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## Parliamentary Ethics with Reference to Parliamentary Privilege

Vrinda Gupta<sup>a</sup>

<sup>a</sup>University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, New Delhi, India

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*The operation of parliamentary democracy is based upon the moral behaviour of the members of parliament and the purity of its institutional privileges, which are the keystones to the working of the entire process. Parliamentary ethics represent moral and legal norms according to which the behaviour, responsibility, and integrity of the lawmakers are given, and the independence and efficiency of the legislature is guaranteed by parliamentary privileges through which it cannot be inappropriately interfered with. Nonetheless, the interrelation of the two concepts has presented constitutional tensions on many occasions, whereby privileges are used in a manner that seems to be opposed to moral standards or core values. The given paper investigates a rather complex process of connections between the ethics of parliament and parliamentary privilege in the context of the Indian constitutional system. It discusses how privileges in Britain Parliament have developed over time and how, under Articles 105 and 194 of the Constitution of India, they were included, and the judicial interpretation has been made to define them. On critical examination of prominent judgments- e.g. Raja Ram Pal v The State of P.V. Narasimha Rao v Speaker, Lok Sabha. State (CBI/SPE), v Kibito Holloban. Zachillbu, Amarinder Singh v Punjab Vidhan Sabha, the paper examines the manner in which the autonomy of the legislature has been seen to be balanced with constitutional responsibility by the Supreme Court. Moreover, the paper discusses the ethical dilemmas of such issues as conflict of interest, corruption, breach of privilege, and misconduct by members, and assesses how well Parliamentary Ethics Committees and Codes of Conduct can enhance transparency. Using their lead to give examples of the comparative jurisdictions, it suggests the creation of a statutory framework that allows the privileges to co-exist with ethical responsibility, so that parliamentary immunity is not associated*

*with impunity. Finally, the research posits that the real paradigm of parliamentary reform does not consist only in the codification of privileges but in the development of the culture of the ethical rule, where being accountable and having integrity and trust of the people becomes the real privilege of the legislative rule.*

**Keywords:** *parliament, ethics, democracy, privileges.*

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## INTRODUCTION

In a democratic system of governance, the Parliament is at the centre stage. It is the group speaking on behalf of the people, making laws, regulating executive action, and enforcing the principles of constitutionalism. Parliament itself and its work rely on the integrity and efficacy of the role of the Parliament, which can only be realised by the ethical standards that members function under and the privileges given to the members to conduct their work without fear or favour. Here, parliamentary ethics and parliamentary privileges are interdependent two-pillars of democratic operation ethics: on the one hand, the morality of the lawmaker, and on the other hand, the independence of the institution of the legislature.

The right and immunity of parliament are exclusive privileges that enable the legislators to execute their professional functions without factors that hinder them. These favours are never individual perks but organisational safeguards that are needed to achieve efficient operation of a parliamentary democracy. They make sure that there is no interference of the executive or the judiciary in the legislative process. These privileges are to the Parliament and State Legislature, respectively, and are identified in the Constitution of India, Articles 105 and 194<sup>1</sup>. The Constitution was drafted by people who were inspired by the British parliamentary traditions, with the advantages and privileges being developed throughout the centuries to safeguard the sovereignty of Parliament. But because of the differences between the British system of parliamentary supremacy and the Indian system, the privileges of the latter are limited by the Constitution and by the concepts of the rule of law and judicial

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<sup>1</sup> Constitution of India 1950, arts 105 and 194

review. This difference is essential in ensuring that legislative independence and constitutional accountability are properly balanced.

Simultaneously, the notion of parliamentary ethics addresses the individual and group behaviour of the people who are members of the body of lawmakers. Values which form the basis of the ethics in Parliament include integrity, honesty, accountability, and transparency. The members are kept in check by them and are made to act in the interest of the people and maintain their dignity in office. Whereas privileges ensure the safety of the legislative process, ethics ensure its integrity. Ethical conduct by the individuals strengthens the societal confidence in institutions of democracy and boosts the ethical credibility of leadership. But over the last few decades, the number of incidences of corruption, conflict of interest, and abuse of privilege has increased, causing concern about the decreasing ethical standards in legislative life. The problem, then, is in balancing the protection that privileges provide with the responsibilities of ethical accountability.

