

# COMMON CAUSE

VOICE OF "COMMON CAUSE"

## MAKE THEM LISTEN

The present issue of this periodical makes a departure from the previous ones. In it we have chosen to present before the readers the letters which have issued from COMMON CAUSE on a few selected subjects during the past few weeks to the various functionaries in the ministries, departments, institutions and organisations entrusted **with** the responsibility of dealing with the respective subjects. The subjects selected for presentation are those which would be of interest to practically everybody.

Numerous letters on different subjects normally issue from COMMON CAUSE. The letters sent to members in reply to their queries, suggestions and representations are not the ones we are speaking of. These communications to the functionaries deal with specific problems and grievances of the people. They convey detailed information, contain suggestions for redress, and ask for appropriate action. Through these communications effort is made to break the barrier of insensitivity that normally envelops the governmental apparatus, to reach out to the individuals who have the authority to effect redressal. The purpose is to make them listen.

Absence of replies to our communications does not deter us. It would be expecting too much, in the circumstances inherited in this country, that all communications should bring forth responses. In some cases the absence of reply is understandable because the concerned department or institution may have justifiable reason to avoid expressing a view which may be challengeable in court. But, there are instances where the absence of reply is totally unjustifiable and inexcusable. One such case, as an instance, is of the letter we wrote to the "Power" Minister Mr. Arun Nehru about the problems encountered by the Delhi consumers of electricity at the hands of Delhi Electric Supply Undertaking. We expected action; there was no reply. We wrote another letter, this time representing that a small delegation, headed by the President of COMMON CAUSE, former Auditor General of India and a member of Parliament, wanted to meet him. To this too there has been no reply, not even the courtesy of an acknowledgement. This would normally be taken as contemptuous disregard of the people by representative of the people. However, we are not deterred and will continue pursuing. Meanwhile, we have chosen to lay this matter before the people through this periodical.

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## THE BUDGET

COMMON CAUSE has received numerous messages of congratulations for the abolition of Estate Duty in the new Budget. On this matter, as also in regard to the valuation for wealth tax purposes which eventually led to the promulgation of Rule IBB in the Wealth Tax Rules, we had launched quite a crusade. In the present circumstances of unprecedented escalation of the values of estate, imposition of estate duty was a nightmare practically for all middle class people; its yield of only about Rs. 20 crores was insignificant as compared to the misery and harassment it entailed, expenditure it involved in the collection, and meagre allocations that were made from its yield to the States. The Government has responded to the demand of the people. With its abolition the people have heaved a sigh of relief. Quite a few have voiced to COMMON CAUSE that they can now die in peace.

There are certain other features of the Budget which are greatly welcome to the middle classes. The abolition of compulsory deposit scheme, which had emerged obviously from some warped thinking, of income tax surcharge which was a very repulsive imposition, increase of exemption limit and reduction as well as rationalisation of the rates, substantial reduction of the marginal rate, are very good features of the income tax changes. In wealth tax, likewise, pragmatism is definitely now in evidence. The increase of exemption limit and reduction of rates of the tax are very welcome. In the areas of indirect taxation and levies of customs and excise, as well as in the matter of corporation taxation, licensing of industries, MRTP limits, provisions for small industries, and for purposes of modernisation, there are various specific provisions and reliefs which hold out promise for enlargement of productive effort.

COMMON CAUSE had, as in previous years, submitted its suggestions to the Finance Minister well before the Budget. These inter alia included: abolition of estate duty; increase of exemption limit of wealth tax; reduction and rationalisation of wealth tax rates; value of one residential house to be excluded from wealth tax assessment; increase of exemption

limit of income tax from Rs. 15000 to Rs. 25000; enhancement of standard allowance; no income tax on pension quantum of income; abolition of the concept of notional income of rent from self-occupied house; expansion of available exemptions for stimulating savings; rationalisation in relation to gift tax, etc.

We feel there is yet scope for enlargement of the provision of exemptions in the interest of stimulating savings. The present limit in relation to investments in national savings certificates, public provident fund etc. can well be increased. In regard to wealth tax we had also suggested that in the interest of avoiding contravention of law by everybody there is need of fixing a separate exemption limit in respect of jewellery for which there is at present no exemption limit. In relation to gift tax we feel that the entire subject of this levy needs to be reconsidered in the light of abolition of the estate duty and greater sense of pragmatism which is now in evidence in relation to taxation.

Certain problems have emerged in relation to the abolition of estate duty which we have brought to the notice of the Government and which need to be sympathetically and urgently decided. One problem is of those persons who had taken ten years' insurance policy specifically for payment of estate duty and had assigned it to the President of India for the purposes of discharge of this liability. Now that the estate duty has been abolished instructions need to be issued to the Life Insurance Corporation that they should refund the entire amount comprising the paid premiums where the period of insurance has not yet expired and not subject the amount to deductions as on paid-up policy. Second question is about those who passed away within the period of six months prior to the abolition of estate duty, because period of six months is prescribed for submission of estate duty return. Third problem relates to cases where assessment of estate duty is pending or where cases are in appeal. It would be only fair that government should in all such matters take a sympathetic view and issue appropriate orders so that distress as well as litigation is minimised.

## AMENDMENT OF RENT CONTROL LAW

Following letters issued by and on behalf of COMMON CAUSE on this important subject are self-explanatory.

**Letter from Mr. Gobind Narain, till recently Governor of Karnataka, written in his capacity as Chairman of the Coordination Committee of COMMON CAUSE, to Mr. Arun Singh, Parliamentary Secretary of the Prime Minister with the request to bring this matter to the notice of the Prime Minister :**

22nd March, 1985

"I would like to bring to your notice and through you to the notice of the Prime Minister some of the very serious problems and difficulties facing the people regarding the rent control laws of the country.

"I have no doubt that you are aware that after several detailed and comprehensive studies of the whole problem by various committees and organisations and after the elaborate advice of the Economic Administrative Reforms commission under the Chairmanship of Shri L. K. Jha, appropriate proposals were formulated about six months ago by the ministry of Works and Housing for amending the Delhi Rent Control Act. It is recognised all over the country that the archaic and obsolete Rent Control laws do need to be amended not only for the benefit of the small house owners but also for the benefit of the smaller tenants and also for giving a new spurt to the much required house building activity in the country. I am sure you will appreciate that whatever amendments are brought about in the Delhi Rent Control Act will also set the pattern for similar reform in the other States.

"I understand that after much mature deliberations the proposals formulated by the Works and Housing Ministry after taking into account the over-all situation and the various points of views

have since been given the shape of an amending bill. This bill is said to be figuring in the agenda of the present session of the Lok Sabha.

"Apprehensions however, have been in evidence for some time that some interested parties, particularly motivated and instigated by some sections of the affluent tenants, are attempting to scuttle the much desired move for these amendments. It is even said that some of these vested interests have succeeded in misrepresenting the whole issue to some prominent Members of Parliament from Delhi who have been given to understand that the proposed amendments have an anti-tenant bias (this is absolutely untrue). Several persons have reported to me that one of the prominent Members of Parliament had sometime ago been reported in the press to have even threatened that a C. B. I. inquiry would be launched against the officials who had drafted the proposed amendments. Such a condemnable threat, you would I am sure agree, if true, would be tantamount to the vilest form of interference and intimidation in the lawful and honest discharge of public duties by the civil servants of the Ministry which is quite contrary to the declared policy of the Prime Minister.

