

COMMON CAUSE

VOICE OF "COMMON CAUSE"

PUBLIC INTEREST LITIGATION

COMMON CAUSE would not like to take the credit of having put Public Interest Litigation on the map of jurisdic intervention in the country but it can legitimately claim to have actively participated in and strengthened this movement.

The organisation now has to its credit a long list of very important public causes which have been taken to the courts, and with considerable success.

Excepting in a couple of cases, wherein the judiciary felt disinclined to initiate action, such as in a case

* ANNUAL GENERAL MEETING of COMMON CAUSE will be held on the 5th of February 1994 in the Constitution Club, Rafi Marg, New Delhi. Kindly see the NOTICE and ANNUAL REPORT on pages 23 onwards. Members at Delhi are requested to particularly note and attend the meeting.

* Members should kindly carry the message of COMMON CAUSE to their friends and acquaintances, persuade them to take membership and participate in strengthening the endeavour to deal with the collective and common problems of the people. With membership fee of Rs.50 (life membership Rs.250) everybody is entitled to take membership and participate in this effort. No form is required.

* One small request. We receive large number of letters. Opening the envelopes becomes an onerous task when letters are stitched with staples at places other than the flap. It will greatly help if senders of letters avoid being too generous with the stapler.

relating to misutilisation of discretionary quotes by the Ministers or another one seeking direction to the government to initiate positive action in the implementation of long-standing proposal of building the Metro System of Delhi, the various public interest writ petitions submitted by us in the Supreme Court and Delhi High Court have been well received and quite a few have yielded positive results.

The problems taken up by us covered a wide field, ranging from the various problems of pensioners to implementation of Consumer Protection Act, malfunctioning of Blood Banks, conversion of lease-

hold properties, restructuring of Property Tax, and a number of others. In each of these, interests of hundreds of thousands of people have been involved. Similar action has paid off in our invoking the jurisdiction of National Commission established under the Consumer Protection Act where we have taken certain important matters like non-iodisation of salt, defects in intravenous fluids supplied to hospitals, inadequacies of airlines operations, defective electricity billing, and other such matters.

Avenues of Public Interest Litigation have now opened up very wide in our judicial system. This mode of judicial intervention started emerging after the period of Emergency in 1975-77. It has become a harbinger of new delivery of social justice, turning the Supreme Court and High Courts to People's Courts. It started with liberalisation of rules of locus standi; afflicted alone did not any longer have to knock at the doors of courts for redressal, concerned citizens and groups could also seek intervention. The movement started with certain cases such as of bonded labour, of unlawful detention, improvement of conditions of work and pay for unorganised workers. And now, general problems of every conceivable nature are being taken to these courts for redressal.

Every matter which can be considered as affecting fundamental rights enshrined in the Constitution can be taken to these courts with appropriate pleading. Where the government machinery is unresponsive or needs to be goaded to undertake a task or provide a remedy which they have neglected, the mode of initiating proceedings through a public interest writ petition can help to solve the problem. Public Interest Litigation has thus emerged as a positive weapon in the hands of the people to discipline and conscientise the system of government functioning.

Following is a reproduction from the well known BUSYBEE Column of AFTERNOON daily newspaper of Bombay. It presents in lighter vein the problems of consumers.

An activist of the Common Man's Consumer Resistance Movement knocked at my door this morning and said: "Consumer resistance is the only way of bringing down the present phenomenal rise in the price of onions. You must stop eating onions."

"I never eat onions," I said. "I hate them, they give me bad breath."

"Never mind whether you eat onions or not, you must stop eating them," the activist said.

"But how can I stop eating them when I don't eat them!" I said.

"This is not a joking matter," the activist said. "Onion prices have risen to Rs. 18 per kilo and will rise further unless all consumers decide to boycott them. Are you with us or not?"

"Of course, I am with you. I have boycotted them since I was a child, I don't even touch French onion soup."

"The Consumer movement is not interested in whether you were drinking milk, whether you were drinking French onion soup or Italian onion soup as a child," the activist said. "We just want you to stop eating onions."

"I am most willing to cooperate," I said. "But I can't stop eating onions if I have not started eating them."

"Why do you keep bringing up your past!" the activist said: "We are only interested in your refusing to eat onions till the onion trade brings down the prices. Is that asking too much from you!"

"Not at all," I said. "And I will do more than that. When

they bring down the onion prices, I will still not eat them, because I do not eat onions."

"That won't do," said the activist. "How do you expect them to reduce the prices if you are going to continue the boycott after they have been reduced. That way, no consumer movement in the world can work."

"I am trying my best to help the consumer movement," I said. "What exactly would you like me to do?"

"It is not what I would like you to do that is important. The Common Man's Consumer Resistance Movement would like you to start eating onions once the onion prices are stabilised. Therein lies the essence of consumerism."

"But I hate onions!" I said. "You cannot expect me to eat onions just because the prices have been brought down. That is too big a sacrifice."

"Consider all the millions of people who like to eat onions and are not eating them because the prices are high," the activist said. "Their denying themselves onions is a bigger sacrifice than yours, who only have to eat the onions."

"I appreciate that," I said. "But isn't there any other way in which I can help your consumer movement without actually having to eat onions that I have not eaten all my life?"

"There is no other way," the activist said. "Just consider, today they have raised onion prices, tomorrow they may raise tomato prices."

"But I don't eat tomatoes," I said.

Here is a decision of obvious public importance. This has been given by the Supreme Court in JT 1993(3) S.C.532 Central Cooperative Consumers Stores Ltd. vs Labour Court Shimla, wherein they have made government functionaries accountable for wastage of public money.

Termination of services of the respondent Sales Girl - Courts below declared the termination illegal, arbitrary and without obtaining the approval of the Administrator and directed the petitioner to reinstate the Sales Girl with back wages - Petitioner instead of complying with the directions, kept on pursuing the litigation before one or the other authority - Attitude of petitioner, a public body, deprecated - Petition dismissed - Petitioner directed to pay back wages to the Sales Girl and recover the same from the personal salary of the officers of the society who were responsible for the litigation.

"Public money has been wasted due to adamant behaviour not only of the officer who terminated the services but also due to cantankerous attitude adopted by those responsible for pursuing the litigation before one or the other authority. They have literally persecuted her. Despite unequal strength the opposite

party has been reinstated. This was put forward as bonafide conduct of petitioner to persuade us to modify the order in respect of back wages. Facts speak otherwise. Working life of opposite party has been lost in this tortuous and painful litigation of more than twenty years. For such thoughtless acts of its officers the petitioner-society has to suffer and pay an amount exceeding three lakhs is indeed pitiable. But considering the agony and suffering of the opposite party that amount cannot be a proper recompense. We, therefore, dismiss this petition as devoid of any merit and direct the petitioner to comply with the directions of the High Court within the time granted by it. We however leave it open to the society to replenish itself and recover the amount of back wages paid by it to the opposite party from the personal salary of the officers of the society who have been responsible for this endless litigation including the officer who was responsible for terminating the services of the opposite party. We may clarify that the permission given, shall have nothing to do with the direction to pay the respondent her back wages. Step if any to recover the amount shall be taken only after payment is made to the opposite party as directed by the High Court."

CONSUMER PROTECTION

ALL INDIA CONVENTION ON CONSUMER PROTECTION was held at New Delhi on 9 December 1993. It was called by the Ministry of Civil Supplies, CA & PD at the initiative of the Minister, Mr. A.K. Antony, and the Minister of State, Mr. Kamaluddin Ahmed. It was undoubtedly a very successful Convention. Delegates came practically from all organisations of consumers in various parts of the country. Consumer Coordination Council and COMMON CAUSE were closely associated with the arrangements and various facets of work of the Convention. Prime Minister addressed the Convention on the conclusion of its deliberations.

Following four important subjects were placed before the Convention for discussion:

- i) Taking consumer movement to rural areas.
- ii) Need for training, education and creation of awareness among the consumers.
- iii) Strengthening the redressal machinery established under the Consumer Protection Act.
- iv) Economic liberalization and its relationship to consumer protection.

These respective subjects were discussed in Groups constituted by the Convention. Reports of the Groups were submitted on the arrival of the Prime Minister. We reproduce below the recommendations which were approved by the Convention.

