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 - Are you Ready!
- Read the Below Instructions Carefully:
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 - Relevance to the UPSC Prelims and Mains syllabus under the following topics:

What is the news?

- In a major, unanimous ruling on Monday, the Supreme Court overturned its 1998 ruling protecting MPs and MLAs who take bribes to vote or speak in the House.
- A seven-judge constitution panel led by Chief Justice D Y Chandrachud ruled that a five-judge court's interpretation in the 1998 JMM bribery verdict violated Articles 105 and 194 since bribery is not covered by parliamentary privileges.
- Articles 105 and 194 govern MPs and MLAs' powers and privileges in Parliament and legislative assemblies.

Landmark Decision: No Legislative Bribery Immunity:

- The Supreme Court's verdict on MPs' immunity for bribery accusations strengthens Indian politics' accountability. Seven judges ruled that MPs and MLAs cannot be immune from prosecution for taking bribes linked to their votes or remarks in parliament.
- The 1998 P.V. Narasimha Rao judgement had granted legislators immunity for activities committed "in contemplation of" their duty. This decision overturns that ruling. The new verdict emphasises that bribery begins with unlawful gratification, regardless of a vote or statement.

Background of Case:

1998 verdict:

- Jharkhand Mukti Morcha (JMM) MPs were accused of receiving bribes to vote for the P.V. Narasimha Rao government in 1993, which led to this verdict.
 - Their backing saved the minority Narasimha Rao government from the no-confidence vote.
-
- **Ruling:** A five-judge Supreme Court bench found 3:2 that MPs and MLAs were immune from prosecution for collecting bribes linked to their speech or vote in the legislature under Articles 105(2) and 194(2) of the Constitution.
-
- **Justification:** The court reasoned that these clauses establish parliamentary liberties for open and honest house deliberations. They said prosecution might deter lawmakers from speaking out or voting freely.
Impact: This ruling exempted MPs and MLAs from punishment for accepting bribes as long as they fulfilled their obligations, making it difficult to hold them accountable for legislative bribery.

These two articles deal with the powers and privileges of MPs and MLAs in the Parliament and the Legislative Assemblies.

- Article 105 (2) states, “No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.”
- Article 194(2) says, “No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.”

The Overturning in 2024:

Case: This came about in an appeal filed by Sita Soren, a JMM leader, who was accused of bribery for a Rajya Sabha vote in 2012.

- The Supreme Court agreed to revisit its 1998 decision on September 20, 2023, citing its importance to “morality of polity”.

What is this case?

- In 2019, then-Chief Justice Ranjan Gogoi heard an

appeal by JMM MLA from Jama Sita Soren, daughter-in-law of party chief Shibu Soren. She was a JMM bribery suspect.

- The Gogoi-led panel referred the matter to a five-judge bench, citing “wide ramification” and “substantial public importance”.
- Sita Soren was accused of accepting bribes to vote for a 2012 Rajya Sabha candidate. She claimed that the constitutional provision providing politicians immunity, which exonerated her father-in-law in the JMM bribery case, applied to her.
- She appealed the Jharkhand High Court’s February 17, 2014 ruling not to quash her criminal case to the Supreme Court.
- The three-judge bench then said it would reconsider the apex court verdict in the JMM bribery case involving Shibu Soren, a former Jharkhand chief minister and ex-union minister, and four other party MPs who accepted bribes to vote against the 1993 no-confidence motion threatening the P V Narasimha Rao government.
- Their backing saved the minority Narasimha Rao government from the no-confidence vote.
- The CBI filed a case against Soren and four other JMM Lok Sabha MPs, but the Supreme Court dismissed it invoking Article 105(2) immunity.

Ruling: Recently , A seven-judge Constitution bench of the Supreme Court, in a unanimous decision, overturned the 1998 verdict. This landmark judgment declared that taking bribes is a criminal act, and MPs/MLAs cannot claim immunity under parliamentary privileges for such actions.

Reasoning: The court argued that bribery damages legislative integrity and public trust. They stressed that parliamentary

privileges do not protect parliamentarians from crime.

- In its ruling, the CJI said Article 105 of the Constitution attempts to maintain an atmosphere of debate by House MPs, which is vitiated when a member is bribed to speak.
- Chief Justice Chandrachud noted the privileges asserted must relate to the House's collective operation and a legislator's basic duties.
- "This purpose is destroyed when a member is induced to vote or speak in a certain manner because of an act of bribery," the apex court said.
- "Bribery is not rendered immune under Article 105(2) and the corresponding provision of Article 194 because a member engaging in bribery commits a crime which is not essential to the casting of the vote or the ability to decide on how the vote should be cast. The same principle applies to bribery in connection with a speech in the House or a committee," it said.
- "In the course of this judgment while analysing majority and minority decision of Narsimha Rao judgment, we disagree and overrule the judgment that parliamentarian can claim immunity," CJI Chandrachud

2024 verdict significance:

- This ruling aids Indian political corruption prevention.
- It holds legislators accountable, improving government.
- It improves MP and MLA bribery prosecutions.

