



Case Comment: Sunil Kumar Singh v Bihar Legislative Council & Ors - Judicial Review of Legislative Conduct

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INTRODUCTION

In terms of the extent of legislative privileges, the proportionality principle, and the limits of judicial review over the internal operations of legislative bodies, the ruling in Dr. Sunil Kumar Singh's case¹ represents a substantial contribution to Indian constitutional jurisprudence. The case started when Dr. Sunil Kumar Singh, a current member and chief whip of the Rastriya Janata Dal (RJD), was accused of engaging in disorderly conduct by using unparliamentary language and making fun of the chief minister during the Bihar Legislative Council's Budget Session in February 2024. After conducting an investigation, the Council's Ethics Committee recommended Singh be expelled for violating legislative decorum.

In response to this suggestion, the Council expelled him with a resolution, and the Election Commission promptly declared a by-election to replace him. In his Supreme Court challenge to his expulsion, Dr. Singh brought up important constitutional questions, such as whether legislative privileges can supersede the fundamental right to fair procedure and whether the

¹ *Sunil Kumar Singh v Bihar Legislative Council and Ors* (2025) SCC OnLine SC 439

judiciary can review the harshness of punishment meted out by a legislative body. His petition contended that although his actions may have been improper, the expulsion penalty was wildly out of proportion and went against the fairness principle of the Constitution.

Important debates concerning the boundaries of legislative immunity and the responsibility of legislatures to constitutional standards have been triggered by the Supreme Court's decision in his favour, which overturned the expulsion and the by-election notice that followed. The Court emphasised that although Articles 194 and 212 of the Constitution grant legislative bodies a great deal of autonomy, this autonomy is not unqualified and is subject to judicial review, particularly when it comes to fundamental rights.² In light of legislative privilege and judicial supervision in India, this essay aims to critically examine the facts, legal issues, and wider constitutional ramifications of this ruling.

FACTS OF THE CASE

As the Chief Whip for the Rastriya Janata Dal (RJD) and a member of the Bihar Legislative Council (MLC) since June 29, 2020, Dr. Sunil Kumar Singh took part in the February 2024 Budget Session. Singh joined Chief Minister Nitish Kumar in the Well of the House during the motion of thanks on February 13, 2024, right after the Governor's speech. Singh was accompanied by another MLC, Md. Sohaib. The two mimicked the Chief Minister's body language, chanted slogans, and used derogatory language. Among the derogatory terms Singh used were Paltu Ram, an expert in manipulations, and a menacing comparison to a snake that sheds its skin every year.

Discipline was swiftly imposed by the Ethics Committee of the Bihar Legislative Council. The Committee found that Singh's actions violated parliamentary decorum and etiquette after conducting an investigation. Notably, Singh allegedly acted evasively and refused to cooperate with the investigation, which made matters worse-while Sohaib was only briefly suspended. The Committee suggested Singh's expulsion by Council Rule 290(10)(d). On July 26, 2024, the Council passed a resolution by voice vote to expel Singh by the Committee's recommendation. The Election Commission then declared that a by-election would be held

² The Constitution of India 1950, art 194

to fill the vacant seat. Dr. Singh contested the expulsion and the subsequent by-election notice in Writ Petition No. 530/2024, which he filed before the Supreme Court under Article 32.

He maintained that expulsion was a draconian and disproportionate punishment, highlighting the electorate's right to representation, even though his comments were impolite. The petition also contested the idea that Article 212(1) of the Constitution shields legislative disciplinary actions from judicial review.

ISSUES RAISED

1. Whether the exercise of legislative privileges and disciplinary powers by the Bihar Legislative Council is subject to judicial review under Article 32 of the Constitution of India.
2. Whether the punishment of expulsion imposed on Dr. Singh was proportionate to the alleged misconduct.
3. Whether the legislative privilege under Articles 194 and 212 can be exercised in a manner that infringes upon fundamental rights such as the right to equality and the right to constitutional remedies.
4. Whether the disciplinary process adopted by the Ethics Committee of the Bihar Legislative Council adhered to the principles of natural justice and procedural fairness.
5. Whether the declaration of a by-election by the Election Commission, consequent to the petitioner's expulsion, was legally sustainable.

ARGUMENTS FROM BOTH SIDES

Arguments by the Petitioner (Dr. Sunil Kumar Singh) –

Proportionality Principle Violation: The petitioner argued that, despite his actions being deemed inappropriate, they did not warrant the severe penalty of expulsion. Given that his colleague, Md. Sohaib, who exhibited similar behaviour, only received a brief suspension; he contended that the punishment was egregiously out of proportion to the alleged misconduct.

Denial of Natural Justice: According to Dr. Singh, the Ethics Committee's actions were prejudiced and flawed in their methodology. He contended that the Committee moved quickly and did not give him enough time to refute his claims, and that he was not given a fair chance to make his defence.