"There can be no doubt that the problems of the smaller and poorer tenants have to be viewed with utmost sympathy. But it should be realised with equal emphasis that there are small single house-owners also who in the over-all concept of social justice, deserve equitable treatment. Several representatives of the House Owners Associations and various other Organisations met recently both the Lieut.-Governor of Delhi and also the Chief Executive Councillor of Delhi, Shri Jag Pravesh Chandra. The Chief Executive Councillor told these representatives frankly that he could not now take any initiative in this matter because on an earlier occasion he had fixed a date for placing the proposed amendments before the Metropolitan Council but he

was advised by the Central Government not to do so. He, therefore, suggested that the initiative should now come from the Central Government,

"The serious-ness of this matter does not really need to be emphasized. The relations between the tenants and the house-owners have got badly strained. Many house owners in the towns would prefer to keep their premises vacant rather than facing the risk of letting them out. This is causing extra hardship to the tenants, particularly of the lower classes. Tens of thousands of cases are being fought out in Courts, leading to extreme exasperation and frustration to the parties. The existing dwelling houses are suffering seriously from neglect in the absence of adequate repairs because of the unwillingness of the owners. The new construction activity is seriously handicapped because of the harshness of the Rent Control Act. The house construction in the Governmental sector can satisfy a very small fraction of the demand. In the circumstances the worst sufferers are the people from the middle and the lower classes who are unable to find any suitable accommodation on rent.

"It is obvious that this whole matter cannot be judged from any dogmatic points of view and without adequate consideration and sympathy for the needs, requirements and difficulties of the poorer tenants; there has to be full understanding of the requirements of the building industry as a whole and the problems faced by the small house-owners. As Chairman of the housing problems coordination committee set up by the public interest organisation "Common Cause", I have recently written a letter to Shri Abdul Ghafoor, Minister of Works and Housing and a copy of this letter is enclosed for your perusal. I am sure he will find his hands strengthened in this matter if he received appropriate guidance from the Prime Minister.

"As I have said repeatedly the points of view of the weaker sections of the tenants should certainly be taken into account in framing the proposed amendments. If the existing ones can be improved upon in this respect it will be all to the good, particularly in respect of the old dilapidated houses in the Katras

of old Delhi and in similar other areas and in respect of the pre-1950 constructions, particularly of floor space not more than 100 sq ft. In such cases provision could be made that any required increase of rent should be made in a graduated manner so that no undue hardship should fall on the tenants because of any sudden spurt in rent. A large conference has been called by "Common Cause" on the 31st of March, 1985 and I am enclosing for your information a circular which has been issued in this respect. The Circular will make it clear to you that "Common Cause" is taking a very impartial, objective and over-all point of view taking into consideration the problems of all the people.

"I should be most grateful to you if you would kindly study this matter dispassionately and suggest to the Prime Minister that the matter should be taken out from its present stalemate. It is in the interest of the people that the passage of the amending bill in the parliament should be expedited and smoothened. I have no doubt that you would be able to request the Prime Minister to be kind enough to spare a few minutes even in the midst of his other important preoccupations for giving appropriate directions for dealing with this problem so that it does not continue any longer to be a festering sore in our body polity"

To Mr. Abdul Gafoor, Minister of Works and Housing, Government of India :

11th March 1985

"You must have heard of a very strong and healthy organisation called 'Common Cause'. This organisation stands for all the common problems of the people. Currently 'Common Cause' has been making various representations to the authorities concerned regarding the inadequacies and the outmodedness of the current Rent Control Act in Delhi. I would like to make it clear very categorically that 'Common Cause' does not represent exclusively either the house owners or the tenants. It is dealing with this issue as a big national problem which has to be resolved suitably.

"You will agree that the biggest need in the country is to give big boost up to house construction activity-houses of all kinds, the small tenements for the poorer people, slightly bigger tenements for the lower middle class, the middle class tenements and also some proportion of bigger houses. The requirement in the country in all the cities as also in the rural areas has increased tremendously. The problems in the big cities like Delhi are unimaginable. All the new requirements of houses can possibly not be met by the investment of Government funds alone. It is obvious, therefore, that private house building activity will have to be encouraged by suitable devices.

"The Government themselves had set up a very large number of Committees which have gone into the problems both of the house owners as also of the tenants and had made their various recommendations. The L.K. Jha Commission was one of the important bodies which also made recommendations on this subject and the Ministry of Works & Housing considered all the various reports, looked into all the aspects of the problems, looked sympathetically at the problems of the poorer tenants and it is after their mature consideration that they prepared a Draft Bill, which is awaiting consideration of the Parliament.

"Unfortunately, a very wrong and damaging propaganda has been started that this Bill is an anti-tenant bill. If any dispassionate person looks into the overall aspects of the matter, he is bound to come to the conclusion that the Bill is definitely not an anti-tenant Bill but is a definite and positive step towards the resolution of the present difficulties and bottlenecks on account of which the house building activity has become very shy and the people, particularly of the lower income groups are finding it very difficult to secure living accommodation particularly in the bigger cities. The newspapers tell us that very important leaders like Shri H. K. L. Bhagat, Shri Vishwabandu Gupta, Smt. Tajdar Babar, Smt. Sundarvati Naval Prabhakar and Shri J.K. Jain have been opposing this Bill as they think that it is an anti-tenant Bill. I would suggest to you that under your leadership an opportunity may be given to some of the workers of 'Common Cause' to discuss the matter

dispassionately with these important leaders to explain to them all the different aspects which have to be taken into consideration at the national level. What is important is that this Bill should neither be quashed nor should it be delayed any longer from being considered by the Parliament. Otherwise, the problems of the people will multiply manifold as far as housing is concerned.

"I do not want to make this letter very long but I would like to say this much that out of the total number of houses in Delhi, the number of those which fetch a monthly rental of Rs. 1000/- or more is very small. You will agree that this class of tenants do not need or deserve any help or support but undoubtedly the poorer tenants, particularly in the walled city of Delhi, do deserve our full sympathy. For them suitable provisions have to be made. At the same time it has to be ensured that the rents are such that owners will at least be able to keep the dwelling houses in good repair, otherwise there will be serious risks to life and property. All the same if there is to be any increase in rents it should be done in such a manner to minimise the difficulties of the tenants. The proportion of the increase should be suitably fixed with such suitable safeguards that the poorer tenants will continue to receive the protection of the laws which the Government intends. Surely the various well-to-do tenants who can afford to pay large rents should not be allowed to continue to enjoy the unmerited privilege of harassing the owners, a large proportion of whom are retired Government servants who have invested their life's savings in building a dwelling house and have been obliged to give the whole or part on rent to pay up their loans. Such retired persons now find it difficult to get back own houses for personal living. Surely, this is no social justice.

"I shall be grateful if you would kindly consider this matter at your earliest convenience and give us in the 'Common Cause' an opportunity of discussing the matter with you and with the other prominent leaders who perhaps have not been able to study all the connected aspect of this big problem."

