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Mahua Moitra expelled as MP: What are the legal options before Trinamool leader?

With Trinamool Congress (TMC) leader Mahua Moitra being expelled as a Lok Sabha MP in the 'cash-for-query' case, here are some legal options which the 49-year-old leader can consider to get the decision overturned.



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Trinamool Congress (TMC) leader Mahua Moitra walks towards Parliament during the Winter Session. (Photo: PTI)

Nalini Sharma



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Edited By: [Prateek Chakraborty](#)

Trinamool Congress (TMC) leader [Mahua Moitra was expelled as a Lok Sabha MP](#) after she was found guilty by the [ethics panel in the 'cash-for-query' case](#). The fiery leader blasted the Ethics Committee over its report, which said she accepted gifts and cash from a businessman to ask questions in Parliament to corner the Narendra Modi-led BJP government.

The case of Moitra has prompted discussions on whether the [act of soliciting favours in return for parliamentary actions](#) constitutes illegal gratification. Legal experts have emphasised the severity of this breach, suggesting that if an MP indeed performed parliamentary duties by the Privileges Committee for conte

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In this case, Moitra's expulsion has, however, been decided by the Ethics Committee.

But one significant aspect complicating matters is the absence of explicit rules barring MPs from sharing their Parliament login credentials, as the practice of online question submission is relatively recent. However, the absence of specific rules does not diminish the gravity of potential breaches of parliamentary conduct.



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With Moitra being expelled, she now has the right to challenge the decision before a court of law. Any grounds for such a challenge would likely revolve around potential illegality, unconstitutionality or a denial of natural justice during the committee's investigation.

WHAT HAS THE SUPREME COURT RULED IN PREVIOUS CASES?

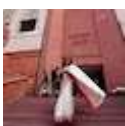
The Supreme Court has offered divergent views on similar cases in the past, reflecting the complexity of parliamentary expulsions. The Raja Ram Pal case of 2007 highlighted that Parliament possesses the power to expel its members, subject to justiciability. However, the interpretation of Article 101, which deals with the vacation of seats in Parliament led to disagreements among the judges.

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While the majority argued that expulsion was within Parliament's powers, the minority raised concerns over the exhaustive nature of Article 101 and its silence on expulsion as a ground for vacancy.

In a subsequent case, *Amarinder Singh vs Special Committee, Punjab Vidhan Sabha*, a five-judge bench of the Supreme Court deemed the expulsion of former Punjab Chief Minister Amarinder Singh unconstitutional. The verdict underscored the potential misuse of legislative privileges to target political opponents or dissenters, especially concerning their legislative acts from previous terms.

The current scenario surrounding Moitra's possible expulsion from the Lok Sabha highlights how this measure could be wielded against political adversaries, even without a change in regime. The Ethics Committee's call for a thorough investigation to establish any financial impropriety demonstrates the gravity of the situation.

Crucially, the Supreme Court's stance in the *Amarinder Singh* case raises concerns over vague grounds for expulsion, such as conduct unbecoming of a member or lowering the dignity of the House. Such broad criteria could potentially pave the way for selective application against political adversaries.

LEGAL OPTIONS OF

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provide an order against the decision. The plea would be based on the grounds of natural justice and principles of fair hearing.

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Thirdly, Moitra can seek intervention. Through her party or independent avenues, she can approach senior Parliament or government officials, alleging bias, prejudice or any sort of malfeasance in the Ethics Committee's proceedings.

Lastly, she can seek relief through the defamation suit already filed by her before the Delhi High Court. If Moitra can prove that the accusations against her were slanderous, fabricated, or damaging to her reputation, in her defamation case against several individuals, she can hope for a reversal of the Ethics Committee's decision.

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