REDRESSAL MACHINERY

Redressal machinery is obviously the backbone of Consumer Protection Act. It is absolutely necessary to ensure that the cases coming before the Consumer Courts are decided expeditiously and that no exasperations are caused by delays which have started taking place. Following concrete recommendations arose from deliberations of the Group:

- 1) Where more than 800 cases get accumulated in any District Forum the State Government must take immediate decision to set up another Forum. Establishment of more than one Forum in a district has already been authorized under the Consumer Protection Act through its recent amendment.
- 2) In Delhi as many as 4000 cases have accumulated in one Forum and 3500 cases in the other Forum. The new Government of Delhi NCT has decided to set up nine districts. Each of these districts should have a Forum for disposal of the cases under Consumer Protection Act.
- 3) Backlog of cases has also developed at the level of State Commission and the National Commission. It would be appropriate that provision should be made for setting up more Benches in the State Commissions and National Commission for disposal of the cases.
- 4) There is a feeling that the District Judges, functioning as Presidents of the District Forums, have the tendency to treat the consumer cases with the normal technicalities of civil suits. Ways and means need to be developed to obviate this.
- 5) It is necessary that the functioning of consumer 'courts' do not get interrupted on account of absence of any non-judicial member. Where a non-judicial member fails to attend three consecutive sittings it should be presumed that he will not be able to continue as a member and replacement should be effected. At a number of places vacancies in the positions of non-judicial members continue for long periods. This must be avoided and vacancies should not be allowed to exist anywhere. In connection with functioning of non-judicial members it is also necessary that they should be given satisfactory training. The training programmes for them have already started being conducted. These need to be further intensified.
- 6) Infrastructural requirements of the District Forums and State Commissions need to be urgently attended to. Accommodation is very unsatisfactory and inadequate at a number of places, staff is

- also very inadequate and particularly the non-availability of stenographers is seriously holding up the work; equipment including furniture is not being made available to the required extent; funds are not being provided to these courts for meeting the immediate requirements. It was strongly recommended that the expenditure on redressal machinery should be included in the Plan Expenditure.
- 7) It is also necessary that redressal machinery should be available in the rural areas. It is not possible to contemplate that the District Forums will be able to go to the rural areas, even on rotational basis. Provision requires to be made, by effecting amendment to the statute where necessary, for enabling the consumer cases to be settled in the rural areas at the level of Taluka or Revenue Officers, or even at the level of Panchayats.
 - 8) It has strongly felt that writ jurisdiction of high Courts is greatly hampering expeditious disposal of cases pending before the consumer courts. It is strongly recommended that the writ jurisdiction relating to this Act should be deleted as has been done in relation to certain other enactments.
 - 9) It is strongly reiterated that the intervention of Advocates in the consumer courts should be discouraged. Provision should be made that an Advocate should be allowed only where the complainant has engaged an Advocate, or where the court considers it necessary to have an Advocate on account of complicated nature of the case.
 - 10) Provision needs to be made in the Consumer Protection Act for enabling the consumer courts to issue "interim orders" directing stoppage of the sale of any product or provision of a service which may be detrimental to the interests of the consumers.
 - 11) It is recommended that in the existing system of execution of orders passed by the consumer courts there are possibilities of delays. The procedure needs to be examined for suitable modification.
 - 12) Matters relating to civic services, including municipal services, as well as free hospitals, need to be brought within the purview of this Act.
 - 13) It is desirable that the scope and possibility of development of alternate redressal systems for settlement of disputes relating to consumer matters should continue to be explored through the organisations of industry and trade as well as the public utilities.

CONSUMER AWARENESS, TRAINING AND EDUCATION

The Government in collaboration with consumer organisations should draw up a National Level Plan for various levels of training. Following requirements have to be kept in view: training of trainers; training of women workers; management and professional training; introduction of consumer training programme in the syllabi of management institutes; training of non-judicial members; training of public sector employees; and training of traders on matters relating to consumer protection.

For purpose of spreading education on the subject it was felt that consumer protection should be included in the syllabi of schools and colleges. Consumer education should be incorporated also in the National Education Policy.

At the time of preparation of the syllabi a Committee should be constituted for seeking suggestions and recommendations, and representatives of consumers should also be on the Committee. NCERT should use the existing material on consumer protection, drawing also upon the material being utilized by SCERT in various colleges and by CBSE in certain schools; these should be tailored for meeting the needs of pre-primary, primary, and secondary level students.

For spreading consumer awareness it was felt that representatives of State Governments and consumer organisations should carry the message to consumers and extensively distribute material and contact village Sarpanches, village leaders for carrying the concepts and message of consumer protection to them.

Emphasis should be placed on audio visual aids for spreading consumer awareness, keeping the Indian scenario in mind. Yatras, street plays, street meetings etc. should be utilized for spreading consumer

awareness. Doordarshan, AIR should be persuaded to be thoroughly involved in consumer protection programmes, specifically in the form of interesting skits, debates and lively discussions.

All efforts directed towards training, education and spreading consumer awareness will require funds. sources of funding should include the state funding, funding from private business houses, and funding from public charitable funds. In case of public interest litigation, possibility should also be explored of utilizing methods similar to the Award of Attorney's Fee Act as it exists in USA.

It would be important to keep in view that the creation of consumer awareness and spreading education and training will lead to a demand which will necessitate the strengthening of infrastructure for meeting of demand. The existing Consumer Redressal Machinery, MRTPC and other related enactments need to be strengthened. Serious thought also needs to be given to the setting up of alternate disputes redressal machinery.

ECONOMIC LIBERALISATION AND CONSUMER PROTECTION

Following points were highlighted in relation to this subject:

- * Establishment of price commissions for judging reasonableness of the selling price.
- * Generation of efficiency through increased production.
- * Stress must be laid on quality of services and products; keeping also in view the requirements of ISO 9000.
- * Wherever prices are increased by public utility services, pressure should be mounted by NGOs and citizens.
- * Package of products should also show the cost price and expiry date besides the selling price.
- * In regard to comparative testing of products, all brands of all prices should be tested.
- * Benefits of excise reduction have not been passed on to consumers; no punitive action has been taken against defaulters.
- * Practice of auction sale on the part of the government in particular, and others in general, should be stopped for controlling the skyrocketing prices, including particularly landed property.
- * Considering the apprehensions that TNCs/MNCs might kill competition through cartelisation, which in turn may induce local manufacturers to lower the quality for reducing prices, ways and means must be devised for monitoring to curb such devices. Protection should also continue to small industries.
- * There can be open competition for capital intensive and luxury items but for labour intensive items production should be protected.
- * There should be control on advertising, especially by MNCs/TNCs.
- * Government should play a positive role in promoting acceptance of UN guidelines over global business.
- * Pending establishment of Price Commission, which is long awaited, NGOs and citizens should make social boycott of unscrupulous traders and manufacturers.
- * NGOs should be empowered to inspect the records of shopkeepers who announce clearance sale which may be merely a ploy for disposing of old stocks at inflated prices.
- * Utility Commissions, as already recommended, should be set up expeditiously.
- * Freedom of Expression Act should be passed.

CONSUMER MOVEMENT IN RURAL AREAS

Rural areas comprise and are dependent mostly on agriculture. It is necessary that villagers are protected from and are provided with strength to counteract the exploitation. The main exploitation is in the field of pesticides, seeds, supply of fuel, electricity, fertilisers and agricultural machinery and the problems relating to underweight. Following suggestions were made to overcome the hardships being faced by the villagers and to educate them to have a better life.

Each consumer organisation should make it a point to adopt at least 10 to 20 villages. The Panchayat-members and the women workers should be involved in this work. There is deficiency in maintaining proper control over buying and selling of animals, selling of crops, whether cash-crop or other crops. Arrangements will have to be made to see whether the grower and the worker (labour) gets proper return. The rural masses have to be trained to look after their interests with self-help. As all human-beings are consumers in one form or the other, so is the farmer. As such, the villagers are also to be educated about redressal of their grievances. Cottage industries and handicrafts should be given proper encouragement so that the villagers do not run towards towns/cities for want of sufficient work and income.

WRIT PETITION RE: PRIMARY EDUCATION

A new Writ Petition has been filed from the platform of COMMON CAUSE in the Supreme Court. It seeks to highlight the defaults of government in a matter of primary significance, of not having been able to attain the targets specified in relation to spreading primary free education for children in the country. It was laid down as Directive Principle in the Constitution that within ten years of its adoption all children upto the age of fourteen years shall be given free and primary education. The Constitution was adopted in 1949. We are still very far from the attainment of this specified target.

On the failure of the Government of India and State Governments to attain this important target depends a very great deal the progress of the country, including the problems of population containment, and attainment of health standards. These facts have been brought out in the Writ Petition in which we have impleaded the Government of India as well as all the States and Union Territories of the country. When the Writ Petition came up for consideration before the two Judges of the Supreme Court it was decided by the court to issue Notice of the Government of India to submit a status paper indicating the position in reply to the points brought out in the Petition. This was on 15 October 1993. It was felt that at this stage it would be enough to ask for the submission of reply only by the Government of India. Period of six weeks was given for submission of the reply. On expiry of this period the Government of India asked for adjournment, contending that "counter affidavit is still under preparation and is likely to take some time". The case is now listed for February '94 and will continue to be further pursued.

Considering the importance of this matter, and also for acquainting the readers with the presentation of a subject of this nature in the shape of Writ Petition, we feel that it would be worthwhile reproducing this Writ Petition. The important contents of the Writ are reproduced :

PRIMARY EDUCATION WRIT IN THE SUPREME COURT

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION PRAYING FOR ISSUANCE OF A WRIT OF MANDAMUS OR OTHER SUCH WRIT, DIRECTION OR ORDERS DIRECTING THE UNION OF INDIA, RESPONDENT NO. 1, AND THE STATES AND UNION TERRITORIES, OTHER RESPONDENTS NAMED IN THE PETITION, TO INDICATE PRECISELY AND IN DETAIL TO THE HON'BLE COURT WHAT STEPS THEY RESOLVE TO TAKE IN THE MATTER OF ALLOCATING REQUISITE FUNDS AND EARMARKING AND UTILIZING REQUIRED MANPOWER, INFRASTRUCTURE AND OTHER NECESSARY RESOURCES FOR ATTAINING THE OBJECTIVE OF UNIVERSAL EDUCATION OF ALL THE CHILDREN IN THE COUNTRY AS PRESCRIBED IN THE CONSTITUTION AND AS INTERPRETED BY THIS HON'BLE COURT, AND SPECIFICALLY INDICATE THE EXACT TIMETABLE FOR POSITIVE ATTAINMENT OF THIS OBJECT. WITHIN AT MOST THE NEXT FIVE

YEARS i.e. BEFORE THE END OF THE YEAR 1999, TAKING INTO ACCOUNT THAT THERE HAS BEEN FAILURE ON THE PART OF THE RESPONDENTS IN FULFILLING THE TARGET PRESCRIBED IN THE CONSTITUTION, WHICH INEVITABLY HAS INVOLVED VIOLATION OF THE FUNDAMENTAL RIGHTS GUARANTEED UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA IN RELATION TO THE PROVISIONS MADE IN ARTICLES, 41, 45 AND 46 OF THE CONSTITUTION OF INDIA.