The connection between ethics and privilege is usually very fragile and tricky. Privilege allows the legislators to exercise the mandate of their duties, but ethics limit the power of such legislators so as not to misuse their freedom. This strain can be seen in some of the constitutional scandals in which privileges have been used to explain actions that are morally dubious. Through several historic decisions, the Supreme Court has tried to draw the boundaries of the power of parliamentary privilege, though in a manner that does not go against constitutional morality. In courts, there has been an emphasis on the privileges of parliament, which are considered important even though they are not absolute. They are not able to violate basic rights or principles of natural justice. So, the Parliament has the freedom to govern its own house matters, but its activities should be scrutinised by the Constitution when some ethical breaches or misuse of privileges are noticed.

The development of parliamentary ethics in India can be traced to the growing need for accountability and transparency in people's lives. The principles of ethical behaviour were at first regulated by unwritten rules and the jurisdiction of the officers. Nevertheless, as cases of misconduct and corruption continued to increase, Parliament realised that there was a

need to have institutional mechanisms that could keep a check on ethical behaviour. The introduction of Ethics Committees in the two Houses was a major milestone towards the establishment of moral discipline among the members. Codes of conduct were to be drawn, unethical behaviour cases were to be investigated, and disciplinary action was to be recommended by the Rajya Sabha Ethics Committee, created in 1997, and the Lok Sabha Ethics Committee constituted in 2000. These committees represented the interests of Parliament as regards the maintenance of moral purity in office.

Though there have been these developments, the practical implementation of ethical standards has been low. The codes of conduct are, in most cases, not legally binding. They mostly depend on the moral conscience of the lawmakers as opposed to legal penalties. Moreover, the lack of a written statute that can specify what parliamentary privileges constitute and what can be placed as the ethical imperative makes it vague in dealing with instances of parliamentary malpractice. Privileges have been used in some cases as protection against the public accountability of members, and this has created the appearance of law-making immunity as impunity. This helps to kill the spirit of privileges, which were to safeguard democratic freedom and not unethical behaviour.

The judicial interventions have been crucial in achieving a balance between the autonomy of the Parliament and the supremacy of the Constitution all around. This has always been the court decision which has insisted that though the legislatures have the authority to exercise discipline and punishments to those who are contemptuous, these practices cannot be reviewed. In a number of instances, the judiciary has reiterated the fact that privileges should be exercised in line with the constitutional principles of equality, fairness, and justice. These rulings serve to support the significance of restraint when exercising the privileged powers of the courts and the role of the judiciary in terms of protecting democratic values.

The paper attempts to examine this complex correlation between parliamentary ethics and privilege, and discuss their constitutional basis, judicial determination and modern dilemmas. It claims that the future of parliamentary democracy does not lie in procedural changes only, but in the development of an ethical culture in the legislature. Parliament can

also be the guardian of democracy and the protector of the public interest only when the exercise of privileges is of integrity, and when ethics is based on the sense of accountability.

## **EVOLUTION AND NATURE OF PARLIAMENTARY PRIVILEGES**

One of the pillars of legislative sovereignty is parliamentary privileges: legislators should be free to act to ensure the smooth operation of their services. These privileges may be regarded as the result of the constitutional and political development of the British Parliament, where the conflict between the Crown and the Commons created a special system of immunities of legislators. These privileges, which in turn were passed to the Indian Parliament, are a vital element of the constitutional system, which ensures the independence of the legislative authority and the honour of the institution.<sup>2</sup>

**Historical Evolution:** The idea of parliamentary privilege began in medieval England, when the first Parliament appeared to keep the monarch in check. The declaration of privileges was not a mere procedure but a political one - a kind of bid on behalf of Parliament to have some independence about the encroachment of the royal powers. This principle was codified under the Bill of Rights 1689<sup>3</sup>, which, in Article 9, stated that the freedom of speech and debates or proceedings in Parliament should not be questioned in any court or place other than Parliament. This clause gave birth to legislative immunity and became the pillar of parliamentary sovereignty.

