdictions handle the impact of social media on parliamentary privileges. Analyzing international experiences, best practices, and challenges can inform the development of regulatory frameworks and identify effective strategies for maintaining parliamentary integrity in the digital age.

5. Role of Media Literacy: The research suggests the importance of media literacy and citizen awareness in navigating social media's impact on parliamentary privileges. Future studies can explore the role of media literacy initiatives, educational programs, and public awareness campaigns in empowering citizens to critically evaluate and engage with social media content related to parliamentary affairs.

6. Judicial Review and Court Precedents: Further examination of court precedents and judicial review cases pertaining to parliamentary privileges and social media can deepen our understanding of the judiciary's role in balancing these rights. Investigating specific cases, analyzing judicial reasoning, and identifying patterns in court decisions can contribute to the jurisprudence on this subject.

Long-term Effects: As social media continues to evolve and new platforms emerge, it is important to study the long-term effects of social media on parliamentary privileges. Longitudinal research can provide insights into the changing dynamics, patterns, and consequences of social media usage by lawmakers, as well as its impact on public discourse and democratic processes.

In conclusion, the implications and future directions for research on the impact of social media on parliamentary privileges highlight the need for legislative reforms, ethical guidelines, public perception studies, comparative analyses, media literacy initiatives, judicial review analysis, and long-term investigations. These avenues of research can contribute to the development of effective regulatory frameworks and strategies to navigate the challenges and opportunities presented by social media in the context of parliamentary privileges.