To
HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUSTICES OF THE SUPREME COURT.

The humble petition of the Petitioner above-named.

RESPECTFULLY SHEWETH

1. That COMMON CAUSE is a Society under the Societies Registration Act which has taken up various important public causes for securing redressal of grievances of the people. It has, inter alia, submitted to this Hon'ble Court a number of writ petitions on important public matters, including certain important aspects of the problems of pensions, criminal cases clogging the courts of the country, malfunctioning of blood banks in the country, problems relating to lawyers strikes in various part of the country, non-implementation of Consumer Protection Act, and others such. Through these writ petitions which have been filed on matters of such public importance, the Society has established its locus standi for taking up citizens' causes for seeking redressal.
2. That a matter of serious consequence and grave importance for the well-being and future of the country is the failure of the Respondents, Union of India and the State Governments and Union Territories, to bring about satisfactory development of universal education for the children. The objective of this Writ Petition is to confront the Respondents with this failure and to secure, through this Hon'ble Court, positive specification of commitment on the part of Respondents as to how they propose dealing with this important matter for attaining the objective of universal education of children within the shortest time possible.
3. That there has of late been universal concern for the welfare and rights of the child. This subject has attracted worldwide notice and has been recognized through various international treaties and declarations. There has been emphasis all over the world that the child must be educated, and protected against exploitation. At the level of United Nations the General Assembly of UN has adopted the Convention on Rights of the Child; this has been recognized as the most complete Statement of Children's Rights with the force of international law. The Convention adopted by the General Assembly of UN has also now been ratified by India and it imposes on the country an obligation to ensure that the country abides by the declaration made in it. Article 28 of the Convention recognizes the rights of the child to education and imposes an obligation on the signatory States to "make primary education compulsory and free to all".
4. That the Constitution of India also recognizes the right of the child to be imparted education. Articles 45 of the Constitution clearly states this. It specifically provides that "within ten years from the commencement of the Constitution the State shall endeavor to provide for free and compulsory education for all children until they complete the age of fourteen years". The Constitution came into force from 26 November 1949. Even after the passage of more than four times the prescribed period of ten years the endeavor of the State has not become a reality. The failure of the State is obviously attributable to the failure at the level of the Union of India as well that at the implementation level in the States and Union Territories, and this is obviously due to the failure to give priority and financial support which this important sector of development of children deserved and needed.
5. That the statistics of spread of primary education in the country present a dismal picture. 21 percent of children of age groups of 6 to 11 years are not on school rolls. Out of those children of 6 to 11 years group who are on school rolls, 85 percent are boys and 65 percent are girls i.e. 35 percent girls of this age group do not go to school. Of those who are on the school rolls 30 percent to 40 percent attend school

regularly and soon drop out or do not learn and have to repeat classes. Only 55 percent of the children who enroll complete the five years of primary school. The 45 percent who drop out (mostly from the first two classes) remain illiterate, or at most semi-literate, and mostly lapse into illiteracy. Even among those who complete education the majority leave school with unsatisfactory levels of learning achievement. Many children do not even obtain basic reading and numerary skills. This often causes them to drop out early. Between 20 percent of children who never enroll and those who drop out, 8 to 10 million children who cannot complete primary education annually join the ranks of potential illiterates in the country. Drop out rate is as much as 68 percent at the primary and upper primary stages in the case of children of Scheduled Castes and even to the extent of 79 percent in the case of Scheduled Tribes. Drop out rate of girls is much higher than of the boys. Inadequate facilities, lack of basic learning material, poorly trained and unmotivated teachers as well as poor management and supervision of the schooling system are the root causes of poor overall performance of primary education. The education of girls presents an even gloomier picture. In the age group of 6 to 14 years over five crore children out of the total of 15 crores, are out of school. The position regarding the education of boys and girls, in the age group of 6 to 14 years, in some of the major States of the country will be evident from the following figures:

	<u>Boys</u>	<u>Girls</u>
	(Figures in lakhs)	
Bihar	57.23	28.41
Madhya Pradesh	48.63	31.31
Rajasthan	31.41	13.71
Uttar Pradesh	88.89	50.50
West Bengal	53.13	39.60

6. That certain other facts relating to the education of children in the country are equally a matter of serious concern. In theory the existence of 5.50 lakh primary schools and some 1.8 million teachers is claimed to provide access to over 90 percent of the child population within a distance of one kilometer of their place of residence, but these overall figures do not reveal the correct picture and these have necessarily to be considered in the light of problems of different regions, different population groups and different physical characteristics of the regions. There are certain incontrovertible facts. Many schools are too small to accommodate all the children enrolled; 44 percent of total number of primary school buildings are kacha structure, 53 percent do not have drinking water, 85 percent do have toilets, 67 percent do not have any usable playgrounds; many small and isolated habitations remain unserved; the poor and scheduled castes and tribes groups continue to face problems of access due to prevailing attitudes; teacher absenteeism and poor performance adds to these various problems. Out of total of 9.82 lakhs total habitations in the country as many as 1.32 lakhs, with population of 3.30 crores, are yet uncovered by primary classes. It is incorrect to claim that poor parents and children lack interest in education; they are positively interested in education and the inadequate access and poor performance in schools make them drop out.

7. That relationship of education of the child to various aspects of life in the country is obvious. It would be no exaggeration to say that on the education of the child depends the future of economic development of the country. On the education of the child, and on the emphasis of education of the girl child, depends to a very great extent the future of population control and programme of family welfare. Education of the child can alone enable expansion of employment opportunities in the country; it will avoid the present exploitation of the child for purposes of cheap labour; it will enable better dissemination of information on various aspects of health programmes. Education of the child is, thus, fundamentally a bedrock of all the various nation-building programmes. It is in this content that the failure in the expansion of education of the child and universalisation of primary education in particular, has been a major failure of the body politic of the country, for which the responsibility lies squarely on the Union of India and the State Governments and Union Territories, the Respondents named in this Petition.

8. That in India there have been plenty of policy statements and promises for remedying the state of affairs relating to universalisation of education and prevention of child labour. A National Policy for Children was adopted in 1974; a Statement of Health was issued in 1983; a National Policy of Education was issued in 1986; a National Policy of Child Labour was issued in 1987. A National Plan of Children has been brought out recently. India originally did not sign the United Nations Convention on the rights of the child, but pressures from various countries and organisations have ultimately prevailed and India has now signed the UN Convention in 1993. This Convention is actually a "legal lever" for raising the commitments about the rights of the child and to promote, pursue and push these rights so that making gives the child its appropriate due.

9. That a very important pronouncement has been made on the subject of primary education in the judgement of this Hon'ble Court in Unnikrishnan J.P. and Ors versus State of Andhra Pradesh and others (1993) (I) SCC Page 645 wherein it has been held by three Judges out of five that even though free and compulsory primary education for all children does not appear in Part III of the Constitution as a fundamental right it has to be construed to be a fundamental right because Parts III and IV of the Constitution are complementary to each other and the fundamental rights spelt out in Part III are but a means to achieve the goals indicated in Part IV of the Constitution and must be construed in the light of Directive Principles.

10. That these developments are of fundamental importance in relation to universalisation of education in the country. Firstly, India has become signatory to the United Nations Convention, and secondly, the Supreme Court of the country has held primary education to be in fact a fundamental right. Education being the most effective strategy for promoting social equity and for the overall development and progress of the country, basic education is the single most critical part of infrastructure required for economic growth; no country has been able to alleviate mass poverty without removing mass illiteracy.

11. That the Petitioner has not filed any other Petition on the subject before this Hon'ble Court or before any High Court.

GROUNDS

12. That hereunder are given the grounds on which, among others, the present Writ Petition is based:

(i) That inspite of all the pious declarations of the Government of India and the promises of the States and Union Territories, the Respondents named in the Petition, primary education in the country yet continues to languish to a very serious extent. In the Constitution adopted by the country in 1949 it was specifically provided in Article 45 that the "State shall endeavor to provide within a period of ten years from the announcement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years". Even after 45 years of the adoption of the Constitution this direction embodied in the Constitution remains far from being achieved. In fact, there has been grave failure on the part of the Respondents, the Union of India as well as the States and Union Territories, to fulfill this important and mandatory requirement.

(ii) Though the right to education is not stated expressly as a fundamental right it is explicit in and flows from the right to life guaranteed under Article 21 of the Constitution which has been given a broad and extensive interpretation by this Hon'ble Court. The right to education has been treated as one of transcendental importance. It has fundamental significance to the life of an individual and the nation. Without education being imparted to the citizens of the country the objectives put forth in the Preamble to the Constitution cannot be achieved. The Constitution would fail. The fact that right to education appears in as many as three Articles in Part IV, i.e. in Articles 41, 45 and 46, shows the importance that the founding fathers of the Constitution attached to it.

(iii) That it has been inter alia, held by this Hon'ble Court, in the above mentioned case of Unnikrishnan J.P. and Ors. versus State of Andhra Pradesh and Others, (1993) (I) SCC Page 645 that the mere fact that the requirement of attaining free and compulsory education for all children till they attain the age of fourteen

years, within the period of ten years of the adoption of the Constitution, appears in Part IV of the Constitution, it cannot be inferred that this is not a fundamental right in Part III of the Constitution. Provisions of Parts III and IV of the Constitution, it has been held, are complementary to each other. Fundamental Rights spelt out in Part III are but a means to achieve the goals indicated in Part IV of the Constitution and must be considered in the light of Directive Principles.