Letters from COMMON CAUSE to (i) Mr. Abdul Gafoor, Minister of Works & Housing; (ii) Dr. P. C. Alexander (this letter was addressed to him a few days before he resigned as Principal Secretary to the Prime Minister); and (iii) Mr. Jag Prवेश Chandra, Chief Executive Councillor, Delhi Metropolitan Council.

To Mr. Abdul Gafoor :

Jan., 7, 1985

You would be aware of the pending serious problems of amendment of the rent control law. This is a legacy of inaction of the past few years.

It is most unfortunate that this problem was allowed to assume the present serious dimensions. Hundreds of thousands of cases have been taken to courts all over the country arising from the difficulties caused by this legislation, each State having adopted practically the same pattern of rent control. The relations between tenants and landlords have embittered leading to law and order problems in many cases. In Delhi alone almost about forty thousand rent control cases are pending.

The previous Ministry allowed for years this problem to fester. Eventually, just about the time of adjournment of the previous Lok Sabha before its dissolution, the then Minister of Works & Housing announced the amendments proposed to be effected in the Delhi Rent Control Act. The Chief Executive Councillor of Delhi thought the best way for him was to buy more time and not to do anything till the elections.

Now that the elections are over, it is obvious that no further delay would be justifiable in proceeding with the proposed amendments. The Rent Control legislation has become totally archaic and out-of-date; it is smothering the building activity; the owners prefer to keep the premises vacant rather than rent them out and face the problems of this control; the premises are not being repaired with the result that the building stock has seriously suffered; it is leading to a national loss. The amendments have emerged from an intensive and comprehensive study of the entire problem spread over many Committees and years.

We earnestly hope that in keeping with the spirit of the massive mandate and responsibilities of the new Government under the Prime Ministership of Mr. Rajiv Gandhi you will take the initiative of urgently dealing with this matter and not be swayed by the propoganda which was unleashed by the interested parties for stalling the proposed amendments.

The Metropolitan Council of Delhi should be asked to deal urgently with the consideration of proposed amendment and thereafter the Bill should be placed before the parliament. The nation watches with keenness what the new government does for effectively discharging the responsibilities devolving on it.

We are also apprising the Prime Minister of the urgency of this matter and about our having conveyed this request to you.

To Dr. P. C. Alexander :

Jan 6, 1985

"You would be aware of the serious dimension which the problem of Rent Control legislation has assumed over the years. This legislation has embittered relations between the tenants and house-owners all over the country, it has thwarted the construction activity, owners prefer to keep their premises vacant rather than risk giving them on rent, repairs on premises are not undertaken, with the result that the housing stock has seriously deteriorated; and hundreds of thousands of rent control cases are clogging the courts. The rent control legislation exists in all the States practically on the same pattern, and everywhere people have been looking with expectancy on the amendments which have been proposed for the Delhi Rent Control Act. The proposal of these amendments was announced some months ago when the last Lok Sabha was being adjourned but it is unfortunate that the matter was allowed to languish and the proposed amendments were not placed before the Executive Council of Delhi, ostensibly arising from the propoganda unleashed by the lobby of affluent tenants because a major amendmant was while the interests of the

poorer tenants would continue to be protected the residential premises yielding rental of above Rs. 1500 P.M. would be taken off the control of this law. The Chief Executive Councillor felt it better to postpone the proposed amendments till after the elections.

Now that the elections are out of the way, and a massive mandate has been given to Mr Rajiv Gandhi and he has so effectively started dealing with the issues facing the country we earnestly hope that he will not allow this matter to languish any longer and ask the Ministry of Works & Housing as well as Executive Council of Delhi to get along with effecting the proposed amendments which have emerged after detailed and comprehensive study of the problem by the various committees and by Jha Commission. We hope that this matter will now be brought early before the Parliament for enactment of the proposed amendments.

We request you to kindly place this matter before the Prime Minister."

**To Mr. Jag Pravesh Chandra :**

"You are aware of the strong feelings of the people on the question of amendment of Rent Control law and of the propaganda against the proposed amendments which the interested lobby of affluent tenants unleashed when the proposed amendments were announced some months ago.

It is singularly unfortunate that the proposed amendments were not at that time placed before the Metropolitan Council and it was obviously considered more appropriate to postpone this matter till after the elections.

Now that the elections are out of the way and the party in power has received this massive mandate from the electorate we earnestly hope that you will kindly take up this matter with the urgency it deserves and not allow it to languish as it has languished over long years.

We have written also to the new of Works & Housing Minister and have apprised the Prime Minister of the seriousness of this matter and its urgency."

## ON HOUSE TAX

Arising from the recent judgement of Supreme Court delivered on the 12th December 1984 we have addressed letters to (i) the Commissioner and Assessor & Collector of the Municipal Corporation of Delhi (ii) The Mayor of Delhi and (iii) Mr. Arun Singh, Parliamentary Secretary to the Prime Minister. These letters have importance in relation to the specific issues which have been highlighted and for ensuring that this new judgement of the Supreme Court, which has re-iterated the various pronouncements of the previous Supreme Court judgement of November 1979 in the well known case of Diwan Daulat Rai Kapur & ors Vs. NDMC, and has provided clarifications on other points of the law, is properly implemented by the MCD. As these matters are of general importance to assesses of property tax all over the country we reproduce these letters.

**To the Commissioner and Assessor & Collector the Delhi Municipal Corporation :**

February 19, 1985

"Arising from the Supreme Court judgement of 12. 12. 84 on House Tax we understand that in a talk given by the Assessor & Collector at a recent function, it was inter alia stated by him that in calculating the cost of an additional unit on the same plot the proportionate price of the plot will be added to the cost of construction. It is reported to have been stated by him that in such cases of additional construction the market price of the plot at the time of the addition will be fixed and it will then be apportioned between the old structure and the new in the ratio of the covered area of each after deducting the price of land added at the time of initial construction.

" This procedure will be tantamount to the negation of what has been emphasized in the Supreme Court judgement. It is very clearly stated in the judgement that the market price of land cannot be added twice over. This enunciation follows the clear statement that "the assessing authorities cannot determine the standard rent of the additional structure by taking the reasonable cost of construction of the additional structure and adding to it the market price of the land. The market price of the land cannot be added twice over, once while determining the standard rent of the original structure and again while determining the standard rent of the additional structure". The procedure proposed to be adopted by the Assessor & Collector is ostensibly a device to take advantage of the escalated prices of land for the purposes of assessment of the cost of additional construction. Deduction of the proportionate price of land of the initial construction would amount only to a ruse to overcome the enunciation that the market price of land cannot be added twice over.

It is most unfortunate that despite the clear statements of the MCD authorities that the Supreme Court judgement will be fully implemented in "letter and spirit" this type of stratagem is being contrived for getting round the judgement. This stratagem is exactly on the lines with that adopted previously by MCD Assessment & Collection Department in taking resort to the provisions of S.9 [4] of the Delhi Rent Control Act on the plea of the price of land in lease-hold colonies being non-determinable whereby thousands of cases were unlawfully assessed and in relation to which the Supreme Court has now given the verdict against the MCD.

