



CURRENT AFFAIRS



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LEGISLATORS IMMUNITY FROM PROSECUTION

This article covers "Daily Current Affairs" and the topic details "Legislators Immunity From Prosecution". This topic has relevance in the Polity and Governance section of the UPSC CSE exam.

For Prelims:

Provisions related to Immunity and Privileges of Legislators?

For Mains:

GS 2: Polity and Governance

The significance of privileges?

Challenges and issues related to Privileges?

Why in the news:

The Supreme Court has recently referred the question of whether legislators' legal immunity, as outlined in Articles 105(2) and 194(2) of the Constitution, extends to shielding them from criminal prosecution for the act of either giving or receiving a bribe to a seven-judge bench for further consideration.

Provisions related to Immunity and Privileges of Legislators

- The legal provisions that grant legislators immunity from prosecution are primarily outlined in **Article 105 of the Constitution**, which pertains to the **"powers, privileges, etc. of the Houses of Parliament and of the members and committees thereof."**
- Article 105(2) stipulates that **"No member of Parliament shall be subject to legal proceedings in any court for anything said or any vote cast by them in Parliament or any of its committees. Likewise, no individual shall be liable for legal action in relation to the publication of reports, papers, votes, or proceedings authorized by either House of Parliament."**
- In essence, this provision **exempts Members of Parliament (MPs) from legal consequences for statements made or actions taken during their official duties.** For example, they cannot be sued for defamation based on statements made within the House.
- Moreover, this immunity **also extends to certain non-members who have the privilege to speak in Parliament, such as the Attorney General of India or a Minister who is not a member.** In cases where a member's speech goes beyond acceptable boundaries, the Speaker of the House is responsible for addressing the matter, rather than the court.
- Similarly, **Article 194(2) extends this immunity to Members of Legislative Assemblies (MLAs) at the state level.** It states that **"No member of a State Legislature shall be subject to legal proceedings in any court for anything said or any vote cast by them in the Legislature or**

any of its committees. Additionally, no person shall be liable for legal action in relation to the publication of reports, papers, votes, or proceedings authorized by a House of such a Legislature.”

- In the current case, the court is tasked with determining whether the legal immunity enjoyed by parliamentarians extends to protection from prosecution for acts involving bribery, including demanding or accepting bribes.

Collective Privileges	Individual Privileges
<ul style="list-style-type: none">• Right to publish its reports, debates, and proceedings.• Right to exclude strangers from its proceedings• Right to make rules to regulate its own procedure• Right to punish members as well as outsiders for breach of its privileges• The courts prohibited inquiring into the proceedings of a House.• No person can be arrested without the permission of the presiding officer.	<ul style="list-style-type: none">• Members cannot be arrested during the session of Parliament 40 days before the beginning and 40 days after the end of a session.• Members have freedom of speech in Parliament, and no member is liable to any proceedings in any court• They are exempted from jury service when Parliament is in session.

The Current Supreme Court Case:

- Sita Soren, a Jharkhand Mukti Morcha (JMM) member, is facing accusations of accepting a bribe in exchange for her vote during the 2012 Rajya Sabha elections. A complaint prompted the Chief Election Commissioner to request a Central Bureau of Investigation (CBI) inquiry. The CBI filed charges against Soren, including bribery, criminal conspiracy, and misconduct under the Indian Penal Code and the Prevention of Corruption Act.
- Soren sought dismissal of the charges and legal proceedings, claiming immunity under Article 194(2) of the Constitution. The Jharkhand High Court rejected her plea in 2014. Consequently, she has approached the Supreme Court, seeking a review of the High Court’s decision.

The significance of privileges:

- **Protecting Independence:** They ensure that members of Legislature can carry out their duties without external interference or intimidation.
- **Immunity from Arrest:** This protection allows them to discharge their responsibilities without the fear of being detained or prosecuted.
- **Freedom of Speech:** Members of Legislature can speak openly and critically on various issues without the risk of legal repercussions.
- **Privilege of Confidentiality:** Legislators enjoy the privilege of confidentiality, which allows them to access and share sensitive information necessary for informed decision-making.
- **Privilege of Access:** Privileges grant lawmakers the privilege of access to critical information and resources that aid in their legislative functions. This access helps them make well-informed decisions and contribute effectively to the legislative process.

- **Checks and Balances:** These privileges are an essential component of the checks and balances within a democratic system. They contribute to maintaining the integrity of democratic institutions and enable them to function efficiently.