(iv) That various declarations and promises have from time to time been made in India towards the attainment of this objective. In 1974 a National Policy for Children was adopted. In 1983 a Statement of Health was issued. In 1986 the National Policy of Education was promulgated. In 1987 a National Policy of Child Labour was pronounced. A National Plan of Children has recently been brought out. India has recently become signatory to the United Nations Convention on the rights of the child. This Convention imposes on the country an obligation to promote and pursue policies which would ensure that every child is given the appropriate due in matters of education and upbringing. Against the background of these declarations and promises the facts and statistics of the position of primary education in the country present a very disheartening picture. Reference in this connection is invited to the statistics and other facts presented in foregoing paragraph 5 of this Petition.

(v) That Union of India and the State Governments and Union Territories owe an obligation to the country to ensure that the defaults and failures which have been in evidence during the past four decades in the matter of expansion of primary education of children, including the education of girl children, are overcome with effective and concerted action, by diverting the necessary financial resources as well as the administrative and infrastructural requirements to this objective. The Union of India and the State Governments and Union Territories, the Respondents mentioned in this Petition, need to be placed under an obligation to submit before this Hon'ble Court details of allocations of financial resources and the arrangements of administrative and infrastructural requirements, alongwith a specific and detailed programme, indicating how they will now attain target of free and compulsory education for all children, till the age of fourteen years, within at most five years, till the end of 1999.

PRAYERS

13. Keeping in view the facts presented in the foregoing paragraphs it is respectfully prayed that the Hon'ble Court may kindly be pleased to:

(a) issue a writ of mandamus or any other appropriate writ, order or direction, directing the Union of India and the State Governments and Union Territories, the Respondents mentioned in the Petition, to spell out and indicate in detail the allocation of requisite financial resources and other requirements of manpower and infrastructural facilities for attaining the goal of universal free and compulsory education for children upto 14 years, latest by the end of 1999;

(b) issue a writ of mandamus or any other appropriate writ, or order or direction, directing the Union of India and other Respondents mentioned in the Petition, to specifically indicate in detail what measures will be taken by them in making the requisite financial, administrative and infrastructural resources available for attaining the goal of universal free and compulsory education for children upto 14 years of age, latest by the end of 1999; and

(c) pass such other and further order or orders or give further or other reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Drawn and Filed by

(H.D. SHOURIE)
DIRECTOR, COMMON CAUSE

REGULARISATION OF UNAUTHORIZED COLONIES

WRIT PETITION IN DELHI HIGH COURT

A matter of considerable consequence to the metropolis of Delhi has been taken to the Delhi High Court by COMMON CAUSE. Pressures have been for long developing on Delhi Administration to effect regularisation of the numerous slum areas of jhuggies and jhonparis which have over the years continued to be established in various areas of the city. These unauthorized colonies have been ostensibly utilized for purposes of vote banks by politicians aspiring for elections. On a previous occasion, some years ago, nearly 700 unauthorized colonies were got regularized, and this time another 600 unauthorized colonies were being promoted for regularisation just prior to the initiation of the recent election processes of the metropolis. Regularisation of the unauthorized colonies means the extension to them of all civic amenities, including electricity, water supply, roads, sewerage etc. which are already overstretched in the city and are causing difficulties to the residential areas established on the basis of Master Plan. There being no alternative left for preventing the use of this instrument for political purposes the Writ Petition was filed in the Delhi High Court. The Lt. governor of Delhi, Union Ministry of Urban Development, Chief Secretary of Delhi Administration, Vice Chairman of Delhi Development Authority, Commissioner of the Municipal Corporation of Delhi, and the Administrator of New Delhi Municipal Committee were impleaded in the Writ Petition. The Petition came up before a Division Bench of two Judges on 13 October 1993. The Court ordered issue of Show Cause Notices to all Respondents, returnable in a fortnight. Simultaneously, direction was issued to all Respondents restraining them from taking any further decision or action regarding regularisation of any unauthorized colony in the city till further orders. The matter presently stands adjourned for submission of replies by the Respondents and will continue to be further pursued.

Considering the importance of this matter, and the example that it can be construed to set for other cities in the country we are reproducing hereunder the substance of this Writ Petition:

WRIT PETITION RE: UNAUTHORIZED COLONIES

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING FOR ISSUANCE OF A WRIT OF MANDAMUS OR OTHER SUCH WRIT, DIRECTION OR ORDERS DIRECTING THE RESPONDENTS TO REFRAIN FROM ISSUING ANY SANCTIONS WHICH MAY BE TANTAMOUNT TO REGULARISATION OF THE UNAUTHORIZED COLONIES DEVELOPED AT VARIOUS PLACES IN DELHI FOR WHICH DEMANDS FOR REGULARISATION ARE PRESENTLY BEING VOICED BY CERTAIN INTERESTED PARTIES; SUCH REGULARISATION OPENING UP LIKELIHOOD OF SERIOUSLY AFFECTING THE QUALITY OF LIFE OF THE RESIDENTS OF THE CITY WHICH WOULD BE ADDITIONALLY VIOLATIVE OF PROVISIONS OF ARTICLE 21 OF THE CONSTITUTION OF INDIA.

To:
Hon'ble Chief Justice of Delhi and His Companion
Justices of Delhi High Court

The humble Petition of the Petitioner above-named

MOST RESPECTFULLY SHEWETH

1. The COMMON CAUSE, a registered Society and public interest organisation, has submitted a number of writ petitions in the Supreme Court as well as Delhi High Court and has secured on them important decisions. It has established its locus standi for taking up citizens' causes for seeking redressal.
2. That this Petition seeks to present the serious problem which, if the Respondents are not restrained, is expected to be shortly perpetrated at Delhi to the detriment of the residents of this city, further aggravating the civic difficulties which they are presently confronting. It is reported that there are proposals of according

regularisation to about 600 additional unauthorized colonies which have developed at various places in the city, flouting all norms and requirements of urban planning and development. It is generally being stated that this action is likely to be perpetrated on the demand of various politicians who have been interested in promoting, encouraging and stimulating the development of such unauthorized colonies for their purposes of using them as vote banks. The motivation for the development of these unauthorized colonies is stated to be primarily to make use of those underprivileged masses who can thus be utilized in being lodged initially in unauthorized colonies, pressurizing civic and other administrative authorities to accord regularisation to the colonies, and thereafter shifting their attention to further expansion of such colonies for similar purposes.

3. That it is generally known that over the past decades this methodology has been repeated in such manner that in the past three decades as many as 700 colonies are reported to have been already regularized at Delhi. Out of these 600 unauthorized colonies are reported to have been regularised with effect from 31-12-1977. The regularisation of such unauthorised colonies inevitably leads to extension to them of the civic services of the nature of electricity supply, water supply, drainage, sewerage, roads, street lighting, stretching the resources of the municipal authorities beyond what was originally planned, to the limit of breakdown of these services. The extension of such services to these colonies creates serious difficulties for the municipal authorities as well as for the other citizens in as much as there are, for instance, frequent breakdowns of electricity supply, extreme shortage of water supply, non-maintenance of roads, flooding of roads and residential areas, poor maintenance and performance of drainage and sewerage etc. Such disruption and malfunctioning of civic services affects the quality of life of the people in general besides making life difficult for the residents of these colonies themselves.

4. That it is also worth mention that creation of such colonies and their subsequent regularisation is also seriously prejudicial to the proper and effective implementation of the Master Plan of Delhi which inevitably has unfortunate ecological implications. It may also be pointed that these colonies are created on government land which has been acquired by the government or is otherwise owned by the government for planned development of the city.

5. That it is well known that the planned development of Delhi has greatly suffered on account of the development of unauthorised and subsequently regularised colonies. Numerous citizens have in the normal course been waiting for long years for allotment of residential accommodation in properly planned and developed areas; development of such residential areas has been thrown out of gear and adversely prejudiced by the multiplication and growth of the unauthorised colonies. Resources and civic facilities of water supply electricity, sewerage, drainage, roads etc. have necessarily to get diverted from the requirements of planned residential areas to the unauthorised colonies sponsored and motivated by considerations other than the planned development of the city.

6. That the Petitioner wishes to particularly emphasize that in the process of sponsoring, motivating and encouraging the setting up of these unauthorised, and subsequently regularised colonies, the interests of underprivileged persons do not really get served; they are encouraged to act illegally and to gain from such illegal acts; their moral fabric gets undermined; they get encouraged to dispose of the illegally secured gains and move over to other areas for creating new unauthorised colonies; and these measures inevitably generate an atmosphere of crime as well as develop a nexus between property dealers and land grabbers, operations of land mafia, and a general lowering of the standards of morals.

7. That the Petitioner prays to the Hon'ble Court for a positive direction to the concerned authorities, the Respondents, to take immediate notice of these serious problems and to desist from any action which may eventuate in according regularisation of these colonies which are presently unauthorised and to also undertake comprehensive survey of those unauthorised colonies which have already been accorded regularisation for determining what measures can be taken to minimise the difficulties which are being experienced in relation to the administration of these colonies and provision of essential civic services to them. The Petitioner urges that the Hon'ble Court may, on the grounds mentioned herein below, take notice of this prayer.

