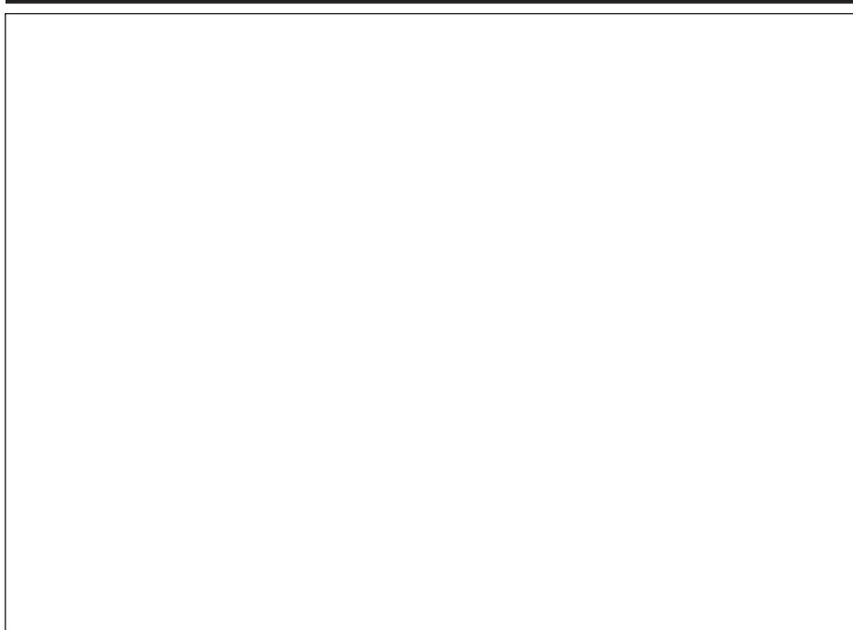




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**12**

**COMMITTEE ON PETITIONS**



## COMMITTEE ON PETITIONS

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## **PREFACE**

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to describe, in brief, the procedure and functioning of the Committee on Petitions of Rajya Sabha. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha and some of the important Reports submitted by the Committee to the House from time to time. The booklet is intended to serve only as a handy guide for ready reference and the information contained in it is not exhaustive. For full and authentic information original sources may be referred to and relied upon.

New Delhi  
February, 2005

DR. YOGENDRA NARAIN  
*Secretary-General*

## **COMMITTEE ON PETITIONS**

### **Introduction**

The right to petition the King or the ruler by his subjects is one of the oldest known rights the world over. In India also the existence of this right can be traced back to ancient times. Today, in a democracy, it is well recognised that a citizen who has a legitimate grievance against the Government or any public authority, has an inherent right to seek its redressal. Article 350 of the Constitution of India thus, as a special directive to the State, provides:

"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."

In a Parliamentary democracy like ours, any aggrieved citizen can quite legitimately seek the assistance or use the good offices of the elected representatives of the people—the Members of Parliament—to get his grievances redressed. The members of Parliament have at their disposal such parliamentary procedures and devices as Questions, Short Duration Discussions, Calling Attention Notices, Half-an-Hour Discussions, etc. to ventilate people's grievances. Through these devices, they can also question the propriety of policies and measures or actions and lapses of the Government

(or any public authority responsible to the Government) to highlight the problems or to redress the grievances of the people. Besides, the two Houses of Parliament have their respective Committees on Petitions which provide yet another forum for the citizens to secure redress against acts of injustice committed by any public authority. Although this forum is available only in a limited number of cases, it has proved to be an important link between the people and the Government, effectively exerting influence on different aspects of public life by removing grievances and giving due respect to the opinion of the citizens. In this way, this Committee performs the task of overseeing governmental activities also.

### **Origin**

The Committee on Petitions is one of the oldest committees of Parliament and dates back to the Legislative Assembly of pre-independence period. It owes its origin to a resolution moved by a member in the then Council of State on 15 September 1921. The resolution called for the setting up of a Committee on Public Petitions with powers to take evidence. The matter was examined by a Committee appointed by the Government. This Committee did not favour giving to the Legislature the powers proposed in the resolution. The right of petitioning the Legislature, limited to public business, was, however, recommended by it. The Committee received its present nomenclature, namely the Committee on Petitions in the year 1933.