As an extension of the British mode of parliamentary structure, the Indian one assumed similar privileges. But in contrast to the rule of parliamentary supremacy that is the order of things in the United Kingdom, the Indian Constitution restricts the privileges of the parliament under the parliamentary privileges in the wider scope of constitutional privileges. Articles 105 and 194<sup>4</sup> vested in Parliament and State Legislatures, respectively, the power to

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<sup>2</sup> MP Jain, *Indian Constitutional Law* (vol I, 8th edn, Lexis Nexis 2021)

<sup>3</sup> Bill of Rights 1689, art 9

<sup>4</sup> Constitution of India 1950, arts 105 and 194

fix their own privileges, until determined by law. This can be attributed to the fact that the framers wanted to have autonomy of the legislation as well as accountability of the judiciary.<sup>5</sup>

At the Constituent Assembly Debates, a number of members complained about the possibility of abuse of privileges. K.M. Munshi and H.V. Kamath have raised concerns over the fact that the privileges may take the place of the rights of the citizens and powers of the courts. It was the prudence of the Assembly, therefore, to give constitutional recognition to privileges but to leave the limits of the same to be established by a gradual process of parliamentary practice and judicial interpretation.<sup>6</sup>

**Nature and Scope of Parliamentary Privileges:** Particular rights and immunities which are shared with each of the Houses of Parliament and the individual members of parliament are known as parliamentary privileges. They are not developed in the best interest of legislators but to protect the effectiveness and sovereignty of the legislative process. It is possible to divide these privileges into two groups, which are collective privileges and individual privileges.

The rights of the individual Houses as institutions are called collective privileges. Such is the authority to control its own internal proceedings, to keep order, to punish contempt or violation of privilege, and to keep strangers out of its sittings. Individual privileges, however, are connected with the privileges of the members, like the freedom of speech in the House, or of arrest when a civil case is underway.<sup>4</sup>

The most important of all privileges is probably the freedom of speech that is guaranteed by Article 105(1)<sup>7</sup>. It provides that no one of the members will be answerable to a statement at any rate or vote in the Parliament. This freedom is not an absolute one; however, it is limited by the constitutional provisions and rules of procedure. The case law has acknowledged that the right to free speech in Parliament is paramount, but it does not apply to defamation and misconduct that takes place outside the House.

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<sup>5</sup> D D Basu, *Introduction to the Constitution of India* (25th edn, Lexis Nexis 2021)

<sup>6</sup> Durga Das Basu, *Commentary on the Constitution of India* (vol 4, 9th edn, LexisNexis 2014)

<sup>7</sup> Constitution of India 1950, art 105(1)

Contempt is another privilege of parliament and the power to punish. This is a judicial power that has been deemed to be a natural right that is essential in supporting the power of the legislature. Nevertheless, the routine exercise of this power has occasionally brought constitutional controversy, particularly in instances where it has smashed on the principles of judicial examination as well as the fundamental rights. The courts have been making attempts to balance this by claiming that the benefits cannot work outside the boundaries as stipulated in the Constitution.<sup>8</sup>

**Judicial Interpretation and Constitutional Balance:** The Supreme Court of India has had a role in carving out the boundaries of parliamentary privileges. In *Pandit M.S.M. Sharma v Shri Krishna Sinha*, the case that became better known as the Searchlight case, the Court ruled that legislative privileges had priority over the right to freedom of speech of the press that was reviewed under Article 19(1)(a)<sup>9</sup>. Nevertheless, it left no doubt that privileges have to work within the text of constitutional morality and cannot be arbitrary.<sup>10</sup>

