



TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON PETITIONS

BROCHURE

**Legislative Assembly Secretariat
Chennai-600009**

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Origin and Evolution:

Petitions Committee was first constituted in the House of Commons in England in 1669. The rights of the Petitioners and the power of the House of Commons to deal with the Petitions were expressed in its two following resolutions adopted in 1669.

(i) That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same;

(ii) That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions how far they are fit and unfit to be received. (Vide Page 858 - Erskine May's TREATISE ON THE LAW PRIVILEGES, PROCEEDINGS AND USAGE OF PARLIAMENT, 20th Edition).

To facilitate presentation of Petitions, they may be transmitted through post to Members of either House, free of charge provided they are sent without covers or in covers open at the sides with the note superscripted as " To the honorable Commons of the United Kingdom of Great Britain". These Petitions should not exceed 32 ounces in weight (vide page 866, *ibid*).

It is interesting to note that Members of the House of Commons can besides, presenting the Petitions in conventional methods, prefer Petitions in non-conventional methods also. If he prefers, a Member may present a petition, at anytime during the sitting of the House, by placing it in the petition bag kept at the back of the Speaker's Chair (vide page 868, *ibid*)

Origin and Evolution of the Committee on Petitions in India;

The Committee on Petitions of the (Central) Legislative Assembly was constituted for the first time on 20th February 1924.

Thiru H.V. Kamath, Chairman of the Petitions Committee of Lok Sabha for the year 1978-79 in his address at the Conference of Chairman of Petitions Committee had observed as follows:-

"In a Parliamentary democracies the people enjoy an inherent right to present Petitions to Parliament for ventilating grievances and to offer constructive suggestions on matters of general public importance". "The right finds recognitions" - it is embodied as a matter of fact in Article 350 of the Constitution of India which reads as follows:-

"Every person shall be entitled to submit a representation for the redress of any grievance, to any Officer or authority of the Union or a State, in any of the Languages used in the Union or in the State, as the case may be".

Pursuant to the observations made by the Speaker of Lok Sabha, the Committee on Petitions of Lok Sabha commenced considering representations with effect from 25th April 1956. (Vide page 690 M.N. Kaul & S.L. Shakhder PRACTICE & PROCEDURE OF PARLIAMENT).

Therefore, any individual can give a petition on public importance to the Parliament. Similarly Petitions may be given to the State Legislatures also.

In India, almost in all the State Legislatures, there is a Committee on Petitions on the model of Lok Sabha. In Tamil Nadu Legislative Assembly also, Committee on Petitions was first constituted on 13th May 1986.

Committee on Petitions of Tamil Nadu Legislative Assembly:

On the recommendations made by the Rules Committee of the Seventh Legislative Assembly, provisions were made in the Tamil Nadu Legislative Assembly Rules for the Constitution of the Committee on Petitions for the first time in Tamil Nadu Legislative Assembly. These rules came into force with effect from 7th March 1985. Accordingly, the Speaker nominated the Committee on Petitions of the Eighth Legislative Assembly on 13th May 1986.

Constitution of the Committee on Petitions:

The Committee on Petitions consisting of not more than 11 Members of the Assembly shall be nominated by the Speaker. Chairman of the Committee shall be nominated by the Speaker from among the Members of the Committee. In the absence of the Chairman, one of the Members of the Committee elected by the Committee shall preside over the meeting. The term of Office of the Members of the Committee is one financial year. If new Committee is not constituted at the end of the financial year, the existing members of the Committee will continue to hold office until a new Committee is constituted. The quorum for a meeting of the Committee is four including the Chairman or the Member presiding at the meeting. (Vide Rule 261-Annexure).

If a member of the Committee is appointed as Minister, then he shall cease to be a member of the Committee from the date of such appointment.

Functions of the Committee:

The Committee shall examine every petition referred to it by the House or by the Speaker. If the petition whether it relates to any matter connected with a Bill published under rule 130 or introduced in the House or any matter connected with the business pending before the House, is in conformity with the Rules, the Speaker may give directions to circulate the abstract of the petition to the Members of the Assembly.