### **Form and presentation of petition**

A petition requires to be drawn up in a prescribed form set out in the First Schedule to the Rules of Procedure and Conduct of Business in Rajya Sabha and may be used with such variation as the circumstances of each case require and when it is so used it is considered sufficient and should be formally addressed to Rajya Sabha. The petition should contain a concise statement of grievance(s) and should conclude with a prayer regarding the definite object in regard to the matter to which the petition relates. The petition should contain the name and designation or description of the petitioner in concise form with his full address and signature or thumb impression. Where the petition is from more than one person, it should contain the names and addresses of all those persons and should be authenticated by all of them, if literate by their signatures, and if illiterate by their thumb impressions. A petition should be couched in respectful and temperate language. Letters, affidavits or other documents are not to be attached to a petition. In other words, the petition must be self-explanatory. It may be given either in Hindi or English. If, however, any petition is given in any other language, it should be accompanied by a translation either in Hindi or English and signed by the petitioner. Every petition shall, if it is to be presented by a member, be countersigned by him. Petitions suggesting remission or abolition of existing taxes or imposition of fresh taxes

or withdrawal of money from the Consolidated Fund of India towards expenditure by Government, etc. are not admissible. Petitions suggesting amendment of the Constitution are also not admissible because an amendment to the Constitution can only be initiated by introduction of a Bill for the purpose in the House.

### **Presentation of petition to the House**

A member who desires to present a petition to the House, has to give advance notice thereof to the Secretary-General, Rajya Sabha. After receipt of the petition, it is examined by the Secretariat to determine its admissibility according to the Rules. If the Chairman of Rajya Sabha admits the petition, the member concerned is permitted to present the petition on a date convenient to him and the necessary entry is made in the list of business of the day for the presentation of the petition. The presentation of petition is done immediately after papers are laid on the Table.

The Rules of Procedure also permit the reporting of the petitions received in the office by the Secretary-General to the House. Prior to 1964, when petitions could be presented only on Bills or other matters pending before the House, the Secretary-General used to receive petitions on pending Bills from individuals and bodies, and report them to the House. These provisions still continue to exist. In actual practice, however, only those petitions which are countersigned by a Member of Rajya Sabha are presented to the House and rest of the

petitions as are found in conformity with the rules are reported by the Secretary-General to the House. No discussion or debate is permitted at the time of presentation of the petition. After presentation by a member or reported by the Secretary-General as the case may be, every petition stands automatically referred to the Committee on Petitions.

### **Committee on Petitions**

Rajya Sabha came into being in the year 1952 and the Committee on Petitions of Rajya Sabha was constituted in the same year with a Chairman and four other members. The membership of the Committee continued to be five till the year 1964 when it was increased to ten, and since then the Committee continues to be composed of ten members. The Committee is constituted under Rule 147 of the Rules of Procedure and Conduct of Business in Rajya Sabha. Members of the Committee are nominated by the Chairman, Rajya Sabha. The Chairman of the Committee is appointed by the Chairman of Rajya Sabha from amongst the members of the Committee. The quorum of the Committee is five. Normally, the Committee is reconstituted every year. The Committee, however, continues in office till a new Committee is nominated.

### **Committee's scope of work**

Till 1964, petitions could be presented to Rajya Sabha only with regard to (i) Bills which had been published in

the Gazette of India or which had been introduced in the House or in respect of which notice of a motion had been received under those rules or (ii) matters connected with the business pending before Rajya Sabha. The function of the Committee was thus limited. The Committee used to recommend only the circulation of the petitions *in extenso* or in a summary form, for the information of the members so that the members could, if they so desired, pursue the points mentioned in the petition and influence the course of the Bill in the House. Since 1964, when the Rules of Procedure of Rajya Sabha were revised, the scope of the Committee was enlarged. Under the revised Rules, petitions could also be presented on any matter of general public interest provided that it is not one —

- (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or quasi-judicial body or Commission;
- (b) which raises matters which are not primarily the concern of the Government of India;
- (c) which can be raised on a substantive motion or resolution; or
- (d) for which remedy is available under the law including rules, regulations or bye-laws made by the Central Government or by an authority to whom

power to make such rules, regulations or bye-laws is delegated.

### **Functions of the Committee**

The functions of the Committee are to examine (i) every petition referred to it; and (ii) to report to the House on specific complaints contained in the petition. To enable the Committee to report on the specific complaints, the Committee is empowered to take such evidence or call for such papers as it deems fit.

The Committee has ample powers not only to make recommendations about specific complaints contained in the petition but also to suggest remedial measures either in a concrete form applicable to the case under consideration or to prevent recurrence of such cases in future.

In practice, the Committee orders the circulation of those petitions which deal with Bills or matters pending before the House, *in extenso* or in summary form. So far as the petitions on matters of general public interest are concerned, the Committee examines in depth the complaints and grievances contained therein, calls for formal comments from the relevant Ministries or Departments of the Government and examines witnesses, including the petitioners and the representatives of the Ministries or Departments concerned with the subject matter of the petition. The Committee also undertakes on-the-spot study tours to

gain first-hand knowledge of the problem which is the subject of the petition.