Objective of the MCD should be to avoid doing something which they consider to be not strictly within the provisions of the law. Where there is any doubt about the interpretation of the law they should prefer to give the benefit of doubt to the citizens rather than to alienate them and force them to seek redress in Courts. In the matter of House Tax assessment the attitude of MCD, since the

Supreme Court judgement of November 1979 has been to play hide and seek with the assessee, which caused extreme harassment and exasperation, and on account of which tens of thousands of objections against the assessments were filed and thousands of cases taken to courts. All this led only to the generation of ill-will against the Corporation and caused alienation of the people.

We understand that in the matter of the Supreme Court advice of the resumption of 20% self-occupation rebate a similar attitude of dragging the feet appears to be prevailing in MCD. We are separately writing on this subject to the Mayor because this decision has apparently to be taken by the deliberative wing of the Corporation, but we would like to emphasize that this suggestion has emanated from the highest court of the land, it is based on sound reasoning and also on the previous practice, and it would be imprudent to hedge it with illogical conditions. Our information is that effort of the MCD staff would be to use the words "may and resume", which appear in the judgement in the context of this suggestion, for holding that this suggestion is not mandatory and that it can be given on the basis of previous rebate relating it to rateable value based on the rental value. It would be unfortunate if this type of reasoning is adopted because the rebate will have to be related to the standard rent calculated on the cost basis for self-occupied premises.

We again request you to be kind enough to examine these and other related matters in the spirit of supreme court judgement and not compel the assessee again to seek redress in courts where the position has been made abundantly clear in the Supreme Court judgement.

We are taking up this matter also with the Prime Minister. In the context of his drive to provide an efficient administration and save the citizens from harassment he would be interested to ensure that due respect is shown by MCD to the present pronouncement of the highest court of the land".



**To the Mayor of Delhi :**

February 15, 1985

"You might be aware that COMMON CAUSE had taken the entire matter of House Tax to Supreme Court on which the judgement was given on 12.12.84 clearly setting out the guidelines and basic principles on various aspects of assessments which had been causing problems to the assesseees. The people felt reassured by the statements made on behalf of the MCD that this judgement of the Supreme Court would be implemented in "letter and spirit".

However, indications have already started coming in evidence that attempts will be made by the assessment authorities to seek stratagemms with a view to getting round the judgement and to again play hide and seek with the assesseees as they have been doing for over four years. You would be aware that arising from the measures adopted by the M.C.D after the previous Supreme Court judgement of November 1979 the people felt greatly harassed and exasperated. Tens of thousands of objections were filed in Courts. People do not mind paying taxes but they severely condemn actions of MCD which they consider are high-handed and unlawful. These actions alienate them.

"Enclosed herewith is a copy of the letter in which we have brought to the notice of the Commissioner and the Assessor & Collector one such instance which has come to our notice of the attempt to get round the Supreme Court judgement. We earnestly hope that such tendencies will be curbed. We request that this matter may kindly be considered at the appropriate levels in MCD.

In the Supreme Court judgement of 12.12.84 a specific suggestion has been made that MCD should give 20% rebate of House Tax to self-occupants of properties. People eagerly look forward to the revival of this rebate which was in existence previously and which was withdrawn after the Supreme Court judgement of November 1979. The highest court of the land has given detailed reasons for revival of this rebate.

It will be obviously considered by the people to be sheer and deliberate disregard of the advice of the Supreme Court if this rebate is not resumed soon. We earnestly hope that the MCD will give due consideration to this suggestion.

We are separately bringing all these matters to the notice of the Prime Minister.

**Another letter to the Mayor of Delhi.**

March 11, 1985

"I am sure the houseowners of Delhi would be grateful for your assurances regarding appropriate implementation of Supreme Court judgement regarding house tax. There is a rising public opinion that if this time any wrongful interpretation is given by MCD officials to the principles clearly enunciated in this judgement of the highest court of the land, cases of contempt of court would be filed. We earnestly hope that circumstances would not be brought to such development which would need drastic action to be taken by the aggrieved persons".

**To Mr. Arun Singh, Parliamentary Secretary to the Prime Minister.**

February 19, 1985

"You would be aware of the extreme exasperations caused to the houseowners of Delhi by the high handedness of MCD in the matter of House Tax assessments. Tens of thousands of objections were filed by the houseowners and thousands of cases were taken to courts, because the people felt that the actions of MCD were in violation of the previous Supreme Court judgement of November 1979 in which the principles of assessment had been clearly spelt out. Eventually the matter was again taken to the Supreme Court in a series of Writ Petitions. COMMON CAUSE presented this entire matter to the Supreme Court in a comprehensive Writ Petition. The Supreme Court gave its judgement on 12.12.84 clarifying the issues and laying out the guidelines for assessment of House Tax. The actions taken by MCD which had caused exasperation to the houseowners,

were held to be unlawful. People heaved a sigh of relief and looked forward to their problems being satisfactorily resolved. The MCD authorities also stated that they would implement the Supreme Court judgements leti nnter and spirit.

Unfortunately, it appears that the Dept. of Assessor & Collector of MCD is again setting itself to play hide seek with the houseowners as they have been doing over the last four years. This will be evident from the enclosed copy of the letters to the Commissioner and Assessor & Collector of the Corporation and to the Mayor of Delhi.

We approach you with the request that these actions of MCD which have caused such lot of resentment and alienation of the people, should be brought to the notice of the Prime Minister. People feel

strongly about corruption of the MCD staff, but equally important is their utter disregard of the law.

In the enclosed copies of the letter you will notice that we have mentioned also about the 20% self occupancy rebate to houseowners. This rebate was previously allowed by MCD for a number of years, but it was withdrawn without any justification after the Supreme Court judgement of November 1979. In the present judgement 12.12.84 the Supreme Court has specifically suggested that MCD should restore this rebate. Strong reasons have been given in the judgement for its restoration. It is singularly unfortunate that MCD is dragging its feet about giving this rebate. This would only show the disrespect it shows to the highest court of the land; it would inevitably cause further alienation of the people".

## FOR ELECTRICITY CONSUMERS

Delhi Electric Supply undertaking (DESU) is obviously not unique in causing dissatisfaction and exasperation to the electricity consumers. The electricity consumers in other towns also would be experiencing various problems at the hands of the electricity authorities which sit sung in their monopoly operations and give impression of utter insensitivity to and disregard of the feelingc and frustrations of the consumers.

COMMON CAUSE took the initiative of writing to the new "Power" Minister Mr. Arun Nehru to bring to his personal notice the defaults of DESU and problems the consumers of electricity are facing at it hands. It is a matter of great regret and concern that there has not even been an acknowledgement of this letter from Mr. Arun Nehru. Thereafter, another letter was sent to this Minister seeking an opportunity of meeting him in a small diputation led by Mr. S. Ranganathan, President of COMMON CAUSE and former Auditor General of India and Member of Parliament. This letter too has remained unacknowledged. It is Important that these facts of our writing to this Minister, and having the distinction

of not having had the courtesy of even an acknowledgment from him, should come to acknowledge of the public. We reproduce below the letters addressed to Mr. Arun Nehru which were sent to him by name.

January 5, 1985

"You have the reputation of greeting things moving. We earnestly hope that you will exercise your effectiveness to inter alia remove some of the problems which have plagueing the operations of Delhi Electricity Supply Undertaking (DESU) and causing great resentment to the people of Delhi.