The Committee shall submit its report to the Assembly reflecting the decision of the Committee or its recommendation in regard to the disposal of the Petition or its suggestion about remedial measures either in a concrete form applicable to the case under review or to prevent such recurrence in future. The Committee may take up for consideration the representations, letters and telegrams sent directly to it. The Committee may recommend the action to be taken to find out a solution on them. The petitions should be sent to the Speaker or to the Committee and their contents should be in conformity with rule 276. But the petitions should not relate solely to individual or private grievances. Apart from the above, the rules applicable to a Select Committee of the Assembly shall apply to this Committee also. (Vide Rules 262 & 263 - Annexure).

The Committee on Petitions of the Eighth Assembly selected the districts and announced the date of the meeting of the Committee to be held in the District headquarters through newspapers and advertisements. It toured every district, received the petitions from the Public by meeting them in the Collectorate and considered them in the presence of the District Collector in order to suggest remedial measures to the grievances of the Petitioners. In as much as a large number of inadmissible petitions has been received under this procedure and a situation had arisen in which the District level Officers were unable to answer the queries put to them immediately, without reference to relevant records, certain modifications were required to be made in this procedure. Therefore, the Committee on Petitions for the Ninth Assembly had made certain modifications.

Accordingly, the Committee on Petitions selected before hand certain districts to hold its meeting, called for Petitions from the Public of those districts through advertisements in Newspapers and through publicity, examined them and selected such of those petitions containing matters of public importance which are in conformity with Tamil Nadu Legislative Assembly Rules. Then they are sent to the Departments concerned calling for replies / clarifications. Petitioners concerned and Officers of the Department concerned are directed to be present at the Collectorate on the appointed day and the Committee then considers the replies/clarifications to those petitions in the presence of the District Collector and concerned District-level Officers. They would tender evidence to the Committee on the queries of the petitioners and then the Committee makes its recommendations. The Committee has power to examine and cross-examine the Petitioners and the Officers of the Department concerned while examining the petitions. Thus, after considering the petitions, the Committee makes its recommendations thereon.

Report:

Then the Assembly Secretariat prepares a draft report and places it before the Committee for its approval. Such report is kept confidential till it is laid on the Table of the House.

The report of the Committee is placed before the House either by the Chairman or by a Member of the Committee on behalf of the Chairman. By convention the report is not discussed in the House.

The functions of the Committee do not end with this. The recommendations of the Committee are forwarded to the departments concerned with the direction to take follow-up action and to send a final report to the Committee as to the further action taken by them. The above reports are also placed before the Committee for review.

Petitions - their nature and procedure for their submissions:

The petitions to the Assembly must be addressed to the Members of the Assembly by the Petitioners with their signature and date and in respectful and temperate language. Moreover, the petitions must relate to a Bill which has been published under rule 130 of the Legislative Assembly Rules or which has been introduced in the House.

Petitions must relate to any matter of general public importance and to any matter connected with the business pending before the House, and to any matter which is within the competence of the Assembly to consider. But, the subject matter of any petition shall not relate to anything which falls within the cognizance of court of law having jurisdiction in any part of India or a Court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a Commission; any issue ordinarily to be raised in the Parliament; or any issue to be raised on a substantive motion or resolution; any issue for which remedy is available under the law including rules, regulations bye-laws made by the Government of Tamil Nadu, or by authority to whom power to make such rules, regulations etc., is delegated; any matter containing representation ventilating the grievances of employees of State or Central Government; any matter which proposes expenditure of public moneys or the imposition of any charge on public revenues.

Letters, affidavits or other documents shall not be enclosed with any petitions. (vide Rule 276-Annexure).

Petitions submitted by a Member to the Assembly:

Every petition to be presented to the Assembly in conformity with rule 276 of Assembly Rules should be countersigned by the Member presenting it. No Member shall present a Petition for himself. He should give advance intimation of his intention to the Secretary to the Assembly and may present the Petition with the consent of the Speaker, on a day fixed for that purpose, after question-hour and before

the other business for that day is entered upon. No discussion shall be allowed on this petition.

