

ONE YEAR LL.M. DEGREE SECOND SEMESTER EXAMINATION,

SEPTEMBER 2020

PARLIAMENTARY PRIVILEGES AND ETHICS

Time: 3 Hours

Maximum Marks: 50

Answer any Five questions. Each question carry Ten marks

(5*10 =50 Marks)

- I. a) “Privileges of Parliament are granted to members in order that they may be able to perform their duty in Parliament without any let or hindrance. They are available to an individual member only in so far as they are necessary for the House to perform its functions freely and no further”. Elucidate.

OR

- b) Explain the evolution of Parliamentary Privileges in the Indian Constitutional jurisprudence.

- II. a) The Black's Law Dictionary defines ‘privilege’ as “a special legal right, exemption, or immunity granted to a person or class of persons; an exception to a duty.” Is this definition of privilege applicable to parliamentary privileges of members of Parliament in India? Substantiate your answer with appropriate authorities.

OR

- b) Elucidate the scope of the freedom of speech and immunity of members of the Parliament from court proceedings, as enunciated in the Constitution of India. Clarify your position with the help of case laws and other authorities.

- III. a) Explain the Doctrine of Exclusive Cognizance of the Parliament. What are its limitations?

OR

- b) “Houses of Parliament in India have the power to punish a person, whether its member or outsider, for breach of its privileges”. Elucidate this statement.

- IV. a) “Many of the attempts on the part of the members of Parliament as well as State Legislatures to invoke privilege seem to be the product of insufficient appreciation of the rights of others to criticize what they do on the floor of the House.” Do you agree with this critique? Evaluate the scope of the Press to criticize the members of Parliament and State Legislatures, as well as the respective houses in India.

OR

b) Compare and contrast the scope of 'Constitutional sovereignty' and 'Parliamentary sovereignty' in India. In your opinion, are the privileges and immunities of Parliamentarians more suited to a nation that is governed by Parliamentary rather than Constitutional sovereignty? Substantiate your position.

V. a) "The Parliament and State Legislatures have not done anything so far to define or codify their privileges as stipulated in the Constitution but are claiming all such privileges of the House of Commons which are nowhere codified and are a part of the Common Law of England." Do you agree with this statement? Validate your answer with sufficient authorities.

OR

b) It is understood that parliamentary privilege is the privilege of each House as a whole and not of the individual member herself/himself. Explain how the Parliament and State Legislatures have dealt with instances of breach of the principles of Parliamentary ethics by individual members, as well as review the judicial response to the same.
