Legislators' own silence cannot be treated as a nullity

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Why in news?

The Madras High Court observed that legislators who either vote as 'Aye' or remain silent without raising any objection during the proceedings of a House cannot ask a court to treat their own silence as a nullity.

- **About the case** – The writ petition filed by the AIADMK whip challenged an amendment made to a resolution concerning the proposed Mekedatu dam project on the Cauvery River by Karnataka.
- The amendment sought to urge the Union Government to constitute a tribunal to resolve the inter-State dispute over the project under the Inter-State River Water Disputes Act, 1956.
- **Petitioner's arguments** – The petitioner contended that the amendment was not present in the draft resolution circulated to the MLAs, and it was added at the last moment and was not debated in the Assembly.
- The amended resolution should be withdrawn, and only the original resolution opposing the Mekedatu project should be treated as validly adopted.
- **State Government's stand** – The amendment was proposed by the Leader of the Opposition, was accepted by the Chief Minister, and the amended resolution was put to a vote by the Speaker.
- No MLA, including the petitioner, had raised any objection to the amendment before it was declared to have been passed unanimously.
- **High Court's Decision** – The Court dismissed the writ petition and said that
- **MLA cannot remain silent and later object** – The Court applied the principle of "acquiescence", meaning a person who witnesses an action and allows it to happen without raising any objection cannot later challenge it.
- **No evidence of any prejudice** – The Court noted that the petitioner was not excluded from the proceedings or misled about the amendment.
- He and his party had a full opportunity to object during the Assembly session; since no clear harm or prejudice was caused, the challenge could not succeed.
- The Court held that a person who had the opportunity to object at the appropriate time but chose not to do so cannot later invoke the High Court's jurisdiction under Article 226.
- **Amendments during legislative debate are a normal practice** – The Bench observed that legislatures often accept oral suggestions or modifications during discussions & Ministers may modify resolutions based on suggestions made during debates.

- Unless Assembly rules expressly prohibit such a practice, courts should not interfere with these procedural decisions.
- **Speaker regulates the house** – The Speaker of a House does not merely record motions but also regulates the conduct of business and controls its procedure subject to the rules. Therefore, procedural decisions taken by the Speaker deserve judicial restraint.
- Rule 286 of the Tamil Nadu Legislative Assembly Rules vests the Speaker with the power to decide all questions of procedure arising in the House.
- **Article 212** – Prevents courts from questioning legislative proceedings merely on grounds of procedural irregularity.

Reference

The Hindu | Legislators own silence cannot nullity, Madras High Court