If the Speaker so orders, the petition in full, may be read out to the Assembly by the Secretary; or the abstract of the petition may be read or circulated to the Members. There shall neither be any debate nor any speech be made in the Assembly on such petition (Vide rules 277 - 279 - Annexure).

ANNEXURE**Legislative Assembly Rules relating to the Committee on Petitions:****Constitution of the Committee**

261 (1) There shall be a Committee on petitions consisting of not more than eleven members of the Assembly nominated by the Speaker.

Provided that a Minister shall not be nominated as a member of the Committee and if a Member after his nomination to the Committee is appointed as a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(2) The Chairman of the Committee shall be nominated by the Speaker from among the members of the Committee. The person so nominated shall preside at the meetings and in his absence one of the members of the Committee elected by the Committee shall preside.

(3) The term of the Office of the Members of the Committee shall expire at the end of each financial year and there shall be a fresh nomination before the end of the year for constituting a Committee for the ensuing financial year; and if under any circumstances such a nomination is not made, the existing members of the Committee will continue to hold office until a new Committee is constituted.

(4) In order to constitute a meeting of the Committee, the quorum shall be four including the Chairman or the member presiding.

Functions of the Committee on Petitions:

262. (1) The Committee shall examine every petition referred to it by the House or by the Speaker.

(2) If the petition deals with Bills or other matters pending before the House and if it complies with these rules, the Committee may direct that it be circulated to all the Members of the House. The Speaker may also at any time direct that the petition be circulated. Circulations of the petition shall be in extenso or in summary form as the Committee or the Speaker, as the case may be, may direct.

(3) It shall also be the duty of the Committee to report to the Assembly on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measure either in a concrete form applicable to the case under review or prevent such cases in future.

(4) The Committee may also consider representations, letters and telegrams received by it direct and give directions for their disposal; Provided that they are addressed to the Speaker or Committee in conformity with rule 276 and do not relate solely to individual or private grievances.

263. Except as aforesaid, the rules applicable to a Select Committee of the Assembly shall apply.

Petitions to the Assembly:

276 (1) Petitions to the Assembly must-

(a) be addressed to the members of the Assembly;

(b) be dated and signed by the petitioner or petitioners;

(c) be in respectful and temperate language;

(d) relate to a Bill which has been published under rule 130 or which has been introduced in the House;

(e) relate to any matter connected with the business pending before the House.

(f) relate to any matter of general public importance provided that it is not one-

(i) which falls within the cognizance of court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi judicial body or a Commission;

(ii) which should ordinarily be raised in Parliament;

(iii) which can be raised on a substantive motion or resolution;

(iv) for which remedy is available under the law including rules, regulations, bye-laws. made by the Government of Tamil Nadu or an authority to whom power to make such rules, regulations, etc. is delegated.

(v) which contains representation ventilating the grievances of employees of State or Central Government;

(g) relate to some matter which is within the competence of the Assembly to consider, and

(h) must not propose expenditure of public moneys or the imposition of any charge on public revenues.

(2) No letters, affidavit or that documents shall be attached to any petition.

277. (1) Every petition which is in conformity with rule 276 shall be countersigned by the members presenting it.

(2) A member shall not present a petition for himself.

278. (1) A member desiring to present a petition to the House shall give advance intimation of his intention to the Secretary.

(2) A member may present a petition with the consent of the Speaker and on a day fixed for that purpose after questions and before the other business for that day is entered upon.

(3) Every member presenting a petition shall confine himself to a statement in the following form:

"I present a petition signed byPetitioner(s) regarding
No debate shall be permitted on this statement.

279. If a petition is in conformity with rule 276, the Secretary shall if so required by the Speaker, read it to the Assembly or make an abstract of it and read or circulate the abstract to the Assembly. There shall be no debate or speech in the Assembly on any such petition.