Judicial Review Permissible: He vehemently disagreed with the claim that judicial review does not apply to legislative actions. He cited well-established constitutional principles to support his claim that the courts have the authority to step in when legislative actions go against the constitution, particularly when it comes to fundamental rights and fairness principles.

Constituency's Electoral Rights: Dr. Singh stressed that his dismissal denied the voters their representative of choice, thus subtly violating their democratic rights. He maintained that such judgments need to pass stringent constitutional scrutiny and shouldn't be made hastily.

Invalidity of By-Election Notification: He argued that the Election Commission's subsequent announcement of a by-election was unlawful and void because the expulsion was unconstitutional.

Arguments by the Respondents (Bihar Legislative Council & Others) –

Legislative Privileges and Autonomy: According to Articles 194 and 212 of the Constitution, the Legislature alone has the authority to decide internal discipline. They asserted that judicial review of such proceedings would amount to interference with legislative autonomy and that the Council acted within its exclusive jurisdiction.

Preservation of Legislative Decorum: It was argued that Dr. Singh's actions were a grave insult to the House's decorum and dignity rather than a minor infraction. According to the Council, the harshness of the penalty was required to preserve discipline and preserve the Legislature's institutional integrity.

Petitioner's Non-Cooperation: By avoiding the Committee's proceedings and refusing to accept the gravity of his actions, the petitioner engaged in contemptuous behaviour, according to the respondents. The situation was made worse by his aggressive demeanour and refusal to apologise.

No Constitutional Violation: According to the respondents, no fundamental rights were violated, and all procedural safeguards were observed. They maintained that unless there is an obvious and direct constitutional violation, which was not the case in this instance, legislative privileges are generally immune from judicial interference by their very nature.

Validity of By-Election: According to the respondents, the Election Commission was required by the Constitution to hold a by-election to guarantee the constituency's continued representation after the legitimate expulsion, which had left the seat lawfully vacant.

JUDGEMENT

In a landmark decision, the Hon'ble Supreme Court of India emphasised the judiciary's role in protecting fundamental rights from capricious legislative actions while reaffirming the constitutional limitations on legislative privileges. The Division Bench, which was made up of Justices Surya Kant and N. Kotiswar Singh, ruled that although Articles 194 and 212 of the Constitution give legislative bodies the authority to control their internal operations, these authorities are not unqualified.

The Court noted that legislative actions must adhere to the constitutional principles of natural justice, proportionality, and fairness when they have major civil repercussions, such as depriving a duly elected representative of their seat. The petitioner was not given enough opportunity to defend himself, the Court concluded after critically analysing the Ethics Committee's proceedings. The inquiry process violated natural justice principles because it lacked sufficient procedural safeguards. The Court also pointed out that the Council and Ethics Committee had not sufficiently justified the use of the most severe expulsion penalty, particularly when a member in a comparable position had been given a far less severe penalty.

It was decided that this discrepancy was arbitrary and in violation of the Constitution's Article 14, which protects equality before the law.³ The Court cited *Raja Ram Pal v Speaker of Lok Sabha*⁴, in which the Court acknowledged the Legislature's authority to expel a member. However, it was laced with caution that the expulsion of a member is a grave measure and normally, it should not be taken.⁵

Crucially, the Court made it clear that judicial review is not prohibited in situations where fundamental rights are directly affected by the protection afforded to legislative proceedings under Article 212. Legislative privileges cannot be exercised in a manner that is manifestly

³ The Constitution of India 1950, art 14

⁴ *Raja Ram Pal v Speaker of Lok Sabha* (2007) 3 SCC 184

⁵ *Ibid*

arbitrary or disproportionate. Thus, the Supreme Court invalidated the Election Commission's by-election announcement and overturned the expulsion decree issued by the Bihar Legislative Council. The ruling reaffirmed that, despite their autonomy, legislative bodies are still subject to constitutional principles and are not permitted to apply harsh or unjust punishments.

JUDICIAL REASONING

The constitutional precepts of equality, justice, proportionality, and judicial accountability of legislative privileges are all firmly anchored in the Supreme Court's decision. The Court struck a careful balance between the need to protect individual rights and democratic integrity and the autonomy of legislative bodies.

Legislative Privileges are not Absolute: The Court recognised that to preserve their internal decorum and discipline, legislative bodies are granted privileges under Articles 194 and 212 of the Constitution. It did, however, stress that these privileges are subject to judicial review, particularly when their use has major constitutional ramifications, like denying an elected official their right to serve. The Court made it clear that acts that infringe upon fundamental rights could not be carried out through legislative processes.