The approach of the Committee is always unbiased, non-partisan and constructive. The Report of the Committee is presented to Rajya Sabha by the Chairman of the Committee or in his absence, by any member of the Committee so authorised by the Committee.

### **Post-recommendation work**

The Chairman, Rajya Sabha, issued a direction in 1976 to the Committee enabling it to frame rules for its internal working. The Committee has since adopted a set of rules for its internal working. Under these rules, the Committee pursues with the Government the recommendations made in its Reports presented to the House from time to time in order to ensure their effective implementation. The Ministries/Departments of the Government are asked to inform the Committee within six months from the date of presentation of the Report about the action taken or proposed to be taken by them on the Reports. Where the Ministries/Departments find difficulty in implementing any recommendations they are required to state the nature of the problem giving convincing reasons for the satisfaction of the Committee. The Committee is empowered, wherever necessary, to present further Reports on the petitions considered by it earlier.

### **Some achievements of the Committee**

The following are some of the important Reports which would indicate how the Committee has fulfilled its role as one of the agencies of Parliament to redress public grievances:

The Twentieth Report of the Committee dealt with the question of the lay-off of workers of a leather factory in Kanpur. The Committee recommended its takeover by the Government. Subsequently, the factory was nationalised. The Thirtieth Report dealt with a petition relating to working conditions of medical representatives and salesmen employed by the pharmaceutical companies. The Committee recommended for enactment of a law for them. A separate legislation, namely, the Sales Promotion Employees (Condition of Service) Act, 1975 is now on the statute book. In its Forty-seventh Report, the Committee had the occasion to consider the petition of physically handicapped persons for exemption from payment of road tax on vehicles owned or used by them. The Committee reported favourably on this petition. The vehicles used by handicapped persons now get petrol at a concessional rate in accordance with a scheme formulated by the Government. The Fifty-second Report of the Committee dealt with water and air pollution in a town of Orissa due to discharge of industrial effluents by a chemical factory. Among other things, the Committee recommended that the Central Board for the

Prevention and Control of Water Pollution should immediately collect, compile and furnish technical data relating to water pollution and devices for its effective prevention and control, and that the Government should prescribe by law that expenditure incurred by the industries to check pollution is mentioned separately in their annual accounts and any violation of the provision should be deemed a contravention of the pre-condition imposed in the industrial licence. The subject matter of the petition dealt with in the Fifty-seventh Report of the Committee was to set up public creches in Chandigarh for children of working women. In the "International Year of the Child" the Committee not only recommended the setting up of public creches in Chandigarh but also desired that such creches should be set up on a no-profit-no-loss basis at national level as a measure of social obligation, namely, welfare of the children. The Sixty-third Report of the Committee dealt with the grievances relating to defective construction of houses by the Delhi Development Authority (D.D.A.) in E.P.D.P. Colony, Chittarajan Park, New Delhi. The recommendation of the Committee that repair work be carried out by the D.D.A. or Rs. 500 be paid to the petitioners, was accepted and implemented by the Government. The Committee in its Sixty-ninth Report dealt with the pollution of Hussain Sagar Lake located in Hyderabad. The Committee, *inter alia*, recommended that, as a short-term measure chemical spraying should be intensified to clear the lake of the

water hyacinth and as a permanent measure, Mud Cat Machine be procured and used. The Government not only got cleared the lake thoroughly of the water hyacinth but also made arrangements for procuring the machine to keep the lake permanently free from pollution. The Seventy-fifth Report dealt with the question of extension of *pro rata* pension to nine ex-Air Force pilots absorbed in Air India. On persuasion by and recommendation of the Committee, the Government agreed to extend the benefits of *pro rata* pension to them.

The Seventy-eighth Report of the Committee dealt with enactment of suitable legislation to protect the environment and ecology of the surroundings of Dehradun and Mussoorie which was endangered by the open cast quarrying operations in limestone pyrites, phosphates, marble and chemicals and matters connected therewith. The recommendations of the Committee were agreed to and implemented. The Eighty-fifth Report of the Committee dealt with the petition relating to construction of 46 houses left out from the first phase of construction undertaken by the D.D.A. in the E.P.D.P. Colony, Chittaranjan Park, New Delhi. On the recommendation of the Committee, the D.D.A. constructed the houses after arranging loan from the Life Insurance Corporation. The Ninety-sixth report dealt with allotment of L.P.G. dealership to economically weaker sections of the society, especially persons belonging to the Scheduled Castes. On the recommendations of the Committee, the procedure was

streamlined. The Ninety-seventh Report of the Committee dealt with review of the procedure relating to grant of pension to the freedom fighters. Many cases for the grant of pension which were rejected earlier were reviewed and pension to the freedom fighters was sanctioned.