"Consumers of Electricity have numerous grievances against DESU. We are aware that the new General Manager is trying his best to improve things but he apparently is handicapped because of the enormous backlng of the malaise. We earnestly hope that with you at the helm, every possible support will be provided to the General Manager to overcome the difficulties that he may be encountering in effecting improvements.

"Newspapers have carried the news of a huge deficit in the budget of DESU. The people now

apprehend that the power rates may be further increased, compounding the inefficiency of DESU.

"We bring to your notice following important matters relating to the operations of DESU which, from the view point of the consumers, need to be urgently examined and corrected :

**(i) BILLING DELAYS**

It will surprise you to know that DESU sends bills to consumers normally 4-5 months late. Bills for July - September '84 period were received in certain areas of Delhi in November. Such delay in collecting the dues obviously affects the ways and means position of the enterprise. Inefficiencies of this nature inevitably lead to losses and attendant deficits. If the bills could be sent promptly, every month, it can considerably ease the financial position of DESU. In case it is difficult for DESU to send bills monthly they can institute some sort of scheme by which the consumers can be persuaded to voluntarily make monthly payments on self-assessment basis, with incentive of a rebate for payment made before 10th of every month. Booklets of meter readings can be provided for each meter so that the consumer can refer to the readings in making the self-assessments and for maintaining their own records of monthly readings. DESU can educate the consumer to do the meter reading and to convert the consumption units into payable charges. With the institution of such a system, meter readings by DESU inspectors can be carried out half-yearly and for making adjustments of payments:

**(ii) EXCESSIVE BILLING**

There are numerous complaints of excessive and unlawful billing. One major complaint, regarding which the matter has been taken to Court, is that of charging for periods which are more than three years old, on the plea of some meter having stopped working years ago and on averaging the consumption. There is specific provision in the law (Section 455 of the Delhi

Municipal Corporation Act which also regulates the operations of DESU) which debar DESU from launching proceedings for effecting recovery relating to period more than three years old, but DESU goes on merrily sending such bills in violation of the law and adopting arm-twisting strategem of dis-connecting the electricity for enforcing payment. These measures cause immense resentment in the public mind, but there is utter insensitivity in the organisation. We strongly suggest that DESU should clearly be told to operate within the provision of the law in this regard. Under the law it is explicitly the responsibility of DESU to correctly maintain the meters, and they cannot take the plea of stoppage of a meter years ago for demanding payment of any such arrears.

**iii) PAYMENT OF BILLS**

A system was introduced five years ago for payment of DESU bills through designated branches of the banks. This was an enormous facility to the public. This facility was withdrawn, after about one year, without any notification to the public of the reasons of withdrawal. This was possibly done under the pressure of the labour unions because they felt that this arrangement would reduce the work-load and lead to redundancy. It is most unfortunate that this facility was withdrawn in respect of electricity bills whereas it does exist in relation to water supply bills of the same MCD of which DESU is a part. With the withdrawal of this facility the public has to go to the zonal offices of DESU and stand there in queues for making the payments which can easily be made in the branches of the banks. There is no reason why this facility should not be restored and why the interests of the people should be allowed to be so blatantly disregarded.

**(iv) SECURITY DEPOSITS**

Some time ago the quantum of security was substantially enhanced. For all practical purposes the deposit is in perpetuity although it is sup-

posed to be refundable. It was pointed out to DESU that there is no reason why consumers should not be paid interest on this deposit as is allowed in the case of deposits in respect of other utilities since it constitutes only the security to cover the risk of non-payment of bills by the consumers and is not supposed to be a revenue earning source. At normal bank rates the security amount would double itself in about six years and become four times in less than fifteen years. The domestic consumers of electricity are not paid any interest whatsoever on their deposits and only an interest of 2½%, which was fixed decades ago, is being paid to the industrial and commercial consumers of electricity. Our information is that the amount of about Rs. 50 crores of public money continues to be held by DESU as security deposit of the consumer.

"We earnestly hope that you will kindly devote some little time to go into these problems and discuss them with the concerned officers, determine why these difficulties have continued to be caused to the people, and initiate action for effecting remedial. We will eagerly look forward to your finding the ways and means for solving these problems."

**Second letter to Mr. Arun Nehru which again has remained unreplied.**

"In our letter dated the 5th January we brought to your notice certain important problems the electricity consumers of Delhi are facing at the

hands of DESU. Copy of the letter and its enclosure is forwarded for ready reference. These problems are compounded by the callous disregard of the views and rights of the consumers by DESU

"From COMMON CAUSE we seek an opportunity to meet you in a small deputation of not more than five members to personally acquaint you with these problems, led by the president of COMMON CAUSE, Mr. S. Ranganathan, former Auditor General of India and a member of Parliament. We would be grateful if you could kindly provide the opportunity and indicate the date and time which will suit your convenience."

COMMON CAUSE has filed a writ petition in the Delhi High Court against Delhi Electric Supply undertaking. In its instances have been cited where consumers have all of a sudden received bills of thousands of rupees demanding immediate payment on the threat of electricity disconnection. The bills are stated to relate to periods of more than 3/4 years ago, on the plea that some electricity meter stopped functioning and that the consumption has been estimated on the basis of averaging for the entire period during which the meter is stated to have remained stopped, disregarding the fact that responsibility of maintenance of correct meter lies on the electricity undertaking and that under the existing law the charge cannot be made for a period earlier than three years ago.

## ON LOTTERIES

The various lotteries advertised so loudly and blantly in the newspapers all over the country have for many months been raising eyebrows. There has been a growing feeling that something was wrong somewhere and that this racket had ostensibly been going on unchecked by any governmental authority. COMMON CAUSE took the initiative of making a comprehensive reference on this subject to Dr. P. C. Alexander, the then Principal Secretary to the Prime

Minister, a few days before he resigned. Another letter on the subject has since been addressed to the new Home Secretary Mr. R. D. Pradhan who has been kind enough to acknowledge it and to indicate that the matter is being looked into. This matter has also recently appeared in the Press through a release based on the initiative taken by COMMON CAUSE, and it has separately formed the subject of an investigation undertaken by the INSIGHT team of THE STATEMANS

which brought out a comprehensive report in two instalments in the newspaper. We reproduce the letters addressed by COMMON CAUSE to Dr. Alexander (without the details of analysis forming part of the enclosure) and Mr. R. D. Pradhan.

**Letter to Dr. P. C. Alexander (addressed a week before he resigned as Principal Secretary to the Prime Minister).**

January 12, 1985

"There is general feeling that some lotteries in the country have assumed the dimensions of a big racket and possibly a total scandal. Seeing the big splash of advertisements daily in the newspapers, of ever mounting prizes, one inevitably feels that something is wrong somewhere and there is need of a thorough probe into the entire mechanism behind these lotteries.

"Some lotteries are sponsored by the State Governments, quite a few by the small States like Meghalaya, Manipur, Arunachal Pradesh and Nagaland. Some States appear to be operating the lotteries in more names than one. Most of these lotteries, under different names, have weekly draws.