8. GROUNDS

1. Because there are reports that the Respondents as concerned administrative authorities are being pressurised to regularise a large number of unauthorised colonies of Delhi, numbering possibly as many as 600, which regularisation will inevitably disrupt the provision and planned development of civic services of the nature of electricity supply, water supply, roads, street-lighting, sewerage and drainage etc., and will also disrupt the proper implementation of Master Plan of Delhi on the basis of which proper development of Delhi has been envisaged and projected.

2. Because the inevitable consequence of the regularisation of these unauthorised colonies will, besides leading to disruption of the Master Plan of Delhi and the provision of civic services, bring about degeneration of the living standards of the people, exposing also the underprivileged sections of the populace themselves to serious hardships, lead to degeneration of morals, further development of crime, encouragement of adoption of illegal methods for attaining the objectives, and thereby not really benefiting the underprivileged people for whom the politicians, for furtherance of their own purposes of creating vote banks, are encouraging the development of these unauthorised colonies and subsequently pressurising for their regularisation.

3. Because it is not in the interest of the residents of the city, nor of the residents of the unauthorised colonies, to be encouraged to adopt the illegal means of attaining the objective of initially setting up unauthorised colonies and thereafter demanding their regularisation for the purposes of extension of civic facilities which inevitably lead to enhancement of property values. These developments have led to the creation of land mafias, nexus between them and property dealers, encouraging the underprivileged sections of the society to later move over to other areas for establishing more unauthorised colonies and demanding their regularisation.

9. That the Petitioner has not filed any other Writ Petition or similar Petition on the same subject before the Hon'ble Supreme Court or any other High Court.

PRAYERS

10. It is, therefore, respectfully prayed that the Hon'ble Court may kindly be pleased to:

(i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents, collectively as well as individually, to desist from according any sanction which may lead to regularisation of any colony, other than those which have already been regularised, which has developed in an unauthorised manner and without the sanction of authorities concerned with the sanction and approval of such development:

(ii) to issue a writ of mandamus or any other appropriate writ, order or direction, directing that the Respondents should make it unmistakably clear that in no circumstances in future will any sanctions be given which would lead to the regularisation of any colonies which are developed in an unauthorised manner without the sanction and approval of prescribed authorities;

(iii) issue a writ of mandamus or any other appropriate writ, order or direction, directing that the Respondents should undertake a comprehensive survey of all those colonies which were originally developed in an unauthorised manner and were subsequently regularised, for determining how the residents of those colonies are faring in the matter of provision of civic amenities in those colonies, and what needs to be further done to ameliorate the living conditions of all those underprivileged section of the society who are living in those colonies, and also to determine what steps need to be taken to ensure that the rights accruing to individuals living in such unauthorised - regularised colonies do not get transferred on their own volition or otherwise; and

(iv) Pass such other and further order or orders or give further or other reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Drawn and Filed by

(H.D. SHOURIE)
DIRECTOR, COMMON CAUSE

MISCELLANEOUS

A large number of letters issue from COMMON CAUSE in reply to the communications received by it. Letters of importance also issue to various government ministries, departments, and organisations. We reproduce hereunder a few of the important recent letters as specimen which would indicate the wide variety of problems continuously pursued by COMMON CAUSE. These are self-explanatory.

TO SOME EMBASSIES AND HIGH COMMISSIONS.

Yours Excellency,

As a public interest organisation we have been taking up various public causes for securing redressal. The enclosed printed note will give you an idea of the range of our activities and programmes.

We would like to have information regarding the practices in your country in relation to following items which obviously have public importance. We earnestly hope you will be kind enough to get us this information as early as possible:

1. Public Holidays and National Holidays observed during the course of the year, and the relationship of these holidays with the particular events and festivals. In India there has been a tendency to declare some holidays inter alia to commemorate births & deaths of certain leaders, besides the holidays associated with festivals and important events. The information we seek relating to your country is for purposes of comparison in this context).
2. What practice prevails in the Parliament of your country in regard to the observance of condolences on demise of any public figures, including past and current members of Parliament, and on what occasions the Parliament adjourns after adopting the condolence resolution? Or, whether the condolence is normally observed by paying homage without any adjournment of the Parliament.
3. V.V.I.Ps, including the dignitaries, have necessarily to be provided courtesy and safe passage on the roads. What practice prevails in your country when VVIP travels on the road in a car? Does the traffic have to be halted at all intersections en route, or is the car of VVIP merely preceded by a siren sounding vehicle, or is the travel of VVIP's on the roads normally avoided for avoiding traffic dislocation?

Importance of these practices is self-evident in the context of the practices prevailing in India, and we would like to make a study for the purpose of recommending alteration of practices which may not be in the interest of the people. We will eagerly await the desired information.

TO MINISTER OF COMMUNICATIONS, GOI

"A useful suggestion for raising revenues for the Ministry of Communications has come to my notice. I pass it on to you for your kindly getting it examined in the Ministry for its feasibility.

The suggestion is to use the space of about 1½ or 2 ft. above the top of post-boxes as an excellently designed advertisement space.

There are, I understand, about six lakh post-boxes in the country. These are almost always strategically placed at important places on sides of roads and streets. The space above the post-boxes, appropriately and attractively designed, can be used for placement of selected and approved advertisements which would be seen by millions of people. In rural areas, and also sometime in urban areas, this space can be used

for carrying messages which need to reach the people, say in fields such as of family planning, primary education, vaccinations and inoculations, etc. These can be invaluable for such purposes.

The proposal needs to be worked out in detail. Designers and specialists need to be called in for working it out. They should be able to evolve a "stand" which can be fixed/welded at the top of pillar post-box, the size of advertisements, the use of two or three sides of the space above the post-box, the type of advertisements and their frequency, etc. When, for instance, the road dividers in the metropolitan area of Delhi can be used for placement of advertisements of the companies which undertake to plant shrub in between the road dividers, similar arrangements may perhaps be possible in evolving procedures whereby intending advertisers should undertake to manufacture and fix/hold the contraption, structured in strict accordance with a design and under the supervision of a designated officer. This will obviate outlay on the part of the Ministry of Communications.

This suggestion is very well worth consideration. I would be glad to receive a word about your reaction to it.

LETTER TO ENVIRONMENT MINISTER, GOI

You have taken initiatives in the fields of environment which are laudable. These will have far-reaching effect if they continue to be diligently pursued. These have put India on the world map of environmental effort.

I feel very strongly that the Hindi custom of cremating the dead with logs of wood is causing enormous depletion of the trees and forests. This custom of disposal of the dead has its plus points; cremation with wood may have been alright centuries and decades ago when the number was somewhat within limits; the requirement of wood for present day requirements is mind boggling. It works out to about one million mds of wood per day, not less than about 100,000 trees per day.

The country needs to pay special attention to this. We need to shed unscientific and superstitious belief; cremation with logs of wood should not be considered an essential decree of Hindu religion. We need to diligently promote and facilitate disposal through an electric crematorium. It is an uphill task to create widely available electric crematoria facilities, but let us bend our energies to this task.

I have decided and declared in my household that when time comes for disposal of my body it must be done only through electric crematorium and no wood should be used. I strongly suggest that all leaders of Hindu faith should make public declarations to this effect. There need not then be public spectacles of their cremations on huge funeral pyres.

It is time you should kindly take this bold initiative. You will long be remembered for it.

REPLY OF ENVIRONMENT MINISTER TO THE ABOVE LETTER

"Please refer to your dated the 8th June, 1993 regarding consumption of firewood for cremation purposes.

I appreciate your concern for the age old Hindu custom of cremating the dead with logs of wood which is adding to the problem of depletion of the forests. We have been conscious of this fact. Accordingly, we have taken steps to encourage setting up electric crematoria in the country wherever possible.

Under the Ganga Action Plan, we have sanctioned construction of 33 electric crematoria in 28 towns in Uttar Pradesh, Bihar and West Bengal at a total cost of Rs.13.83 crores. Out of the 33 electric crematoria, 29 have been so far completed. Over the last three years when these electric crematoria were commissioned, the number of dead bodies cremated has totaled 62,000.

It will also be of interest to you that keeping in view the fact that in many parts of the country the power supply is erratic, we have also launched a programme for setting up of improved wood crematoria. Such crematoria, though based on wood consumption, result in about 40 per cent saving in consumption of fuelwood. To begin with, under the Ganga Action Plan, 100 crematoria are being constructed - 35 each in Uttar Pradesh and West Bengal and 30 in Bihar.

We have recently launched the Yamuna Action Plan, under which also we shall take up similar programme for setting up electric crematoria and improved wood crematoria in various towns along the river Yamuna.

The setting up of electric and efficient wood-based crematoria under the Ganga Action Plan and the Yamuna Action Plan is only demonstrative. The State Governments and the local governments will have to take up a programme on their own to expose such facilities."

**LETTER TO SECRETARY, GOI, DEPT. OF CHEMICALS & PETROCHEMICALS,
MINISTRY OF PETROLEUM & CHEMICALS.**

Reference is invited to the Department of Chemicals & Petrochemicals Notification No. S.O.230(E) of 1.4.1991 whereby inter-alia it was prescribed that Maximum Retail Price must be displayed on the container with the wording "retail price not to exceed.....local taxes extra" in the case of Scheduled Formulations and with the words "not to exceed.....inclusive of all taxes" on Non-scheduled formulations.

From the viewpoint of consumers it is most unfortunate that whereas the Non-scheduled formulations have been covered under the requirement of "inclusive of all taxes" the Scheduled formulations continue to be treated on the previous basis of "local taxes extra." There is obviously no justification for causing this differentiation between the Scheduled and Non-scheduled formulations as far as the consumers are concerned, because it is the general practice in all across-the-counter purchases that receipts are normally not asked for nor given, with the result that there is always the possibility of leakage of revenue relating to local taxes. It was primarily for this reason that the decision was taken in the Ministry of Civil Supplies & PDS to change over to the price printing on the basis of "all taxes inclusive". This change has plugged the revenue leakage, and there is no reason why this procedure should not be adopted in respect of all the drugs and pharmaceuticals sold in detail.