Additional Points:

- The 2024 verdict was lauded for increasing political transparency and accountability in India.
- Concerns exist concerning legislative free speech stifling. Parliamentary privileges guarantee genuine discussions and voting, the court said.

Impact: Restoring Public Trust

- The court's ruling has various benefits. Bribery harms democracy, where elected officials make public-good decisions. Bribed politicians weaken their integrity and serve the bribe donor, not their constituents. This undermines political trust and governance.

Strengthening Anti-Corruption:

- The ruling boosts India's anti-corruption efforts. By lifting immunity, the court can investigate and prosecute bribery by legislators. This sends the message that no one is above the law and that public officials will be held accountable.

Maintaining Speech and Vote Freedom:

- The court's judgement does not violate legislators' speech or voting rights. These privileges enable robust legislative debate and decision-making. The court states that these benefits cannot cover corruption.

Step Forward, More Work Needed:

- A more transparent and accountable political system is encouraged by the Supreme Court's verdict. However, fighting corruption involves multiple strategies. This bigger battle requires strengthening anti-corruption legislation, enhancing judicial systems, and promoting political party integrity.



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General Studies
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Read the Below Instructions Carefully:

- Click on - Start Quiz

- Attempt all questions (You can attempt or leave)
 - After Attempting Last Question.
 - Enter Name & Email
 - Click on - Check Result
 - Scroll down - Check out Solutions too.
- Thank you.

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Category: General Studies

The 2024 judgment is significant for Indian politics because it:

- Weakens the federal structure of the country.
- Emphasizes the need for electoral reforms.
- Creates a precedent for stricter anti-corruption measures.
- Grants unlimited power to the judiciary over the legislature.

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Category: General Studies

The 1998 Supreme Court verdict in the JMM MPs bribery case held that:

- MPs and MLAs have complete immunity from prosecution for any crime.
- Articles 105(2) and 194(2) grant them immunity from prosecution for taking bribes related to their legislative duties.
- Bribery is a legitimate political tool and cannot be criminalized.

JMM MPs were wrongly accused and should be acquitted.

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Category: General Studies

Parliamentary privileges in India DO NOT include:

Freedom from arrest in civil cases.

Immunity from prosecution for all criminal offenses.

Right to speak freely in the House.

Exemption from taxation on their salaries.

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Category: General Studies

The 2024 Supreme Court verdict overturned the 1998 ruling because:

Public pressure demanded stricter action against corruption.

The definition of "legislative duties" needed clarification.

Bribery undermines the integrity of the legislature and cannot be protected by parliamentary privileges.

The earlier verdict violated the fundamental rights of citizens.

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Category: General Studies

A potential implication of the 2024 judgment is:

It will significantly restrict the freedom of speech of MPs and MLAs.

- It will completely eliminate corruption in Indian politics.
- It strengthens legal mechanisms to hold corrupt politicians accountable.
- It undermines the independence of the legislature.

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Check Rank, Result Now and enter correct email as you will get Solutions in the email as well for future use!

Check the Result

Your score is

0%

Restart quiz

Please Rate!

Send feedback

Mains Questions:

**Below Mains
Question**

Write in Comment Section



Question 1:

Critically analyse the 1998 Supreme Court verdict granting immunity to MPs/MLAs for taking bribes and its subsequent overturning in 2024. Discuss the potential implications of this shift in judicial interpretation on parliamentary privileges and the fight against corruption in India. (250 words)

Model Answer:

- The 1998 verdict sparked controversy by granting immunity to MPs/MLAs for bribe-taking under Articles 105(2) and 194(2) of the Constitution. This was intended to protect free and frank discussions in the legislature. However, it faced criticism for shielding corrupt practices and undermining accountability.
- In 2024, a larger bench of the Supreme Court overturned the 1998 verdict, recognizing that bribery erodes public trust and cannot be protected by parliamentary privileges. This shift emphasizes the importance of holding legislators accountable and combats corruption.

Implications:

- Strengthened fight against corruption: This move empowers authorities to prosecute bribe-taking

politicians, potentially deterring such activities and promoting cleaner governance.

- **Balancing Act:** Concerns exist about the potential chilling effect on free speech in the legislature. The court has clarified that legitimate discussions and voting remain protected, ensuring a balance between accountability and free expression.