Challenges and issues related to Privileges:

- **Scope and Boundaries:** Defining the scope and boundaries of parliamentary privileges is a challenge. While intended to protect legislative independence, they must be balanced with accountability and transparency, which can sometimes be in tension.
- **Conflict with Constitutional Principles:** Privileges may at times appear to contradict fundamental constitutional principles like equality before the law.
- **Misuse:** Instances of lawmakers misusing their privileges have often occurred.
- **Lack of Transparency:** The process of claiming and enforcing parliamentary privileges lacks transparency in India. This opacity can hinder efforts to hold lawmakers accountable for their actions and erode public trust in the legislative system.
- **Inadequate Oversight:** There is a notable lack of robust oversight mechanisms to monitor and enforce parliamentary privileges.

Source:

<https://12ft.io/proxy?ref=&q=https://indianexpress.com/article/explained/explained-law/immunity-legislators-bribery-charges-supreme-court-8949953/>

Q.1 Consider the following Articles of the Constitution:

1. Article 105
2. Article 194
3. Article 84
4. Article 117

How many of the above articles are related to the Privileges provided to the Legislators:

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four

ANSWER: B

Q.2 Consider the following regarding Parliamentary privileges:

1. All the members of the Parliament enjoy the privileges.
2. Anyone who is not a member of Parliament cannot have these privileges.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

ANSWER: A

Rishabh

INDIA-SAUDI ARABIA RELATIONS

This article covers "Daily Current Affairs" and the topic details "India-Saudi Arabia Relations". This topic has relevance in the "International Relations" section of the UPSC CSE exam.

For Prelims:

Various Initiatives involving India and Saudi Arabia

For Mains:

GS2: International Relations

Why in the news?

Saudi Crown Prince Mohammed bin Salman recently visited New Delhi for the G20 Leaders' Summit and a State Visit.



Diplomatic Relations and Milestones

India and Saudi Arabia established diplomatic relations in 1947. The two countries have enjoyed cordial and friendly relations rooted in their socio-cultural and economic ties that span centuries. Several significant milestones have contributed to strengthening their bilateral relationship:

- **Delhi Declaration and Riyadh Declaration:**
 - In 2006, King Abdullah's visit to India resulted in the signing of the Delhi Declaration, which was followed by the Riyadh Declaration in 2010. These declarations marked the elevation of bilateral ties to a strategic partnership.
- **Visit of Prime Minister Modi:**
 - Prime Minister Narendra Modi's visit to Riyadh in 2016 further enhanced cooperation in the political, economic, security, and defence realms.
 - His visit was significant as he was **conferred with King Abdulaziz Sash, Saudi Arabia's highest civilian honour**, indicating the importance attached to the relationship.
- **Crown Prince Mohammed's Visit:**

- Crown Prince Mohammed's visit to India in 2019 propelled the momentum further. During this visit, Saudi Arabia announced an approximately \$100 billion investment in India.
- Multiple agreements and memoranda of understanding (MoUs) were signed in various fields, including the **kingdom's entry into the International Solar Alliance** launched by the Indian Prime Minister.
- **Strategic Partnership Council:**
 - During Modi's visit to Riyadh in October 2019, the **Strategic Partnership Council (SPC) Agreement** was signed.
 - This agreement established a high-level council with subcommittees on Political, Security, Social and Cultural Cooperation, and Economy and Investments.

Key Pillars of the Relationship

- **Economic Ties:**
 - India ranks as the second-largest trading partner of Saudi Arabia, while Saudi Arabia holds the position of being India's fourth-largest trading partner.
 - Bilateral trade reached \$52.76 billion in the financial year 2022-23, accounting for 4.53% of India's total trade.
 - Numerous Indian companies, such as L&T, Tata, Wipro, TCS, TCIL, and Shapoorji Pallonji, have established a strong presence in Saudi Arabia, with approximately 2,783 Indian companies registered in the kingdom.
 - Saudi Arabia's direct investments in India amount to \$3.15 billion.
- **Energy Cooperation:**
 - Saudi Arabia is crucial for India's energy security, being its third-largest source of crude and petroleum products.
 - In the financial year 2022-23, India imported 39.5 million metric tonnes (MMT) of crude oil from Saudi Arabia, accounting for 16.7% of India's total crude imports.
 - Additionally, Saudi Arabia provided 7.85 MMT of LPG imports to India, constituting 11.2% of its total petroleum product imports.
- **Defense Partnership:**
 - The defence partnership between India and Saudi Arabia has witnessed significant growth in recent years. Both countries cooperate through the **bilateral naval exercise called Al Mohed al Hindi**.
 - Furthermore, they cooperate closely in defence industries, capacity-building, and joint exercises.
- **Indian Diaspora:**
 - The Indian community in Saudi Arabia, consisting of **over 2.4 million individuals**, is widely respected for contributing to the kingdom's development. The Indian diaspora serves as a living bridge between the two countries.
 - The Saudi government has taken excellent care of the Indian diaspora, supporting their well-being, evacuating stranded Indian nationals, and assisting Indian Hajj and Umrah pilgrims.