We request that this matter should kindly be given urgent consideration and fresh notification be issued bringing all the drugs and pharmaceuticals under this regimen of price printing. We may be informed about the action taken."

**LETTER TO SECRETARY, GOI, MIN. OF CIVIL SUPPLIES, CA & PD, AND
SECRETARY, GOI, MINISTRY OF HEALTH & FAMILY WELFARE**

SUB: PATIENTS & DOCTORS, CONSUMER PROTECTION ACT

"I forward herewith a note wherein I have dealt at some length with the serious problem of the threat of strike held out by the medical profession in the country. It has been recently announced by the Indian Medical Association that doctors all over the country will observe a token strike. This is a very unfortunate development.

This development has arisen on account of the feeling of alienation expressed by the medical profession in having come within the purview of Consumer Protection Act. They feel that medical service should remain outside it; on the other hand, the consumers representing the interests of patients equally strongly feel that even the free hospitals which at present are outside the scope of Consumer Protection Act must be brought within it.

The various conflicting issues and the viewpoints of doctors and consumers have been presented in this note. We are strongly of the view that initiatives must be immediately taken by the Ministry of Civil Supplies and the Ministry of Health & Family Welfare for effectively tackling this problem and for avoiding the deterioration of relations between patients and doctors which have throughout been harmonious and which should not get disturbed.

My suggestion is that discussions should be immediately held by the Ministry of Civil Supplies and the Ministry of Health & Family Welfare with representatives of Indian Medical Association and the Medical Council of India alongwith representatives of consumers so that the matter is not allowed to worsen further. I earnestly hope that the two Ministries will kindly determine the ways and means of immediately dealing with this problem."

NOTE WHICH WAS SENT WITH THE ABOVE LETTER

PATIENTS & DOCTORS

"Serious problems have arisen during the past few months wherein doctors have claimed that they should not be within the purview of Consumer Protection Act and consumers on behalf of patients and demanding that even the free hospitals should be brought within the purview of this Act.

A very unfortunate controversy has thus arisen. Indian Medical Association has announced that doctors all over the country will observe a token strike.

I have had discussions with the Secretary General and concerned officials of the Indian Medical Association. The viewpoint placed before them is, firstly, that there is no doubt about the medical service being within the purview of this Act, secondly, where 'deficiency' occurs, the patients are within their rights to take the matter to consumer 'courts'; and thirdly, consumers have a point in demanding that the rights of poorer sections of people who go to free hospitals for treatment cannot be disregarded where they suffer loss or injury due to deficiency in the service.

While all these points continue to be voiced on behalf of consumers it is of paramount importance that steps must be taken to ensure that the harmonious relationship which has been existing between doctors and patients for ages, does not get shattered on account of these conflicting demands. Doctors do have certain grievances and these should be given due consideration. It needs to be borne in mind that when a doctor is arraigned before a consumer 'court', and a complaint is submitted wherein he is charged with serious negligence and called upon to pay heavy compensation running into lakhs of rupees, his reputation gets seriously affected, his practice can be disrupted, and serious mental disturbance can be caused to him. The fact remains that complaints can be quite easily lodged before the consumer 'courts' and most often the compensation is of a staggering amount which it is impossible for any doctor to pay, and that quite often the motivation for filing complaints is to cause harassment to the doctor. A very important fact is that no court fee requires to be paid. If a claim of Rs. 40 lakhs is made before civil court the court fee will be of the order of about Rs. 40,000. This would be obviously a deterrent. There is no deterrent of such nature in taking the matter to the consumer 'court'; at best we have now succeeded in getting a clause inserted in the Consumer Protection Act of payment of compensation to the extent of Rs. 10,000 where a complaint is established to be frivolous or vexatious. Compared to the sullyng of a high reputation of a doctor, the compensation of even upto Rs.10,000 awarded against the complaint would not be any solace to the doctor.

Taking all these facts into consideration we are of the view that following points need to be given immediate attention with a view particularly to avoiding the possibility of strike by the doctors and to generate an atmosphere in the country that harmonious relationship between the doctors and patients must continue:

- (i) Section 13 of the Consumer Protection Act prescribes the procedure which has to be adopted in

- a consumer 'court' on receipt of a complaint. Ostensibly, the 'court' has no alternative, according to this procedure, except to forward the complaint to the "opposite party" (i.e. doctor) directing him to give his version of the case within a period of 30 days. No initial scrutiny needs to be exercised by the consumer 'court'. Where for instance, a claim of Rs. 30 lakhs or Rs. 50 lakhs is made in a complaint, which may eventually not succeed at all, the complaint necessarily has to be sent to the doctor calling upon him to submit reply. The transmission of complaint, and publicity relating to it, can be extremely damaging to the reputation of the doctor. We feel that it needs to be prescribed, as a matter of administrative instructions issued by the National Commission established under the Consumer Protection Act, that where any complaint involving an amount of more than Rs. one lakh is received an initial scrutiny should be held for determining whether further action should be taken on it.
- (ii) Doctors have been demanding that if the consumer 'courts' have to take cognizance of complaints against the medical profession there should be a medical expert on the Panel for adjudicating the case. It may not be possible to alter the statutory provisions to provide for the inclusion of a medical expert on the Panel, but it can surely be prescribed, with the administrative instructions issued by the National Commission, that where a case against a doctor comes up the 'court' should invariably get expert advice from medical profession. The appropriate expert should be invited at court expense to give his advice.
 - (iii) It would be desirable that where a complaint against a doctor is found to be frivolous or vexatious a heavy penalty should be imposed on the complainant so that example is made thereof is made thereof for proving deterrent to others.
 - (iv) Most important is the requirement of devising ways and means for strengthening the Medical Council of India so that this organisation and its Branches all over the country generate a feeling of confidence among the people that they would be prepared to take severe action where any case of negligence or incompetence of a doctor or hospital comes to their notice. It is unfortunate that until now the Medical Council of India as well as Indian Medical Association have not given this confidence to the people. Where necessary, the relevant legislation needs to be immediately amended.

LETTER TO SECRETARY, GOI, MIN. OF CIVIL SUPPLIES, CA & PD

All of us who are keen to ensure proper deal for consumer have inter alia been stressing the importance and urgency of setting up forums for redressal of grievance of consumers. In the process there are certain facts which need to be kept in view so that the establishment of redressal agencies does not remain unproductive.

I give two instances that have come to my notice. These were voiced before me by the officers who had come to participate Public Administration in which I took a session. One Officer was from Andaman & Nicobar Islands. He told me that the total number of complaints field under the Consumer Protection Act in the two districts of Andaman & Nicobar was only 62 during the last five years. Total population of Nicobar is 45,000 and of Andaman 2.5 lakhs. He said that present pendency is just 3 cases. Likewise, the officers who had come from Sikkim mentioned that the total population of Sikkim is 4.5 lakhs, of the four districts, and that there have been only four complaints in the four districts under this Act.

These circumstances need to be taken into account in the context of the directive of Supreme Court that each district must have an independently operating forum within one year from the date 7.1.1993 when the final decision was given on COMMON CAUSE petition. Surely, it will be difficult to justify the establishment of independently functioning forums (and also State Commission for the State of Sikkim and one for the Union Territory of Andaman & Nicobar) as long as the number of cases remain so small. I had been pursuing the COMMON CAUSE case in Supreme Court but I myself realise that there is need to face realities of this nature and find appropriate solutions.

I suggest that your Ministry should kindly collect urgently statistics of the total number of complaints filed, complaints decided, and complaints pending in each of the districts of all the States and Union Territories. The position should then be examined in relation to the directive of the Supreme Court, and if necessary I will be prepared to place the matter before the Supreme Court for reconsideration of the decision in relation to any particular States/Union Territories and districts.

I will eagerly await consideration of this matter by the Ministry for determining the action that needs to be taken.

LETTER TO

- (i) **SECRETARY, GOI, MIN. OF CIVIL SUPPLIES, CA & PD,**
- (ii) **SECRETARY, GOI, DEPARTMENT OF EDUCATION, MIN. OF HUMAN RESOURCE DEVELOPMENT; AND**
- (iii) **DIRECTOR OF NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING (NCERT)**

SUB:- CONSUMER PROTECTION - EDUCATION CURRICULA

Taking into account the fact that the subject of consumer protection has assumed considerable importance in the fabric of economic development and general life pattern of people in the country we consider it appropriate that the basics of this subject should secure suitable introduction in the curricula of education in the schools. It is with this objective in view that we are addressing this letter to the Ministry of Civil Supplies, Consumer Affairs and PDS, and the Department of Education in the Ministry of Human Resource Development, for kindly considering how this subject, in its basic essentials, can be introduced in the curricula of studies in the schools. The matter of introduction of this subject in the curricula of studies at the university level will be dealt with separately. On this account we are inter alia addressing this letter to NCERT for consideration of the proposals made herein.

The Consumer Coordination Council is the apex organisation of the various consumer organisations represented on the Central Consumer Protection Council established under the Consumer Protection Act administered by the Ministry of Civil Supplies, Consumer Affairs and Public Distribution. This Council is inter alia engaged in developing programmes of training, education and information dissemination in subjects of consumer protection. These activities and programmes aim at meeting the present expanding requirements of consumer awareness and consumer consciousness which is gaining rapid momentum in the country.