"The more intriguing feature of the lotteries is that quite a few which are not sponsored by State Governments, are shown as sponsored by some unknown and obscure organisations concerned with "spinal injuries" "mentally retarded", "children welfare", "health institute", "freedom fighters", small branches of Red Cross etc. Fantastic prizes of cross of rupees are being offered by these sponsors. Another intriguing feature is that only names of 4/5 "organising agents" or "stockists" are found repeated in practically all advertisements of these various lotteries, and the offices of these agents/stockists are located in a small area in the vicinity of Connaught Place, in Regal building, Mohan Singh Place, Bhagat Singh market and opposite Rivoli Cinema etc. One would not be surprised if these are small one-room or corridor style offices, possibly run by same persons or allies. Hundreds of thousands of rupees are being spent on the advertisements.

"I have collected the advertisements from three english newspapers of Delhi over the period of about

one week. These make an astounding number. From these advertisements I have attempted an analysis which I present in the attached note. This analysis can comprise material for an intensive probe.

"This is obviously a matter of importance in the interest of cleaning up the public life. You might like to bring it to the notice of the Prime Minister and order a thorough probe into it.

"Following points would need to be investigated :-

- (i) What is the status of the sponsoring organisations such as of "mentally retarded", "spinal injuries", etc.? In this connection, it will also be worthwhile to look up the advertisements of last few months and to contact the Organisations which sponsor the respective lotteries.
- (ii) What is the nexus between these sponsoring organisations and the "organising agents" and "stockists"? What arrangement is made between them when the sponsoring organisation lends its name to a lottery? What supervision, if any, does the sponsoring organisation exercise in the arrangements connected with the conducting and "draw" of the lottery?
- (iii) Presumably lotteries have to be approved by an authorised officer. At Delhi what arrangements exist for the purpose and what precautions are taken in this connection? Is any supervision exercised over the approved lotteries by the concerned authority?
- (iv) What is the system and procedure of printing of the raffle tickets, their numbering, their transport, stocking and sale; collections, commissions etc?
- (v) How is it ensured that the draw of each lottery is fool-proof? It is obviously not enough that the draw is conducted in the presence of some people and "judges". What is the methodology operating behind the draw?
- (vi) Do the "organising agents" and "stockists" furnish any reports to the authority sanctioning the lottery? What reports are submitted by them

to the sponsors? How are proceeds distributed between the organising agents, stockists and sponsors? What reports are submitted by the organising agents/stockists to the sponsors?

(vii) In the case of State Governments (and Bhutan) it needs to be ascertained whether the lotteries are really sponsored by them, whether in the case of some States simultaneously more than one lotteries are sponsored by a State like U.P., and what arrangements are made by them to ensure that the States derive the full advantage of sponsoring lotteries.

(viii) How are dates of the draws fixed, altered, extended and manipulated?

"I earnestly hope that before the bubble of these lotteries bursts by itself or through some other probe, the Government will take the initiative of investigating various aspects of this racket".

**Letter to Mr. R. D. Pradhan, Home Secretary to the Govt. of India, which he has been kind enough to acknowledge.**

February 22, 1985

"I wrote to Dr. Alexander on the 12th January '85 about the racket of lotteries. I said that this bubble would some day burst. You will have seen in the newspapers of 20th and 21st February that it has burst.

"The most unfortunate part is that for months this racket had been brewing right under the nose of government, featuring very prominently in big advertisements in the newspapers, which gave the names, addresses and telephone numbers of the "organisers" "organising agents, "stockists", and

also occasionally some names of sponsors in the case of private lotteries.

"I enclose copy of the letter I wrote to Dr. Alexander. I also enclose photocopies of two investigative reports which have appeared in the STATESMAN. A copy of the PTI report which appeared in the Indian Express is also enclosed.

"Presumably there is some department or officer in the Home Ministry dealing with the subject of lotteries. Surely, the concerned department/officer should have kept a watchful eye on what was happening, how the racket was mushrooming and proliferating, how the names of some obscure organisations were being associated with such big lotteries, how the State directors of lotteries were allowing their raffless through private organisers, etc. These matters are of great consequence and tend to bring a bad name to the government. One wonders why things have been allowed to develop to such serious dimensions and why they were not effectively checked in time.

"As a public interest organisation we would be interested to know what action is contemplated and taken by the government."

In answer to a question in the Lok Sabha on 19th March, 1985 the Finance Minister stated that the Government had directed the Director of Inspection to inquire into the functioning of public and private lotteries and any action will be taken only after receiving its report. Orders to this effect had already been issued and enquiry will cover all aspects including questions relating to tax evasion and conversion of black money into white.

## ON PUBLIC TRANSPORT

Citizens of metropolis in general have numerous problems with public transport. In Delhi these problems are aggravated by the serious danger that the heavy vehicles and public transport buses pose on

the roads. This danger is evidenced by the deaths that take place practically every day in accidents involving the trucks and buses.

COMMON CAUSE., as everybody else, has been

feeling very strongly about this matter. Initiative has been taken by COMMON CAUSE in serving notices on (i) the Chairman & Managing Director of Delhi Transport Corporation (both offices combined in one hand) and (ii) Director of Transport of Delhi Administration, in which it has inter alia been stated that the causation of deaths on the roads shows that the duty and responsibility devolving on them is not being properly discharged, that enumerated factors responsible for the deaths are remediable, and that if after the period of two months any death caused on Delhi roads is attributable to either of these enumerated factors they will be personally and criminally held responsible for the causation of the death through negligence. A letter has been separately addressed to the Lt. Governor of Delhi apprising him of these notices and informing him that COMMON CAUSE will seek his sanction, as the appointing authority for launching prosecution of either of these officials.

These notices served on two officials will be of wide interest to people in other towns and metropolitan areas. Public interest organisations in these may consider issuing similar notices to the top functionaries of their transport corporations and departments bringing home to them the personal and direct responsibility in relation to accidents and deaths involving the vehicles under their charge of operation, registration and certification. Follow up measures after the period of notices are being contemplated.

The notices served by COMMON CAUSE on the DTC functionary and the Director of Transport, as also the letter written to the Lt. Governor of Delhi all sent registersd A.D., are reproduced below.

**To the Chairman & Managing Director of DTC**  
24th January 1985

"You would be aware that the Delhi roads have become very unsafe. The DTC buses, which are operated by the Delhi Transport Corporation for providing transport facility to the citizens, constitute the major contributory factor to the aggravation of this traffic hazard.

"Nearly three deaths and fifteen casualties are caused every day on the Delhi roads. In the last twelve days of January '85 as many as thirty deaths were caused by these accidents. During 1983 and 1984 the number of deaths caused by accidents on the Delhi roads are reported to have been 1,094 and 1,147 respectively, and the number of accidents totalled 5,477 and 5,604. Out of these the number of deaths and accidents caused by DTC buses and mini buses totalled about 300 and 1,200 respectively. This shows that the fatalities and accidents caused by DTC buses and mini buses work to about 25 to 30% of the total casualties due to accident on the roads.

"This is obviously a matter of grave concern to citizens. The number of buses on Delhi roads are only a small fraction, comprising not more than two percent of the total number of automobile vehicles of Delhi, yet the danger they pose to the users of roads is very serious and is constantly aggravating. DTC is the agency charged with the responsibility of providing public transport to the people, and the buses run by DTC constitute the greatest source of danger on the roads.

"These accidents and fatalities are obviously attributable to three main causes, namely, fault of the driver, inadequate maintenance of the vehicle and undue speeding of the vehicle.

