

ONE YEAR LL.M DEGREE SECOND SEMESTER EXAMINATIONS, JUNE 2019

PARLIAMENTARY PRIVILEGES AND ETHICS

Time: 3 Hours

Maximum marks: 50

Answer ANY FIVE questions. Each question carries TEN marks

1. "The Indian Parliament enjoys as real and as effective political sovereignty as the British Parliament." Examine in detail the evolution of parliamentary privileges in India.
2. Examine in detail the privileges of the parliament and immunities to its members as provided for in the Indian Constitution and other Indian legislations.
3. Elaborate on the Parliament's power to punish for contempt of the House with an analysis of the different kinds/types of punishments. Also examine the same in light of the Parliament's power to deal with a breach of its privilege by a foreign national.
4. In Sharma's case (Pandit M.S.M Sharma v. Shri Krishna Sinha) the Supreme Court of India held that in case of conflict between fundamental right under Article 19 (1) (a) and a privilege under Article 194 (3) the latter would prevail. Examine the connection between fundamental rights and parliamentary privileges in India.
5. Examine the role of the Committee on Privilege and Ethics in the Indian Parliament. Analyse how effective has it been in dealing with the unethical practices of the parliamentarians.
6. In P.V Narasimhs Rao vs. CBI, the Supreme Court considered that wide freedom of speech and vote is a "sine qua non" for the effective functioning of a parliamentary system of government. The Judges constituting the minority felt that although at common law, offering of bribe to or giving of bribe by the Members of Parliament was not treated as an offence but as a matter of breach of privilege of the House of Commons by the English courts at the commencement of the Constitution in 1950, this would not necessarily mean that the courts in India are precluded from trying the offence of bribery, if it were to be treated as an offence. Critically examine the same.
7. Discuss briefly
 - a. Immunity from court proceedings for the members of parliament
 - b. Parliamentary privileges and fundamental rights
8. How important is to have a codified list of parliamentary privileges and immunity in a country like India?