We feel that only the basic essentials, in very brief terms, need to be introduced in the curricula of studies in the schools. These basic areas will need to comprise the following:-

- (a) Rights of the consumers. These rights have been spelt out in the Consumer Protection Act which has now caught the imagination of people all over the country. These rights, briefly are: the right to be protected against hazardous goods, right to information about quality and price etc. of goods and services, right to access to competitive prices, right to be heard for redressal, right to consumer education.
- (b) Prominent features of Consumer Protection Act: inclusion of goods as well as services in the matter of securing redressal against defective goods and deficient services; private sector and public sector both can be arraigned under the Act, including all types of goods and types of services including banking, insurance, electricity distribution, telephones, transport, railways, housing construction etc., establishment of redressal "courts" complaints and securing compensation for loss or damage caused.
- (c) Types of cases which are being decided in these consumer courts (more than 300,000 cases have already been filed before these courts and over 160,000 decided, largely in favour of consumers

during the brief period since enactment of this legislation) and what everybody should know about securing redressal against supply of defective goods and deficiency in services.

- (d) Spread of consumer movement is the country and the growth of voluntary consumer organisations in various parts of the country; their contribution in awakening consumer consciousness and solving problems of the consumers. (Already about 600 organisations have been established in various parts of the country)

On these basics we will be in a position to prepare the material in very simple terms and language which can be incorporated in the curricula of studies in the schools. We recognise that the existing curricula of studies in schools are already quite heavy, and we consider that only the basic essentials of consumer protection movement need be introduced. There is no need to introduce any inessential detail; what is needed is that the children schools should be aware of the new awakening that has come about among the people about their rights of consumers and the machinery that exists for the redressal of their grievances. It does not need to be emphasized that everybody is a consumer, and it is in this context that everybody should be aware of the rights and the means for asserting those rights.

We forward for consideration of the Department of Education and NCERT, through the Ministry of Civil Supplies, CA and PD, the present proposal that this subject, in the indicated basic essentials, should be included in the curricula of studies in the schools. It will be for the Department of Education and NCERT to decide as to what should be included in the curricula, how it should be included for being integrated with other existing subjects, at what levels of the schooling it should be included and in what shape etc. We will be happy to have the opportunity of preparing the basic essentials of the material for being supplied to the Department of Education and NCERT for the purpose, and to have the opportunity of discussing the proposal with the concerned officers and specialists.

We hope that the Department of Education and NCERT will give early consideration to this proposal, and will be grateful for their acceptance of it in principle, whereafter we will be prepared to forward the basic essentials of the material for their consideration. We request the Ministry of Civil Supplies, CA&PD to kindly convey to the Ministry of Human Resource Development their general support to the proposal submitted in this letter.

LETTER TO MINISTRY OF HUMAN RESOURCE DEVELOPMENT

There have been persistent reports that the norms prescribed by the University Grants Commission in regard to the (i) Working Days in an academic year (ii) Examination Reform (iii) Work Load of Teachers, among others, are by and large not being observed in the universities and colleges, and that the concerned authorities are not taking due notice of the flouting of these norms.

In the norms prescribed by the University Grants Commission, vide the Guidelines issued in 1989 which are still operative, following directions have inter alia been clearly laid down:

- (a) Actual working days should not go below 180 days excluding the preparation days and examination days. Effort should in fact be made to raise the number to 200 or more.
- (b) Working days in a department or faculty should not become only a few hours of the forenoon. The time table should be spread to accommodate the various academic activities over at least eight hours of the working day.
- (c) No examination should be conducted without fulfilling the requirements of a minimum number of lectures/tutorials/laboratory sessions etc which should be clearly laid down by the university.

Taking into consideration these Guidelines of the University Grants Commission it was to be expected that all universities and affiliated colleges would ensure their strict observance. From what has been learnt

it appears that these are observed only in breach, which is obviously very unfortunate and derogatory to the interests of spread of education. This would be evident from the enclosed article of Dr Amrik Singh which appeared in the Hindustan Times of 3rd October. Ostensibly the facts presented in it are based on authentic information, and if this apathetic laxity is in evidence in Delhi itself, it is very likely that similar laxity may be existing in other universities and colleges.

We feel very concerned that such laxity is allowed to take place in these higher places of learning; surely the Government of India in the Ministry of Human Resource Development must be feeling even more concerned. We consider that this matter needs to be immediately examined in detail by your Ministry and that you will, we hope, ask immediately for detailed report on the above facts from all universities, and they in turn will be asked to secure the information from all affiliated colleges, for facilitating comprehensive consideration of the entire matter to ensure strict compliance with the UGC guidelines.

We would be grateful for acknowledgment of receipt of this communication and for indication of the action taken on it. Meanwhile we are sending its copies to the Chairman of UGC and the Registrar of Delhi University reference to which has specifically been made in the enclosed article."

LETTER TO CENTRAL MINISTER OF PERSONAL, PUBLIC GRIEVANCES & PENSIONS

"There have been disturbing press reports regarding abrupt transfer of the officer, Mr, Arun Bhatia from the post of Commissioner of Food & Drug Administration of Maharashtra, on the direction of the Chief Minister. This transfer is being connected with punitive initiatives taken by FDA of Maharashtra against some important drugs manufacturing companies which were suspected of violating provisions of the Drugs & Cosmetics Act, and in particular for taking strong action against the companies for allowing sub-standard and spurious products to find their way into market.

In Bombay it is being widely said in circles connected with medical profession and consumer activists that this transfer was effected because since March 1993 when Mr Bhatia was appointed Incharge of FDA, the organisation had launched proceedings against three important drug manufacturing companies, including Glaxo, Boots and German Remedies. The Organisation had detected manipulation which facilitated the passage of their rejected and sub-standard products to the market, carrying hazards to the users of the drugs. FIRs had been duly registered against these companies and action had been taken on the basis of detailed investigations. Times of India in an editorial in the issue of 27th October 1993 has also highlighted the matter of this transfer.

It is most unfortunate, from the viewpoint of administration and in general posing hazards to consumers, that instead of upholding the action taken for violations of such nature committed by companies of repute, the political leadership in fact disrupts the administrative action by resorting to the measure of transferring the officer, ostensibly on the initiative of companies effected by the punitive action.

The weapon of transfers of officials, particularly of the higher echelons of the administration, allegedly on arbitrary orders and demands of political masters, has led to serious lapses in administrative effectiveness. You would certainly be aware of the large scale transfers which have been effected in Haryana and recently in the States of M.P. and U.P.; all these have been connected with political considerations and there have also been allegations even of corruption forming the base of a number of such transfers. In other States too this malaise has been abundantly in evidence, involving transfers of the senior most officials on the whims and dictates of political leadership.

We feel that it is of paramount importance that there must be some check on such actions which bring the administration into disrepute besides shaking its confidence. There is need to lay down strict norms that no transfers should be effected at any administrative levels unless a normal period of three years of posting in an appointment is over; if any transfer has to be effected before completion of this period there should invariably be a record in writing of the grounds of transfer and those grounds should be communicated

in writing to the concerned officer, and should be appealable by him to the Appellate Administrative Authority, failing which to the Civil Administrative Tribunals.

From COMMON CAUSE we feel that this matter should be taken to the Supreme Court for securing a verdict, but I have deemed it proper to refer it to you for consideration by the Government of India so that the administration at the Centre and in the States is further strengthened for meeting its various challenges.

I do hope it will be possible for your Ministry to kindly give serious consideration to this matter. We would be interested to know the reactions of the Government of India."

LETTER TO SECRETARY, CENTRAL MINISTRY OF CIVIL SUPPLIES, CA & PD

"I write this on a matter which has assumed the shape practically of "bottle of the bottle", the tussle between bottlers of cold drinks, on the question whether the cold drink bottles should be restricted to the volume 250 ml or should be allowed to continue with the existing multiplicity of 200 ml, 250 ml and 300 ml.

As far as the consumers are concerned it is clear that multiplicity of volumes, particularly with the small differences existing in the present rules, leads to confusion and to the scope of their exploitation. I had voiced this view in the meeting of Standing Committee of Weights & Resources, and a notification was issued some months ago inviting objections. Certain bottlers are against the proposal; other favour it.

This subject was discussed on 29th October in the Confederation of Indian Industry where prominent representatives of manufacturers of cold drinks and some representatives of consumers were present. The discussions were often quite heated.

In this meeting I had presented the following views on behalf of consumers:

- i) We would not like the existing multiplicity to continue. It would be proper solution to have the volume 250 ml. If it suits the industry better, and is also acceptable to the government, the volume can be 300 ml, but the multiplicity with existing small variations must be obviated.
- ii) In any case, the volume must be very prominently printed on the bottle. The present printing in small digits is totally meaningless. Even knowledgeable people do not ever know the volume contents of a cold drink bottle. The manufacturers should also publicise the volume content of their bottles.
- iii) Very importantly, the price of cold drink bottle should be visible on the bottle. It is a matter for consideration by the government that the present rules in this regard should be modified. There is no reason why the cold drink bottles, as also milk bottles and cheese packets etc, should not be brought within the Rules for printing of price. Whatever reasons previously operated for keeping these out of the purview of price printing, are no longer operative. In the case of cold drink bottles the price printing can be effected on the top of crown cork. This should be done prominently so that the price is visible. The present legend which is being printed on the crown cork can be printed elsewhere on the bottle if it is necessary and if it cannot be substituted by putting on obligation on the manufacturers to advertise this requirement as binding on them. Crown cork is disposable; price printing on it is feasible; price printing on the battle will not be feasible because the bottle has to be used over and over again, and the price may alter after a period.