"It is of paramount importance that the driver should be of proven competence. The competence of drivers will depend on the system of their recruitment and training and their licencing only after thorough verifications of competence in the matter of driving public transport buses. We have tried to ascertain the system adopted by DTC for the recruitment, training and periodical orientation of the drivers but have not been able to scoure from the office of DTC any information in this regard. We have also not been able to verify whether the drivers are given medical check-up for testing their colour or night blindness, nor whether any means are adopted by DTC for ensuring that the drivers are not under the influence of intoxicants or drugs when they are entrusted the

charge of buses. In the absence of any information available in regard to these vital matters, and knowing the general inadequate level of competence of drives of DTC buses, we cannot but assume that there is not satisfactory system of recruitment, training orientation and medical check-up of the drives who are given the charge of DTC buses to drive on the roads of Delhi.

"In regard to maintenance vehicles of the DTC fleet, likewise, we have not been able to get from the DTC office any information on the system that has been adopted and consequently there is no ground for us to believe that satisfactory and scientific system operates for ensuring road-worthiness of the buses that are daily put on the road by DTC. It is also not clear to us what system operates at present in respect of licencing of road-worthiness of DTC buses by the appropriate licencing authority and what responsibility in this regard is assumed by the DTC. It is obvious that in the absence of a scientifically based system checking of vehicles, replacement of parts by genuine and dependable parts, and thorough testing of each vehicle before it is put on the road, there can always be grave danger of causation of accident due to failure of any mechanism such as brakes, wheels, tyres/tubes, steering, etc.

"In the matter of speed we understand that the drivers of DTC buses are given the direction of maintaining an average speed of 35 Kms. This implies that a DTC bus would normally have to go upto the speed of 50-55 Kms. in order to maintain the average speed of 35 Km. It is obvious that the prescription of average speed of 35 Kms, for vehicles of the size of public transport buses, is a matter of very serious hazard, and there is not doubt that this speed is an important contributory factor to causation of accidents by DTC buses. We also understand that there is no system yet evolved for installation of speed governors on the DTC buses

"We hold that all the above-mentioned three factors are such in which appropriate steps, effectively taken by you can positively curtail and prevent accidents. The fact that accidents continue to be caused,

crushing children, adults and cyclists under the wheels, knocking off pedestrians and others, hitting and overturning vehicles, shows that the responsibility and duty in regard to these primary factors in relation to the operation of DTC buses, is not being properly discharged.

You in the capacity of Chairman and Managing Director of DTC are the fountain-head, repository and source of this duty and responsibility. The failure of proper discharge of this duty and responsibility, which is the primary cause of the fatalities and accidents caused by the DTC buses on the Delhi roads, is a failure attributable directly and personally to you. Every death and accident, caused by any DTC bus in any part or any road of Delhi, which is attributable to either of the above mentioned factors, is obviously therefore due to your personal negligence to properly and effectively discharge your duty and responsibility in regard to the three above-mentioned factors.

"We an organisation of citizens interested in the common problems and grievances of the people, hereby serve you with this notice that within two months from the date of receipt of the notice you should kindly take proper and effective steps to ensure that your personal duty and responsibility in relation to three above-mentioned factors regarding the operation of DTC buses, is properly discharged and that there is not negligence in this regard. If after expiry of two months any death is caused on Delhi roads by any DTC bus, wherein it appears that the accident has been caused due to the neglect in respect of any of the above-mentioned factors, we will hold you personally and criminally responsible for such death and the consequences thereof. In the circumstances we will launch appropriate legal processes to that end.

"Meanwhile, we would be glad to receive from You, if you so desire, detailed particulars of any system which may have already been established in respect of above-mentioned three factors, namely, (i) the recruitment, training, periodical orientation, medical check-up etc. of the drivers, (ii) constant and proper maintenance of the DTC buses for ensuring



their road-worthiness, and (ii) the speed regulation for avoidance of accidents. We would be glad to know also about any improvements which you propose effecting in relation to either of these three factors for future avoidance of accident :

"If we do not receive any reply within a period of 15 days from the receipt of this notice we will assume that you do not intend to supply us any information in regard to either the present system of the improve-

ments you propose to effect."

To the Director of Transport of Delhi Administration a letter on similar line has been sent, relating to heavy motor vehicles.

Replies have been received both from the chairman & Managing Director of DTC and the Director of Transport, in which they have shown their own anxiety to continue taking further measure to reduce the accidents and deaths on the roads.

## ON HOLIDAYS

Immediately after Rajive Gandhi formed his new Cabinet COMMON CAUSE addressed a letter to all the Ministers and to the Prime Minister stressing the importance of creating the proper atmosphere of work ethic and in this context the fundamental importance of cutting down the proliferating holidays in the country this letter has obvious importance and we reproduce it. We hope that in course of time the atmosphere will also be created to increase the working hours and to switch on to five-day week, which will eventually save on wastage through holidays and other off-days and at the same time enable to meet their social obligations.

The letter addressed to the Ministers reads:

"The New Ministry of Rajive Gandhi holds out great promise. It has raised enormous hopes. Prime Minister's emphasis, inter alia, on efficient and purposeful administration has caught the imagination of the people.

"Numerous suggestions will be offered to the Government for achieving the objective of revamping the administration. We offer important one.

"This country, over the years, has got stuck in the quagmire of numerous holidays. Competing demands for meeting the requirements of different religious festivals and occasions, have led to the pernicious multiplicity of holidays. These hamper production and productivity and have generated an atmosphere of all-round laxity.

"There should be only three national holidays: the Republic day, Independence day and Mahatma Gandhi's birthday. Anybody wanting to enjoy any other holiday should debit it to his quota of casual leave which should be prescribed and limited. This rule should prevail in all offices and in industry and business.

'Connected with this is the question of timing of the offices, Starting the government offices at 10 a.m. has been the bane of their efficient functioning. The country must outgrow this timing of colonial days. There is no reason why offices cannot start at 9. a.m., even earlier during the summer, with staggered hours for different offices so that the public transport system can be utilized to best advantage, instead of all offices opening at the same time and thereby unduly straining the transport

"Bold decisions of this nature will give teeth to the emphasis that the new Government has put on the improvement of administration. Decisions by the Central Government on these important matters will set a pattern for the State Governments to follow. We hope that you and your colleagues will take up this matter with the Prime Minister for action by the Home Minister and the Labour Minister

"COMMON CAUSE has from time to time been transmitting suggestions of national importance to the Government. The present suggestion is the first one to the new Ministry.

"We are communicating these suggestions also to the Prime Minister."

## FOR PENSIONERS

○ Pensioners have been very anxiously waiting for the results of our two Writ Petitions, one relating to the family pension and the other regarding restoration of pension commutation. Family pension case was heard on the 18th March '85. The hon'ble judges openly remarked that there was inequity and discrimination involved in denying family pension to the pre-1.1.1964 pensioners, whether they were alive or have died. They remarked also about the discrimination caused by the orders issued on 22nd September 1977. The Government Advocate was asked to get the matter rectified and report to the court. The Pension Commutation case came up for hearing before the Supreme Court on 1st April '85. In this case too the hon'ble judges remarked that the position needs to be rectified by the government with grace. COMMON CAUSE was asked to submit an application to the newly created Department of pensions seeking reetification of the problem. The Government Advocate was directed to report to the court on 15th April the decision taken by the Government. We now hope that orders of the Government will soon issue after fiter final decision of the court. Mr. Harish Saive, Advocate and Mr. Anil Diwan, Siniour Advocate, represented COMMON CAUSE in he respective Writ Petitions relating to Family Pension and pension Commutation.