The Hundredth Report of the Committee dealt with the difficulties faced by beedi workers in the country. As a result of the recommendations of the Committee, the Ministry of Labour embarked upon a major programme to eliminate child labour engaged in hazardous industry, including beedi workers by the year 2000 involving a financial outlay of Rs. 850 crores.

The Hundred and Fourth Report of the Committee dealt with restructuring of the banking system and other financial institutions in the country. The Committee, *inter alia*, recommended that the Reserve Bank of India (RBI) must be autonomous in law and, in fact, the audit of banks and financial institutions must be immediately brought within the ambit of C&AG, the vigilance machinery in banks and financial institutions should be properly and adequately strengthened and 'ombudsmen' be introduced; laws be made foolproof so that erring officials of banks and financial institutions do not escape the liability.

The subject matter of the petition dealt with in the Hundred and fifth Report of the Committee was regarding the problems being faced by the Chakma tribal population

in Mizoram, Tripura and Arunachal Pradesh. On the recommendations of the Committee, the Government of Arunachal Pradesh was consulted and advised to process the applications from the Chakmas for grant of citizenship as per provisions in the citizenship rules and also in the light of directions of the Supreme Court of India. The recommendation of the Committee that the fate of those Chakmas who came to the State after 25 March 1971 be discussed and decided by the Central and State Governments jointly was also accepted.

The Hundred and sixth Report of the Committee examined the improper use of funds meant for poverty alleviation programmes leading to starvation deaths in undivided districts of Kalahandi, Bolangir and Koraput (KBK) in Orissa. The Committee, *inter alia*, recommended that adequate funds be released to the State Government of Orissa for implementing Emergency Feeding Programme (EFP) in KBK areas from time to time as per the prevalent needs of the area and that EFP be implemented in KBK areas more sincerely and transparently involving local-self bodies like Panchayats. It was recommended by the Committee that the EFP should cover all old, infirm, and destitute persons in KBK areas.

The Hundred and eighth Report of the Committee dealt with the problems faced by the fruits and vegetable growers in the country. Following the recommendations of the Committee, the Government, *inter alia*, effected

necessary procedural modifications in respect of the agricultural credit and simplified application forms for agricultural loans. In its Hundred and twelfth (Interim and Final) Reports, the Committee had examined a petition pertaining to the pathetic conditions of the handicapped persons in the country and the tardy pace of implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Committee in its Report(s) had noted that neither the institutional mechanism under the aforesaid Act had been created by most of the State Governments nor the facilities and the benefits contemplated thereunder had reached the disabled people. Following recommendations of the Committee, the pace of implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 acquired momentum with the Commissioners for Persons with Disabilities being appointed in most of the States and the necessary institutional mechanism thereunder being provided. The Ministries concerned also took a number of initiatives in furtherance of the Schemes meant for the welfare of the disabled people.

The Hundred and fourteenth Report of the Committee dealt with the issue of frequent accidents taking place at unmanned level crossings. The Committee made specific recommendation for manning of all the 24,000

plus unmanned level crossings in a phased manner by earmarking separate budgetary outlay for the purpose every year. In the Action Taken Report furnished on the said report of the Committee, the Ministry of Railways gave details of the measures it had undertaken and proposed to take through necessary budgetary outlays for manning of unmanned level crossings.

### **Concluding observations**

The Committee has, till the conclusion of the 200th Session of Rajya Sabha, presented one hundred and eighteen reports. A cursory look at these reports would show that the Committee has proved itself to be a valuable instrument for the redressal of public grievances. The Committee has established itself as a forum which has brought the people nearer to Parliament since the petitions have touched upon a wide range of subjects. It is well recognised that due to pressure of business, it is not always possible for Parliament to go into details of public grievances which arise continuously and call for quick relief with the changing complexion of society. The Committee on Petitions as an instrument of Parliament, in its own limited way, fills the gap and serves as a bridge between the people and their Government. While the members of Parliament have right to ventilate public grievances on the floor of the House, the Committee has got the power to draw the attention of the Government towards them. In this lies the success

and utility of the Committee as a parliamentary institution for promotion of public good.

It may be worthwhile to mention that in order to generate awareness among the people about the mandate of the Committee and its role as an important forum for redressal of grievances of the people, the Committee on Petitions issued a press release in May 2003 in various newspapers, the All India Radio and the Doordarshan. As a result, a number of petitions were received from the people on diverse subjects of public interest. This step on the part of the Committee has certainly enhanced the image of Parliament which is incessantly engaged in addressing the grievances of the people.