

ONE YEAR LL.M. DEGREE FIRST SEMESTER EXAMINATIONS, NOVEMBER 2024

PARLIAMENTARY PRIVILEGES AND ETHICS

Time: 3 Hours

Maximum Marks :50

Answer Any Five Questions. Each question carries TEN Marks (5*10 =50 Marks)

1. Would a legislator who receives a bribe to cast a vote in a certain direction or speak about certain issues be protected by parliamentary privilege? Comment by citing relevant case laws
2. *“In the Indian context, deliberative democracy as well as the essential privilege of freedom of speech in legislatures cannot be understood without reference to its history and development in the aftermath of the struggle for independence from colonial rule.”* Trace the history and evolution of the concept of parliamentary privileges in India.
3. “The News” is a national newspaper. On October 24th, an article was published as an editorial indicating that several MPs (their names were mentioned) were involved in a huge scam relating to a government initiative of harvesting rainwater in all houses and other buildings. It was an investigative report with testimonies from whistleblowers and documentary evidence of financial accounts. A complaint was filed by the MPs to the privilege committee for breach of privilege, contempt proceedings were initiated. The editor of voice has come before the Supreme Court, alleging his fundamental right to speech, and public's right to know has been violated. Decide
4. Mr Yogendra Singh , an MP , made a statement in the House against Mr Yadhav Prasad,a member of the ruling party, alleging that he had been bribed in exchange for awarding lucrative contracts to favored companies. Certain documents were also produced as evidence. The speaker of the House, immediately asked Mr Sigh to retract his statements as they were not based on any proper evidence. Mr Sigh, in his official Instagram handle posted about this. Mr Prasad, filed a defamation suit. Mr Singh, in response to this, filed a writ before the High Court stating that he has parliamentary privileges and also the right to free speech. Decide
5. Does the Supreme Court, within the constitutional scheme, have the jurisdiction to decide the content and scope of powers, privileges and immunities of the Legislatures and its members?

6. Write a note on codification of parliamentary privileges
7. What is the procedure when there is a breach of privilege? What are the different types of punishments for contempt?
8. Jurisprudentially, what is the difference between a right and a privilege? Are the privileges and immunities available to the MPs and MLAs absolute? Comment with supporting theories and case laws.