○ Some pensioners have already written to us that if the oommuted portion of their pension is restored they will send donation of one month's amount to COMMON CAUSE for further strengthening it to provide more services to the people. We are indeed grateful for this offer and promise to continue providing our humble and dedicated services to the people. The contributing pensioners will be eligible for nominating others for entitlement of membership in accordance with the rules previously communicated if they already hold annual membership or life membersaip. We donot want the beneficiaries of family pension to take the trouble of sending us contr.butions from their meagre pensions.

○ We had written to the Finance Minister three months ago that when and instalements of dearness allowance are announced for the serving employees on the basis of rice in the cost of livingindex the government should simultaneously announce the senction of dearness relief also to the pensiones and that serious delays caused in making the announce-ments for the pensioners should be avoided. It's a happy augury that when the government this time announced the sanction payment of dearness pay to the serving employees the sanction of payment of dearness relief was s'multaneously announced by the Finahce Minister.

○ The long and single-handed fight put up by one pensioner Mr. V.P. Gautam, previously of Haryana cadre of the I.A.S. has borne fruit. The Punjab & Haryana High Court had decided in his favour on the bases of Supreme Court judgement of 17.12.82, awarding him the benefits arising from the pension liberalisation effected by the Government of India from 1.1.1973. This decision was challeged in the Supreme Court by the Haryana Government as well as the Government of India on the grounds primarily whether the petitioner was entitled to the benefits of the previous pension liberalisation scheme and whether he was entitled also to the payment of interest. On the first question the appeals were dismissed and on the aspect of interest the hon'ble court did not pass any order. Arising from this decision of the Supreme Court COMMON CAUSE has written to the Finance Ministry requesting that they should suo moto ickè the initiative of extending to the pre-1973 pensioners the benefits of pension liberalisation effected from 1.1.1973.

○ Gujarat High Court on 21.2.1985 delivered judgement disallowing review petition submitted by the State Government against the previous judgement of the court whereby pre-1973 pensioners had been given the right to family pension and gratuity and pension on the basis merger of dearness pay to pre-1979 pensioners.

○ Writ Petitions of the Indian Ex-services League and COMMON CAUSE are at present pending before the Supreme Court on the question of defence pensioners retired before 1970 who do not derive any benefit from the Supreme Court judgement of 17.12.82 and the 1970-73 pensioners who derive only a very meagre benefit from this judgement. The Government has submitted its reply. These Writ Petitions are expected to come up for hearing soon. Decisions of the court on these Writ Petitions will hopefully feature in the Press when it is announced.

○ We are acutely aware of the problems arising from the absence of communication to some branches of the Banks about receipt of "nomination" forms of the pensioners. The pensioners are placed in difficult position where the Banks have not received the instructions. We suggest that pensioners and their organisations should write to the head offices of those banks and also to the Secretary to the Govt. of India, Department of Personnel and Administrative Reforms (North Block, Secretariat, New Delhi-110001).

○ We have received numerous letters referring to the concessions announced by the Finance Minister in favour of persons who will be retiring after 31.3.1985. The concessions comprise the inclusion of full dearness allowance in pay for calculation of pension and removal of ceiling on pension. It is contended that the prescription of out-off date 31.3.1985 in this context is again violative of the provisions of the Constitution as was the cut-off date 1.4.1979 prescribed for the previous pension liberalisation. We have referred this matter to the Finance Minister. Persons and organisations who strongly feel on this subject may write direct to the Public Grievances Wing, Ministry of Personnel & Administrative Reforms (North Block, Secretariat, New Delhi-110001).

○ Enquiries have been made from us about the particulars of the case in which Supreme Court decided the appeal of Kerala Government and ordered that pension and gratuity should be paid without delay and interest should also be paid for the delayed

payment. The judgement in this was delivered on 17.12.1984 on Special Leave Petition (Civil) no :9425 of 1984 State of Kerala & others Vs Padmanabhan Nair & others, by Mr. Justice V.D. Tulzapurkar and Mr. Justice V.B. Eradi.

○ For eliciting information relating to pension problems and decisions we suggest that enquiries should be addressed to the magazine "Pensioners' Advocate" Its address : Sh. S Vedhapuri, H-11/3, 33rd Cross Street, Madras-90. They are obviously better equipped to supply the information.

## Miscellaneous

○ We request all members to kindly write their membership number while writing for change of address or while sending subscription/renewal etc. In the absence of Membership No. it becomes extremely difficult to trace the reference. The Membership No. is given on the receipt, and it also appears on the address slip on which our periodical COMMON CAUSE is sent to the members. The address slip can in fact be cut out and sent to us where necessary.

○ We are grateful to those members who have brought to our notice that they are receiving two copies of the periodical one on a previous allotted membership no. and the other on a subsequent allotted membership no. This has enabled us to cancel the previous membership no. which in some cases had remained uncanceled. We request further cooperation from the members. Kindly send us the cuttings of address slips where you may be receiving more than one copy of this periodical.

○ We also request those whose annual subscriptions may have expired to send us renewal. The renewal will take effect from the date when it is received so that the members who may have omitted to send it earlier may not feel in any way penalised. The subscription rates are reproduced below for your reference. There is no separate subscription for this periodical. It goes free to the members. In the

case of those who are life members of COMMON CAUSE there is of course no question of renewal of membership.

"Membership fee : Annual fee for Association Membership for societies and organisations Rs. 100. Annual fee for individual Membership Rs. 25. Life Membership for individuals Rs. 150/-. Special concession of membership Fee Rs. 10/- per annum for persons with income upto Rs. 500 p. m. (They are requested to append certificate : 'Certified that my income does not exceed Rs. 500 p. m.'"

○ We again request that the address must be written out legibly, in capital letters, complete with the requisite particulars and the pin code. Often we encounter extreme difficulties in deciphering the names and addresses illegibly and incompletely written. While sending any remittance through Money Order kindly always write your address at the bottom of the M.O. form.

○ One wishes there could be consciousness developed in the mind of the sender about the result of over-gumming of the flap of the envelope. The extra gumming reaches into the contents of the envelopes and makes it impossible to retrieve the contents without causing them damage. In some cases the cheques sent to us to cover the subscription or the month's increase in pension have got badly torn because of getting gummed inside the flap of envelope and these had to be returned for replacement.

Contd. from Page 1st

Another instance relates to the two important subjects of Rent Control and Property Tax. On both these subjects there has been a tendency on the part of the functionaries not to respond, or else to send insipid meaningless acknowledgements. We consequently decided to place both these matters before a big Conference which was held on the 31st March '85 at New Delhi. Views of the people, emerging in the form of self-contained resolutions, have since been communicated to all the concerned functionaries.

Our endeavour will continue, to make them listen. Be they ministers or bureaucrats, they must listen to the voice of the people. They cannot disregard the people.

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