

SC 7-Judge Bench to Hear Legislative Privilege vs Free Speech Case

The Supreme Court constituted a 7-judge Constitution Bench to hear petitions on whether legislative privileges override fundamental right to freedom of speech.

A constitutional review examining the boundary between legislative privileges of lawmakers and the fundamental right to freedom of speech of citizens.

KEY EXAM POINTS

- A three-judge Bench headed by Chief Justice of India **Surya Kant** referred the matter to a **7-judge Constitution Bench**.
- The 7-judge Constitution Bench will commence hearing the long-pending petitions from **October 6**.
- The origin of the case traces back to **April 2003** involving an editorial published by The Hindu criticising former Tamil Nadu Chief Minister **Jayalalithaa**.
- The court will decide if critical media reporting or public speech against legislators constitutes a breach of **legislative privilege**.

DID YOU KNOW..!?

Article 105 of the Constitution outlines the powers, privileges, and immunities of Parliament and its members.

Article 194 deals with the powers, privileges, and immunities of State Legislatures and their members.

Article 19(1)(a) guarantees the Fundamental Right to freedom of speech and expression to all Indian citizens.

In the **MSM Sharma case (1959)**, the Supreme Court originally held that legislative privilege prevails over Article 19(1)(a).

In the **Keshav Singh case (1965)**, a 7-judge Bench ruled that legislative privileges are subject to judicial review and Article 21.

In **Sita Soren v. Union of India (2024)**, a 7-judge bench held that legislative immunity under Articles 105/194 does not protect lawmakers taking bribes.

REVISION FLASHCARD

SC 7-judge bench to decide if legislative privilege under Articles 105/194 overrides Article 19(1)(a) free speech.

Syllabus Relevance: High relevance for Group 1 Mains & Prelims under Parliamentary Privileges, Fundamental Rights, and Landmark SC Judgements.

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