



**Serial No.01**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No.26/2024

Date of CAV : 17.02.2025

Date of pronouncement : 27.02.2025

Shri Adelbert Nongrum, Member Meghalaya Legislative Assembly, S/o (L) Starwell Sunn, R/o Jaiaw Lansonallane, Shillong, East Khasi Hills, Meghalaya. .... Appellant

Vs.

The Speaker, Meghalaya Legislative Assembly. .... Respondent

**Coram:**

**Hon'ble Mr. Justice I.P. Mukerji, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Appellant : Mr. P. Yobin, Adv with  
Ms. B. Ramsiej, Adv

For the Respondent : Mr. A. Kumar, Advocate General with  
Mr. E.R. Chyne, GA  
Ms. S. Laloo, GA

i) Whether approved for reporting in Law journals etc.: Yes

ii) Whether approved for publication in press: Yes

**Note:** For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



## **JUDGMENT**

**(Delivered by the Hon'ble, the Chief Justice)**

This is an appeal by a member of the Meghalaya Legislative Assembly (MLA) (“the appellant”). On 15<sup>th</sup> February, 2024, he presented a Special Motion before the Speaker which was disallowed by him under Rule 130A of the Rules of Procedure and Conduct of Business of the Legislature.

The subject-matter of the Special Motion was a part of the CAG report on the social and economic sectors for the year ending 31<sup>st</sup> March, 2022. It deprecated an expenditure of Rs.156.14 crore made by the government company, Meghalaya Power Distribution Corporation Limited (MePDCL) in awarding contracts under the Saubhagya scheme. The scheme was conceived by the Central government but its implementation was with the State government through the project implementing agency, Saubhagya. The fund was Central. The State government, in turn, implemented the scheme through MePDCL a body corporate controlled by it.

By a terse letter dated 19<sup>th</sup> February, 2024, the Commissioner and Secretary of the Assembly informed the appellant that the Special Motion had been “disallowed” by the Speaker as it was under consideration by the Public Accounts Committee. We do not know why in the body of the letter a reference was made to the Chief Minister as if the information was derived



from him. Whether the report was considered by the Public Accounts Committee or not ought to have been within the knowledge of the Speaker.

Learned counsel for the appellant uses this reference to the Chief Minister to attack the bonafides of the Speaker, submitting that the Speaker was acting on the dictates of the Chief Minister.

We do not think so. It appears that quite unnecessarily, he sought confirmation of this information from the Chief Minister which was provided to him.

The appellant filed the instant writ petition [WP (C) No.99 of 2024] in this Court, feeling aggrieved by the decision of the Speaker reflected in the letter dated 19<sup>th</sup> February, 2024. According to him, his request, for the Special Motion presented by him to be tabled, ought to have been acceded to and the Motion deliberated upon in the House. There was, according to him an infringement of his right as member of the legislative assembly, by the Speaker. The Court should exercise its writ jurisdiction to compel the Speaker to table the Motion, it was contended.

The writ petition was heard extensively by a learned single judge of this Court. Two principal grounds were made out before his lordship.



The first was that under Article 212 of the Constitution of India, the Court in exercise of its writ jurisdiction had no jurisdiction to adjudicate this dispute arising in the Legislative Assembly between a member of the Meghalaya Legislative Assembly and the Speaker. Alternatively, it was argued that there was no illegality or irregularity in the decision of the Speaker, as the Special Motion could only be tabled after examination of it by the Public Accounts Committee of the Assembly was completed. As such, the alleged grievance of the writ petitioner was premature.

First, let me deal with the point of jurisdiction. Before anything else, the question which has to be decided by this Court is whether it has jurisdiction to decide this writ petition and the appeal connected with it. Article 212 of the Constitution of India is based on the high constitutional principle of separation of powers of the three organs of the government- executive, legislature and judiciary and complete autonomy of the Legislature in the conduct of its proceedings. Article 212 is in the following terms:

**“212. Courts not to inquire into proceedings of the Legislature.—**(1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.



(2) No officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.”

