

## **Grok's Summary of Dr. Sunil Kumar Singh v. Bihar Legislative Council**

**Disclaimer:** This is an AI generated summary and is not reviewed by caseciter.com.

### **Background**

Dr. Sunil Kumar Singh, a Member of the Bihar Legislative Council (MLC) and Chief Whip of the Rashtriya Janata Dal (RJD), challenged his expulsion from the Council. The expulsion stemmed from his unparliamentary conduct on February 13, 2024, during the Governor's address, where he and another MLC, Md. Sohaib, disrupted proceedings by hurling derogatory remarks and slogans at the Chief Minister. The Ethics Committee of the Bihar Legislative Council (BLC) investigated, recommending Singh's expulsion in its Report No. 1/2024 dated June 14, 2024, which was ratified by the BLC on July 26, 2024, via a notification. Singh filed a writ petition under Article 32 of the Constitution, alleging procedural irregularities, mala fide intent, and disproportionate punishment.

### **Key Issues**

The Supreme Court addressed the following issues:

1. **Maintainability of the Writ Petition:** Whether the petition was barred under Article 212(1) of the Constitution, which protects legislative proceedings from judicial review on grounds of procedural irregularity.
2. **Judicial Review of Proportionality:** Whether the Court could review the proportionality of the punishment imposed by the BLC.
3. **Proportionality of Expulsion:** Whether Singh's expulsion was proportionate to his misconduct.
4. **Court's Power to Decide Punishment:** If the expulsion was disproportionate, whether the Court could determine an alternative punishment.

### **Court's Analysis and Findings**

#### **1. Maintainability**

- The Court rejected the respondents' argument that Article 212(1) barred the petition. It distinguished between "proceedings in the legislature" (immune from review for procedural irregularities) and "legislative decisions" (subject to judicial review for illegality or unconstitutionality).
- The Ethics Committee's recommendation and the BLC's expulsion were administrative actions under Article 208 rules, not legislative functions, and thus amenable to judicial review for violations of fundamental rights or arbitrariness.

## 2. Judicial Review of Proportionality

- The Court affirmed its authority to review the proportionality of punishments imposed by legislative bodies, emphasizing the doctrine of proportionality as a cornerstone of Indian jurisprudence across service, administrative, constitutional, and criminal laws.
- Citing precedents like *Ashish Shelar v. Maharashtra Legislative Assembly* (2022), it held that disproportionate disciplinary actions affecting members' rights (e.g., under Articles 14, 19, and 21) are subject to judicial scrutiny.

## 3. Proportionality of Expulsion

- Singh's conduct—derogatory remarks, disruption of proceedings, and subsequent defiance before the Ethics Committee—was deemed unbecoming of an MLC. However, the Court found the punishment of expulsion excessive.
- The Court noted:
  - Md. Sohaib, who committed similar acts but cooperated and apologized, received only a two-day suspension, highlighting disparity.
  - Singh's repeated avoidance of Ethics Committee proceedings and prior suspension in 2022 warranted discipline, but expulsion was not a "graded" response as required.
  - Expulsion impacted Singh's constituents, undermining democratic representation.
- The BLC Rules (Rule 10, Chapter 36) provided graded penalties (censure, reprimand, suspension), and expulsion was deemed disproportionate to the misconduct.

## 4. Court's Power to Determine Punishment

- Typically, courts remand such matters to the disciplinary authority, but under Article 142 (to do complete justice), the Court can substitute punishment in exceptional cases.
- Given Singh's seven-month expulsion (already served), missed session (November 2024), and short remaining tenure (until 2026), remanding the case would cause undue delay. The Court thus modified the punishment.

## Decision

- **Outcome:** The Writ Petition was allowed.
- **Rulings:**
  1. The expulsion was set aside as disproportionate; the seven months already served were deemed a suspension, sufficient for the misconduct.
  2. Singh was ordered reinstated as an MLC immediately, without remuneration for the expulsion period but with other tenure-related benefits preserved.
  3. The Election Commission's bye-election notice (December 30, 2024) for Singh's seat was quashed.
  4. Singh was warned to uphold legislative decorum, with liberty to the BLC to act against future misconduct.
- The Court emphasized fairness, proportionality, and the electorate's democratic rights, balancing legislative autonomy with judicial oversight.