Outcomes of Prince Mohammed's Recent Visit to India

- **India-Middle East-Europe Economic Corridor:**

- During the G20 Leaders' Summit in New Delhi, Prince Mohammed of Saudi Arabia, Prime Minister Narendra Modi, and President Joe Biden announced the India-Middle East-Europe Economic Corridor.
- This massive infrastructure project aims to connect India to Europe via West Asia and could rival China's Belt and Road Initiative.
- **1st Meet of India-Saudi Arabia Strategic Partnership Council:**
 - Prince Mohammed stayed in India for a State Visit and co-chaired the first meeting of the India-Saudi Arabia Strategic Partnership Council with Prime Minister Modi.
 - The two sides signed eight agreements, upgrading their energy partnership to cover renewable, petroleum, and strategic reserves.
 - They also established a **joint task force for \$100 billion in Saudi investment**, discussed trading in local currencies, and expedited negotiations for a **free trade agreement between India and the Gulf Cooperation Council**.

Challenges in Bilateral Ties:

- **Energy Security:** India's energy security relies heavily on Saudi Arabia, and any instability in the region or shifts in Saudi Arabia's oil policies could have significant consequences for India's energy supply.
- **Geopolitical Considerations:** India's diplomatic relations with other Middle Eastern nations, such as Iran, can potentially influence its interactions with Saudi Arabia, adding complexity to the geopolitical landscape.
- **Economic Factors:** Despite substantial trade volumes and a substantial Indian expatriate population in the Gulf region, cross-border investments between India and the Gulf monarchies have remained minimal for many years. Both nations are actively addressing this challenge.
- **Security Challenges:** India has exercised caution when considering security partnerships with Gulf states whose security establishments have historically had close ties to Pakistan.
- **Strategic Competition:** China's increasing presence and influence in the Gulf region challenge India. China's Belt and Road Initiative, which includes the construction of ports and infrastructure projects in the Gulf, could potentially impact India's strategic interests in the region.

Way Ahead for India – Saudi Arabia Relations:

- **Cooperation on Global Platforms:** Both countries need to continue working together on global platforms, such as the United Nations, G20 Summit, and OPEC, to influence decisions on major international issues.
- **Strengthening Economic Relations:** This can be accomplished by focusing on sectors beyond energy, especially since Saudi Arabia plans to diversify its economy under its Vision 2030, which presents an opportunity for Indian businesses.
- **Expanding Energy Partnership:** India should actively participate in the Kingdom's investment plans in the "downstream sectors" of petroleum and petrochemicals.
- **Leveraging Diaspora:** India's diaspora in Saudi Arabia can be instrumental in deepening cultural and people-to-people ties and contribute to mutual understanding and cooperation at societal levels.

Sources:

[The importance of Saudi Arabia to India](#)

Q1. With reference to India-Saudi Arabia Ties, consider the following statements:

1. Saudi Arabia ranks as India's fourth-largest trading partner.

2. India holds the position of being Saudi Arabia's second-largest trading partner.
3. Both nations collaborate through the bilateral naval exercise known as MALABAR.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) None

Answer: (a)

Q2. Consider the following:

1. Saudi Arabia is an important partner in the proposed India-Middle East-Europe Economic Corridor.
2. Saudi Arabia is a member of the International Solar Alliance.
3. India and Saudi Arabia have signed the Strategic Partnership Council (SPC) Agreement at the G20 New Delhi Summit.

How many of the abovementioned statements are correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

Answer: (b)

Q3. Examine the evolution of India-Saudi Arabia relations. Assess the challenges and opportunities in the relationship in the evolving global context.

Gaurav Nikumbh