After that, in *Raja Ram Pal v Speaker, Lok Sabha and Supreme Court* renewed their position that, despite the fundamental nature of parliamentary privileges on independence of legislature, such exercises do not escape the scrutiny of the court whenever such privilege is carried out contrary to the constitutional tenets. The Court noted that the privileges of Articles 105 and 194<sup>11</sup> were not in themselves limitless but had to be in line with the rule of law.<sup>12</sup>

On the same note, in *Amarinder Singh v The Court* reaffirmed the first point that the exercise of privilege must be able to accomplish a valid legislative purpose and not be a tool of political punishment to dissent. The ruling stressed that privileges were constitutional tools for preserving the dignity of the House and not punitive tools.<sup>13</sup>

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<sup>8</sup> Subhash Kashyap, *Our Parliament* (National Book Trust 2018)

<sup>9</sup> Constitution of India 1950, art 19(1)(a)

<sup>10</sup> *Pandit M.S.M. Sharma v Sri Krishna Sinha* AIR 1959 SC 395

<sup>11</sup> Constitution of India 1950, arts 105 and 194

<sup>12</sup> *Raja Ram Pal v Speaker, Lok Sabha & Ors* (2007) 3 SCC 184

<sup>13</sup> *Amarinder Singh v Punjab Vidhan Sabha & Ors* (2010) 6 SCC 113

All these judicial statements bring out the point of parliamentary privileges to secure the democratic operation and not the annihilation of it. They are a barrier to extrinsic intervention but not a sword to oppose transparency and basic rights.

## **PARLIAMENTARY ETHICS CONCEPT**

Parliamentary ethics is understood to be a collection of moral codes, codes of conduct, as well as normative conduct to govern the operations of legislators as they play out their constitutional roles. Ethics of parliamentary life make sure that the power given to members is carried out in a responsible, transparent and in the majority interest. The constitution of India has given legal precedents on the protection of legislative independence, but the parliamentary morality has to give the ethical direction on how to avoid wrongful exercise of legislative powers. They both maintain the democratic authenticity and ethical reputation of the legislative institution.<sup>14</sup>

The parliamentary democracy places the elected representatives in a fiduciary role—that is, they are custodians and trustees of the collective religion and a guardian of constitutional morality. Ethical behaviour is not a personal choice, but a constitutional compulsion. It has values like honesty, integrity, accountability and impartiality. The parliamentarian code of ethics is based on various sources, namely constitutional acts, parliamentary traditions, codes of conduct, and principles of the overall public life.

The moral aspect of parliamentary operations is based on the classical theory of republicanism that lays stress on virtue and the spirit of the people in leadership. Civic virtue was considered by thinkers like Aristotle and Rousseau as the basis of a good government. The Indian setting resonates with the principle in Gandhian principles of moral politics and the constitutional vision of probity in politics. Thus, parliamentary ethics is not just a kind of decency of the House but a general moral principle that applies both to personal and professional behaviour of legislators.

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<sup>14</sup> Subhash C. Kashyap, *Parliamentary Procedure: Law, Privileges, Practice and Precedents* (3rd edn, Universal Law Publishing 2019)

In the Indian Parliament, ethical oversight was institutionalised by the Lok Sabha Committee on Ethics (constituted in 2000) and the Rajya Sabha Committee on Ethics (established in 1997). These committees have the authority to investigate instances of misconduct, conflicts of interest or any other action that could bring the Parliament into disrepute. They also draft and update the Code of Conduct of Members of Parliament that is prescriptive of the norms of behaviour. The Code underlines that members have to be selfless, act with integrity, exercise objectivity, be accountable, open, honest and exercise leadership, which were initially described in the Nolan Committee Report on Standards in Public Life (UK, 1995).

Nevertheless, the Indian ethical system is more advisory and moral than some other foreign jurisdictions. It is not legally binding and is a lot dependent on the goodwill of members. As a result, there is never any consistency in enforcement and action taken against a lawbreaker is mostly influenced by politics. The lack of an established law of ethics has created a gap between the moral expectation and legal obligation.