Question 2:

Explain the concept of parliamentary privileges in the Indian context. Discuss the recent Supreme Court judgment overturning the 1998 verdict on MPs/MLAs' immunity from prosecution for bribery. How do you think this judgment will impact Indian politics? (250 words)

Model Answer:

- Parliamentary privileges are special rights and immunities granted to members of Parliament (MPs) and legislative assemblies (MLAs) to ensure the smooth functioning of the legislature. These include freedom of speech in the House and immunity from arrest in civil cases.
- The 2024 Supreme Court judgment overturned the 1998 verdict, which shielded MPs/MLAs from prosecution for bribery related to their votes or speeches. This judgment asserts that bribery is a criminal act and strips away the immunity shield

in such cases.

Impact:

- **Increased Accountability:** This judgment is expected to deter bribery and make politicians more accountable to the public.
- **Public Trust:** It reinforces public trust in the legislature by demonstrating that corrupt practices won't be tolerated.

Remember: These are just sample answers. It's important to further research and refine your responses based on your own understanding and perspective.

Relevance to the UPSC Prelims and Mains syllabus under the following topics:



Prelims:

- **General Studies – Indian Polity**

Mains:

- **GS Paper-II (Governance, Constitution, Public Policy):** While specific judgments aren't mentioned, understanding the broader principles established by landmark judgments can be helpful in various contexts:
Constitutional Framework: Landmark judgments can illustrate how the Supreme Court interprets the Constitution and safeguards fundamental rights. This knowledge can be beneficial when answering questions related to the Indian Constitution and its interpretation.
- **Governance and Public Policy:** Analyzing judgments related to policy issues like social justice, environmental protection, or economic reforms can provide valuable insights into contemporary governance challenges and potential solutions. These insights can be used to strengthen your arguments and analysis in related topics within the syllabus.
- **Ethics and Human Interface in Administration:** Judgments addressing ethical issues like corruption, human rights violations, or social justice can be used to illustrate your understanding of ethical dilemmas in governance and the role of various stakeholders in upholding ethical conduct.



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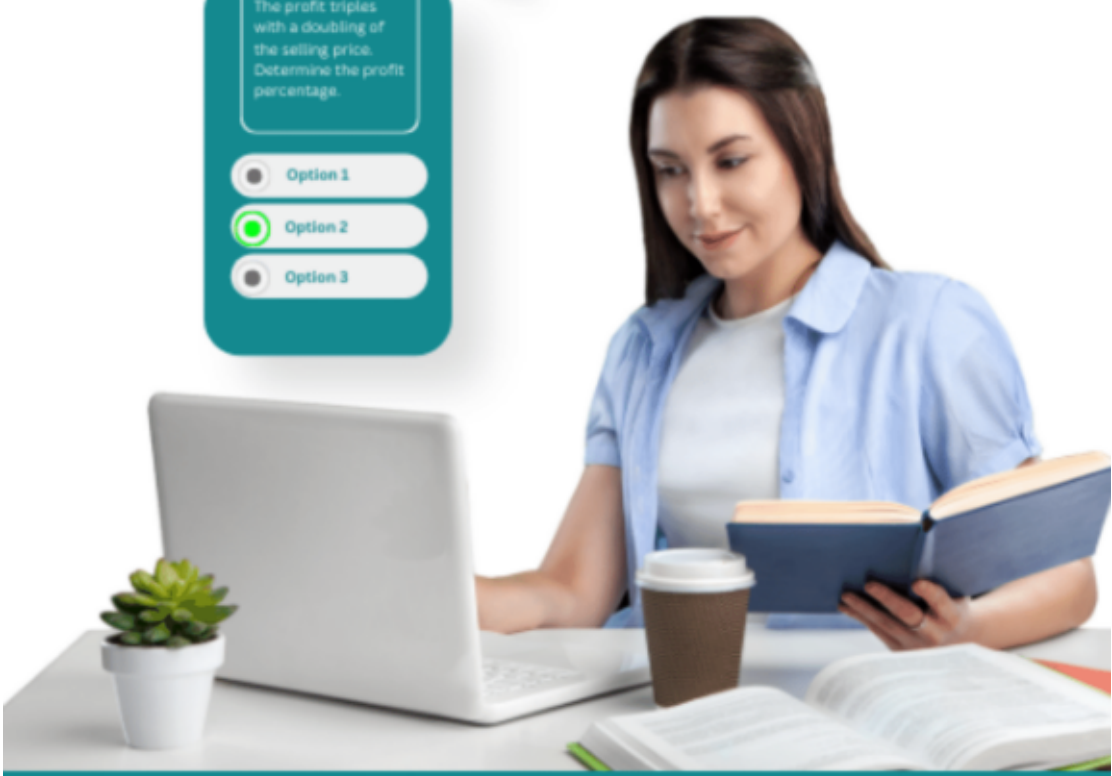
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Quiz Time

The profit triples with a doubling of the selling price. Determine the profit percentage.

- Option 1
- Option 2
- Option 3



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