Proportionality Principle Violation: The Court determined that the expulsion penalty was excessively severe given the alleged misconduct. According to the proportionality doctrine, the severity of the punishment must match the seriousness of the offence. A similar participant, Md. Sohaib was only given a temporary suspension, the Court observed, demonstrating a blatant inconsistency and capricious application of disciplinary standards.

Breach of Natural Justice: The Court noted that Dr. Singh was not given sufficient procedural fairness by the Ethics Committee. Natural justice principles were violated because he was not given a reasonable chance to defend himself, the proceedings were hurried, and an impartial investigation was not guaranteed.

Fundamental Rights Cannot Be Compromised: The Court emphasised that even within the legislative framework, the rights to equality⁶ and constitutional remedies⁷ are still

⁶ The Constitution of India 1950, art 14

⁷ The Constitution of India 1950, art 32

enforceable. It ruled that these fundamental rights cannot be superseded by legislative privilege.

Protection of Democratic Representation: The Court reaffirmed the rule that elected officials cannot be removed without cause because doing so directly affects the electorate's democratic rights by overturning the expulsion and the by-election notice.

ANALYSIS OF THE JUDGEMENT

The ruling by the Supreme Court represents a major shift in India's perception of the boundaries of legislative privileges and the reach of judicial review. The ruling, which ultimately upholds the idea that no constitutional authority is above scrutiny when fundamental rights are at risk, deftly balances the conflict between legislative autonomy and constitutional supremacy.

Judicial Review Over Legislative Privileges: The Court's readiness to look into a legislative body's disciplinary actions is a progressive confirmation that parliamentary privilege does not provide complete immunity from judicial scrutiny. Under Article 212, courts have historically abstained from meddling in legislative internal affairs. Nonetheless, this ruling demonstrates that judicial review is not only acceptable but also required to stop capricious behaviour when the exercise of privilege impacts fundamental rights, such as the right to equality and the right to run for public office.

Reinforcement of Proportionality and Fairness: The Court's use of the proportionality principle⁸. It is indicative of a developing trend in Indian constitutional law that aims to make sure that legislative and administrative actions are reasonable.⁹ The Court sent a message that even the harshest disciplinary actions must pass the reasonableness and fairness test by concluding that expulsion was an excessive reaction to Dr. Singh's behaviour. This part of the ruling shields people from unnecessarily severe penalties that could have far-reaching effects.

Respecting the Natural Justice Principle: The ruling places a high priority on natural justice and procedural fairness in legislative processes. The Court's condemnation of the Ethics

⁸ *Raja Ram Pal v Speaker of Lok Sabha* (2007) 3 SCC 184

⁹ Constitution of India 1950, arts 14 & 19

Committee for not giving Dr. Singh a substantial chance to defend himself makes it abundantly evident that due process requirements must be met even in internal legislative investigations.

Balancing Democratic Rights and Legislative Privilege: Perhaps most significantly, the ruling upholds the electorate's democratic right to have their representatives be their choice. It correctly recognises that removing an elected official has an immediate effect on the constituents in addition to punishing the individual. The Court protected electoral integrity and the democratic system by restoring Dr. Singh.

Broader Constitutional Impact: This ruling reinforces the growing body of constitutional jurisprudence that states that privileges and immunities accorded to constitutional bodies must be used in a way that respects fundamental rights and cannot be abused to justify capricious or politically motivated behaviour. It promotes the notion that institutional pride or privilege must yield to constitutional morality and accountability.

CONCLUSION

Landmark ruling upholds the fundamental constitutional principle that no branch of government, including the Legislature, is immune from judicial scrutiny when its operations jeopardise democratic values and individual liberties. The case demonstrates how the protection of constitutional guarantees, particularly the rights to equality, fair procedure, effective representation and legislative privileges, is evolving in balance. The Supreme Court's intervention makes it abundantly evident that arbitrary or excessive actions cannot be justified by legislative autonomy. It correctly underlined that the use of legislative privileges must be reasonable, equitable in the process, and consistent with the fundamental framework of the Constitution. The Court raises the bar for accountability expected of elected bodies by insisting on natural justice and proportionality in legislative proceedings.

The ruling also emphasises how crucial it is to protect voters' rights to have their preferred representatives in government. It acknowledges that an unfair expulsion could jeopardise the democratic process since it not only penalises the individual lawmaker but also deprives the constituency of their right to vote. The Supreme Court has reaffirmed the judiciary's position as the supreme defender of constitutional values by overturning the expulsion and

calling off the by-election. The ruling upholds the idea that fundamental liberties and rights protected by the Constitution cannot be superseded by legislative privileges, even though they are necessary for democratic institutions to function.

This case will probably set a significant precedent for future disputes between legislative authority and constitutional rights, fostering a more accountable and equitable parliamentary culture in India. In the end, it maintains the central thesis that all public authorities, including legislatures, must act in accordance with procedural justice and constitutional supremacy.