### **Legislative Conduct Ethical Aspects -**

#### **The Ethical Legislative Behaviour has Several Dimensions:**

**Conflict of Interest:** The legislators should not be in a situation where they have some personal or financial interests that may be in conflict with their office. When the offerings are greeted or accepted, when someone is influenced to do something against his/her interest, then these acts of gift-taking, lobbying or misuse of the office are again against the ethics of parliamentary service.

**Transparency and Accountability:** It is expected that the members will provide complete disclosure of financial interests, liabilities, and assets. Corruption is avoided, and the trust of people is enhanced because of ethical transparency.

**Procedures in Parliament:** Members are expected to observe decorum when debating, not to use unparliamentary language and to respect the dignity of the Chair and other members.

**Accountability to the Constituents:** Ethics require representatives to act in the best interests of their electorate and not as representatives of special or political interests.

**Transparency Outside the House:** The ethical responsibility is not limited to just the legislative sessions; it also encompasses the lives of the people. Actions which harm the dignity of office or Parliament as such are open to ethical questions. With the help of these standards, the parliamentary ethics strengthen democratic accountability and institutional respectability.

### MISUSE OF PRIVILEGES AND ETHICAL CHALLENGES

Although the parliamentary privileges were meant to enhance the independence of the legislature, the misuse of legislative powers has at times caused a decline in the ethical base of parliamentary democracy. Favours bring about great authority, like the authority to censure contempt, the ability to control internal procedures, and the right to keep deliberations confidential. These powers guarantee the freedom of the legislation in case they are exercised ethically. Nonetheless, illicitly utilised, they may become political retaliation or self-defence. The most common example of misusing the privilege usually occurs due to a misapprehension that parliamentary immunity is identical to personal immunity. Article 105(1), which grants freedom of speech in Parliament, has been at times abused to make defamatory, communal, or unverified remarks without following any ramifications. The privilege to discipline, in other words, to punish, has also been applied to chill out criticism or the press. Examples such as this blur the difference between acceptable legislative independence and malpractice.<sup>15</sup>

The Searchlight case, *Pandit M.S.M. Sharma v Sri Krishna Sinha*, can be taken as one of the first examples. Interestingly, Sri Krishna Sinha, a journalist who had reported on an accurate account of its work in the Bihar Legislative Assembly. The incident, as upheld by the Supreme Court on the privilege of the Assembly, raised ethical issues with respect to freedom

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<sup>15</sup> Dr. B.L. Fadia, *Indian Government and Politics* (Sahitya Bhawan Publication 2017)

and transparency of the press. It was a showcase of how favouritism, when not put in check by moral restraint, can cut short democratic rights and social responsibility.<sup>16</sup>

The other major controversy was in the *P. V. Narasimha Rao v Case of State (CBI/SPE)* when members of Parliament were charged with taking bribes in exchange for their votes. By a majority, the Supreme Court stated that Article 105(2) allowed Members of Parliament immunity against anything stated or a vote made in Parliament, even under a bribe. This decision attracted much controversy regarding its ethical issues. Although it was lawful and made sense in terms of constitutional interpretation, it showed a moral crisis, the confusion between moral responsibility and legal privilege.<sup>17</sup>

More recently, the cash-for-query scam (2005) and the expulsions of Members who took bribes during the 2008 trust vote were indicative of the ongoing problem of implementing ethical standards in Parliament. These cases emphasised the fact that Privilege could not be used to protect corruption and moral wrongdoings. As such, the two Houses used their authority to eject members, claiming that ethical responsibility is part of the privilege.

### **Ethics Issue in Contemporary Parliamentary Practice -**

**Politicalisation of Privilege Motions:** Privilege motions are now actively conducted to attack opponents in politics, instead of respecting legislative dignity. This waters down the ethical sanctity of privilege as an institutional protection, having no colour.

**Avoidance of Codification:** The law does not take the form of a written code specifying rights and ethical principles, which brings about confusion and ample scope of discretion and partisanship.