Learned Advocate General Mr. Kumar cited a number of authorities of the Supreme Court on the subject which I propose to discuss now.

The first case is *Ramdas Athawale (5) v. Union of India & ors* reported in (2010) 4 SCC 1, where the Supreme Court held as follows:

“30. A plain reading of Article 122 makes it abundantly clear that the validity of any proceeding in Parliament shall not be called in question on the ground of any irregularity of procedure. .... The dispute raised essentially centres around the question as to whether the Speaker’s direction to resume sitting of the Lok Sabha which was adjourned sine die on 23-12-2003 is proper?

31.....Whether the resumed sitting on 29-1-2004 was to be treated as the second part of the fourteenth session as directed by the Speaker is essentially a matter relating purely to the procedure of Parliament. The validity of the proceedings and business transacted in the House after resumption of its sittings cannot be tested and gone into by this Court in a proceeding under Article 32 of the Constitution of India.

38. Under Article 122(2), the decision of the Speaker in whom powers are vested to regulate the procedure and the conduct of business is final and binding on every Member of the House. The validity of the Speaker’s decision adjourning the House sine die on 23-12-2003 and latter direction to resume its sittings cannot be inquired into on the ground of any irregularity of procedure. ....”



The ratio in *Ramdas* was followed by the Supreme Court in *Satish Chandra v. Speaker, Lok Sabha & ors* reported in (2014) 2 SCC 178 and in *State of Punjab v. Principal Secretary to the Governor of Punjab & anr* reported in (2024) 1 SCC 384. Learned judge ruled that the Court did not have jurisdiction but went on to observe that there was nothing irregular in the decision of the Speaker to reject the Special Motion. The findings are a little contradictory in the sense that when an opinion is expressed that the Court lacks jurisdiction, it would not embark on evaluation of the merits of the case and come to a decision. But it may not be as incongruous as it appears to be because of the special circumstances discussed below which constituted the cause of action in the writ.

It is a constitutional principle of high value and vintage that the high prerogative power of the High Court to issue writs is not intended to be taken away by any provision of the Constitution unless such exclusionary provision is expressly made.

Article 212 of the Constitution presupposes legal and regular proceedings in the Legislature. If that be the case, then the procedure in conducting the proceeding by the Speaker cannot be questioned in any Court



of law. This is for the reason that the Legislature, under the doctrine of separation of powers, is given the autonomy to conduct its own proceedings.

If the proceedings are unconstitutional or illegal or wholly beyond the competence of the legislature, then the legislature steps out of the protection of Article 212 and the High Court, in the exercise of its writ jurisdiction, has the power to adjudge null and void the proceedings as well as all the illegal procedures followed to implement it.

Now, if the case here was that a valid motion was not being tabled by the Speaker, then in that case the Speaker was acting unconstitutionally and de hors the jurisdiction and power conferred on him. The Court would have jurisdiction to declare the act as unconstitutional and direct him to place the Motion before the House.

In this case, the Motion is premature as the audit report under the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly has to be placed before the Committee of Public Accounts, for its examination under Rule 241 of the Rules of Procedure and Conduct of Business of the Meghalaya Legislative Assembly. It is empowered to do so under Article 151(2) of the Constitution which says that the report of the Comptroller and Auditor-General of India relating to the accounts of the State



shall be submitted to the Governor who shall cause them to be laid before the legislature of the State. It is to be read with Article 208 of the Constitution vesting power in the legislature to make rules for regulating its procedure and conduct of its business.

Hence, there is nothing unconstitutional or illegal in the functioning of the Speaker which would invite interference by the Court. Article 212 comes in the way of the Court adjudging the merits of the procedure followed by it. Once the auditor's report is examined by the Public Accounts Committee, it would certainly give a fresh cause of action to the appellant to present a new special motion, if he is so advised.

With the above observations, we affirm the impugned judgment and order and dispose of the appeal accordingly.

**(W. Diengdoh)**  
**Judge**

**(I.P. Mukerji)**  
**Chief Justice**

Meghalaya  
27.02.2025  
"*Lam* DR-PS"