**Failure by Enforcement:** Ethics Committees have no legal authority to impose sanctions other than moral censure. This curtails deterrence and weakens the credibility of ethical control.

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<sup>16</sup> *Pandit M. S. M. Sharma v Shri Sri Krishna Sinha & Ors* AIR 1959 SC 395

<sup>17</sup> *P.V. Narasimha Rao v State (CBI/SPE)* (1998) 4 SCC 626

**Loss of Trust in Legislators:** The repeated interruptions, unparliamentary behaviour and the scandals that surround the parliamentary institutions destroy the trust that people have towards the institutions of parliament. Instead of being an aspirational idea, ethics are symbolic.

**Tension between Privilege and Fundamental Rights:** Sometimes, tensions of this kind are possible when the privileges curtail media freedom or judicial review. Avoiding institutional independence and transparency is one of the major ethical issues.

Finally, the ethics and privilege of parliament do not stand in opposition to each other. The institution is safeguarded by privileges, its soul by ethics. Parliament could really act as the moral and constitutional conscience of the country when the exercise of privilege is regulated by ethical discipline.

#### **PARLIAMENTARY PRIVILEGES AND ETHICS CASE LAWS.**

The judicial interpretation has been instrumental in making outlines of the boundaries of the privileges of the parliament, as well as setting the line of ethics of accountability in India. Through its rulings, the Supreme Court has continued to maintain the independence of the legislature and make sure that such privileges do not supersede the constitutional provisions. The issue of the delicate balance of legislative independence versus constitutional morality is illustrated by the following landmark cases:

**Raja Ram Pal v Speaker, Lok Sabha:** This is among the most important dicta on parliamentary privileges in post-Independence India. It was formed as a result of the expulsion of Members of Parliament, who were a part of the cash-for-query scandal of 2005. The expelled members appealed the ruling on the other grounds that the expulsion authority was unconstitutional against their fundamental rights and that the actions of parliament were open to no judicial review.<sup>18</sup>

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<sup>18</sup> *Raja Ram Pal v Speaker, Lok Sabha & Ors* (2007) 3 SCC 184

The Supreme Court had stated that such punishments or expulsion of members of a Parliament by the Parliament had the power to do so, and as long as Parliament has the power to punish or expel the members of parliament it could not avoid judicial scrutiny. The Court noted that the Constitution was the supreme one and all the organs, such as the Parliament, were to be operated in its framework. Judicial review, therefore, goes further to look at whether the exercise of privilege goes against constitutional provisions or basic rights. The Court, however, explained that it would not interfere with the correctness of the procedure of the decisions made by parliament unless someone in parliament is actually violating the constitution.

The decision reiterated the primacy of the Constitution and also brought about the idea of constitutional morality as an analytical resource for understanding privileges. It also pointed out the fact that parliamentary privilege is not a privilege of moral immunity and has to co-exist with ethics and transparency.

**Kihoto Hollohan v Zachillhu:** The Kihoto Hollohan case was concerned with the constitutionality of the Tenth Schedule, which was also presented by the 52nd Amendment, which speaks on the subject of disqualification of legislators because of defection. The petitioners argued that the granting of the power of making disqualification decisions to the Speaker contravened the doctrine of separation of powers and was not in line with the principles of natural justice.<sup>19</sup>

The Supreme Court supported the constitutionality of the Tenth Schedule, but it decided that the rulings of the speaker can be reviewed in the court of law. The Court argued that the Speaker is a member of the legislature, but is acting in a quasi-judicial capacity in relation to the Tenth Schedule. This ruling was an indication of how the Court has been assimilating a balance between legislative privilege and accountability.

There is also an ethical implication to the case. It emphasised the fact that political morality is important to the sanctity of legislative office. Defection with personal interest at the core

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<sup>19</sup> *Kihoto Hollohan v Zachillhu* 1992 Supp (2) SCC 651

of parliament ethics and honesty of representative democracy comes at the cost of the evil of defection. Thus, the Court noticed that ethical behaviour is essential to the judicial and legislative stability and credibility.

**P.V. Narasimha Rao v State (CBI/SPE):** The case came as a result of the allegations that some of the Members of Parliament received bribes to vote against a vote of confidence of the Lok Sabha in 1993. The main issue that the Court had to answer was whether the bribed Members of Parliament could be prosecuted under the Articles 105(2). Most of the Supreme Court believed that Article 105(2) provides immunity to Members for anything to the vote taken or speech made in Parliament, regardless of whether that act or omission was done with corrupt intent. The minority view, however, opposed this, and many felt that the favour could not be extended to any action of bribery.

As the decision was lawfully safeguarding parliamentary immunity, it caused a wave of moral controversy. Criminals suggested that it was a victory of legality over ethical responsibility. In the ruling, the institutional conflict between the constitutional safeguarding of legislative autonomy on one hand and ethical demands of probity in political life on the other was identified. It showed how badly the reforms are needed to make sure that the exercise of the privileges becomes a morally responsible matter.

**Demanding Ethics Committees:** The Ethics Committee of the two Houses ought to be given more powers. Their suggestions must be binding, subject to the approvals by the presiding officer. They are also supposed to possess the authority to call witnesses and to investigate documents. Having their findings published on a regular basis will increase transparency and confidence in the population.

**Transparency and Public Disclosure:** Parliamentary members have to submit annual declarations of assets, liabilities and the possible existence of a conflict of interest. Such statements ought to be displayed on official websites. Interested parties will be guaranteed accountability and deterred from malpractice by increasing openness in how committees deliberate and vote.

**Going back to Legislative Immunity:** Such judicial precedents include *P.V. Narasimha Rao v State (CBI/SPE)*, have broadened immunity on actions in parliament. This protection, however, should not be extended to corruption and criminal activities. The legislative independence should also be protected and not blocked through privileges.

**Educational and institutional Reforms:** Members who have just been elected to office ought to be compelled to be ethically trained with emphasis laid on constitutional values, privileges, as well as moral duties. The Bureau of Parliamentary Studies and Training should consider conducting orientation programmes to foster an ethical mindset and good conduct.

## CONCLUSION

The two key pillars of a good democratic legislative system are parliamentary ethics and privileges. When the independence of Parliament is protected by the privileges, the morals prevent that independence from being abused by any means. The coexistence of these two aspects is crucial to the preservation of the credibility and dignity of the parliamentary institutions. Constitutional provisions in Articles 105 and 194 give the legislature very wide privileges in the Indian context, but this has at times been unreliable in terms of ambiguity and misuse since, until recently, the list has not been codified. On the same note, although Codes of Conduct and Ethics Committees are present, the ethical discipline among the members is primarily a matter of personal conscience rather than enforcing standards.

Several judicial dicta have, over the years, assisted in defining the extent and absence of parliamentary privileges. Cases such as *Raja Ram Pal v Lok Sabha*, *P.V. Narasimha Rao v Speaker*, *Amarinder Singh v State (CBI/SPE)*. Punjab Vidhan Sabha has reiterated that the privileges cannot override the constitutional values or basic rights. These rulings demonstrate the frailty between parliamentary sovereignty and constitutional supremacy and Parliament, a reminder of the fact that ethical behaviour and judicial restraint are part and parcel of democratic responsibility.

Nevertheless, the erosion of parliamentary decency, increased cases of corruption and partisan abuse of the privileged powers portend the necessity of urgent reform. The

institutional integrity can be enhanced through codification of privileges, enabling Ethics Committees, mandatory disclosures and educating members on ethics. Furthermore, the absence of transparency and external democratic checks would foster a sense of transparency in people about the legislative activities.

As a result, the power of Parliament is not just its constitutional power but the ethical power of its members. Privilege has meaning and means freedom to make ethical action and moral judgment. Parliament may literally act as the conscience of the nation when legislators support it with sincerity and moderation. That is why a new dedication to governance ethics, which is based on transparency, accountability, and adherence to constitutional values are essential to ensuring the sanctity of parliamentary democracy in India.