These suggestions were by and large acceptable to the participants of the CII meeting. I am forwarding these to you for detailed consideration in the Ministry. Adoption of these suggestions may help to solve a problem which has manifested itself and is gathering momentum. I will look forward to the reactions of the Ministry."

TO

ALL MEMBERS OF COMMON CAUSE

NOTICE OF ANNUAL GENERAL MEETING

The Annual General Meeting of COMMON CAUSE Society will be held in the Constitution Club, Rafi Marg, New Delhi, on Saturday the 5th February 1994 at 11 a.m. Members are invited to the meeting.

Agenda will be as follows:

- i) Consideration of the Annual Report and adoption of the Annual Accounts alongwith the Auditors' Report for the year 1992-93.
- ii) Appointment of Auditors for the year 1993-94.
- iii) Activities and Programmes.
- iv) Elections.

It may kindly be noted that in accordance with Rule 15 of the Rules & Regulations of the Society if within half an hour of the beginning the quorum is not present, the meeting shall stand adjourned for the same day and will be held after another half an hour, and members present in the adjourned meeting shall form the quorum of the meeting.

H.D. SHOURIE
DIRECTOR, COMMON CAUSE

AUDITORS REPORT

We have audited the attached Balance Sheet of COMMON CAUSE as at 31st March 1993 and the annexed Income & Expenditure Account of the Society for the year ended on that date which are in agreement with the books of account maintained by the Society.

In our opinion and to the best of our information and according to the explanation given to us, the said accounts give a true and fair view:

- (i) in case of the Balance Sheet of the state of affairs of the Society as at 31st March 1993; and
- (ii) in case of the Income & Expenditure Account of the excess of expenditure over income for the year ended on that date.

Place: New Delhi

Date: 23 October 1993

for RAO & RAVINDRANATH
Chartered Accountants

Sd/-

A.V. RAVINDRANATH
PARTNER

ANNUAL REPORT FOR 1992-93

The year ending with 31 March 1993 has been equally fruitful and satisfactory from the viewpoint of the continuing expansion of activities of COMMON CAUSE. Support and appreciation of the people, and their involvement in the programmes of the organisation, has continued to be source of motivation and further progress of the activities.

Membership of the organisation has not grown to the extent that the spread of its activities provides a general feeling; we are grateful, however, to certain individual members who have on their own taken up the task of enlisting more members and thereby spreading the message. The organisation has been recipient of a Special Award by a well-recognized Trust for its outstanding contribution to public causes. Director of the organisation has been given the Golden Award by the well known organisation an award for distinctive contribution to public causes.

PROGRAMMES & ACTIVITIES

COMMON CAUSE has distinguished itself in taking up public causes for redressal of the problems of the people through intermediacy of the courts where the executive has shown unresponsiveness. From the time when the first cases were taken to the Supreme Court in relation to the problems of pensions the organisation has filed a series of Writ Petitions in the Supreme Court and Delhi High Court. These have had their impact, and in a number of cases very useful verdicts have been secured affecting the interests of vast numbers of people. The pension cases, including the equalisation of pension liberalisation for all pensioners in relation to 1979 liberalisation, restoration of pension commutation, and the extension of family pension benefits to all widows irrespective of date retirement of the pensioners, benefited about four million pensioners all over the country, including the pensioners of Central Government and State Governments. Ramifications of the problems of pensions continue being received by the organisation and pursued with the concerned authorities. A problem relating to the demand of refund of two months emoluments, deducted from the pre-1977 employees' salaries in relation to family pension scheme, continues to be pursued by the organisation through a petition which has been filed before Central Administrative Tribunal where it has been referred to larger Bench.

We give hereunder a brief account of some of our important Writ Petitions which have come up before the Supreme Court and Delhi High Court during the year of report.

CRIMINALS CASES PENDING IN COURTS OF INDIA.

This Writ Petition has been pending for the last seven years. For various reasons it got held up in being listed. Eventually, on special mention before the Chief Justice of India it was taken up and is now being further pursued.

LAWYERS' STRIKES

This Writ Petition too has been pending for the last three years. It has come up for hearing a number of times but final hearing has not taken place. Special mention was made before the Chief Justice of India and it is now likely to be listed for hearing in the near future.

PENSION TO MPS

This Writ Petition also has been pending for over two years. It was held up by the Registry of Supreme Court on an untenable ground of non-appointment of counsel by the Government. The matter was mentioned before the Chief Justice of India and the case has now been listed for final hearing.

MALFUNCTIONING OF BLOOD BANKS

This Writ Petition has been progressing very satisfactorily and has had eighteen hearings. It continues to be pursued.

PRIMARY EDUCATION

This is a new Writ Petition. It has been submitted for highlighting the fact of non-fulfillment of the objective of spreading free primary education to all children which was embodied in the Directive Principles enshrined in the Constitution. The Government was under obligation to fulfill this objective within ten years of framing of the Constitution; the education of children has not yet reached satisfactory level even of 50 percent.

UNAUTHORISED COLONIES

This too is a new Writ Petition. It was submitted before the Delhi High Court for highlighting the depredeations caused by the demands for regularisation of colonies which were established unauthorisedly and ostensibly for political purpose of expanding vote banks. Delhi High Court has issued direction to the Government of India and Delhi administration that no unauthorised colony should be regularised till further orders. The case is being further pursued.

LEASEHOLD CONVERSIONS

This Writ Petition relates to the important matter of conversion of leasehold into freehold in relation to the flats and plots at Delhi. The matter affects nearly 3,00,000 owners of flats and plots. Arising from the submission of this Writ Petition by COMMON CAUSE the Delhi Administration had to extend the period for stipulated payments till 31 March 1994 and had to withdraw the direction of compulsory conversion in the case of flats and smaller plots. The matter continues to be further pursued.

APARTMENTS OWNERSHIP ACT

Arising from the Writ Petition submitted by COMMON CAUSE in the Delhi High Court the Government of India admitted the existence of defects in the Act and promised to withdraw it for substituting it by another Act. Further developments in this matters are yet awaited.

CONSUMER CAUSES

Three of our important complaints are presently pending before the National Commission established under the Consumer Protection Act. One relates to the depredeations caused on the roads of Delhi by Red Line buses. The other relates to the cancellation of Air India flights on account of the agitation by engineers of the aircraft. The third complaint deals with a number of problems encountered by the people in relation the functioning of Delhi Electric Supply Undertaking (DESU). Another complaint has also been filed against DESU in connection with the increase of meter charges and the non-payment of interest on deposits collected from the consumers. The matters continue being pursued.

PROPERTY TAX

The matter relating to property tax has continued to cause serious concern to the owners of houses, flats and commercial establishment in Delhi. The problems affects nearly 600,000 persons. Aberrations, distortions, anomalies of property tax assessments have continued to be highlighted by the organisation. Two recent decisions of Delhi High Court have assumed considerable importance, but the new government of Delhi has promised to early sort out the matter through new legislation. The matter continues to be pursued with Delhi Administration and will be further taken up on finalisation of the proposals.

CONSUMER PROTECTION ACT

The organisation has attained considerable importance in the country as being closely involved in the consumer protection movement. Director of the organisation has been elected as Chairman of the consumer Coordination Council which is central body of the organisations of consumers established all over the country. A very large number of problems relating to implementation of Consumer Protection Act, and redressal of grievances of consumers, continue being received and dealt with by the organisation. Writ Petition regarding implementation of Consumer Protection Act was decided by the Supreme Court in January 1993. Costs were awarded against all State Governments and Union Territories, each of them having been directed to pay Rs. 5000/- to COMMON CAUSE. This matter has been pursued with the State Governments and Union Territories and payments have already been received from a majority of them.

MISCELLANEOUS

Problems keep coming to COMMON CAUSE practically from all parts of the country. It is estimated that over 5000 letters have been received by the organisation during the year of report. Replies are invariably sent, and where the matters relate to individual problems, the readers are informed that we can take up only collective and common problems which are encountered by large number of peoples and which involve decisions on policies.

The organisation has throughout received very satisfying support from the members. We convey our grateful thanks to all of them for it. We also take the opportunity to convey our thanks to the people in general for displaying interest in the activities of the organisation and for their words of appreciation for continuing dedicated efforts.

If you have faith in the selfless services of COMMON CAUSE take it as an obligation to get at least five more members. No form is required. Only send name and complete address, with cheque/DD/MO in the name of COMMON CAUSE: Rs.250 for individual Life Membership; Rs.50 for individual annual membership; Rs.200 annual membership for organisations.

FIRST PUBLIC PROSECUTION TRUST (address: P.O. Box 5094, Madras - 600028) has been concerned with educating the people about radical professional solutions for dealing with maladies affecting our body politic. Its two publications **INDIA'S MALADIES & REMEDIES** (147 pages; price Rs. 50); **PROTECTING THE PEOPLE (A THEORY OF CHANGE)** (Pages 208; Price Rs. 65) are being made available to the readers of COMMON CAUSE at special price of Rs. 90; can be secured from the Trust by sending DD or MO (add banking charges to cheque)

COMMON CAUSE
(REGISTERED UNDER THE SOCIETIES REGISTRATION ACT 1860)

BALANCE SHEET AS AT 31ST MARCH 1993

	AMOUNT Rs.		AMOUNT Rs.
LIABILITIES		ASSETS	
Capital Fund Account		Cash in Hand	150
Life Membership Subscription		Balance With Scheduled bank in Saving Bank Accounts	26,849
Opening Balance	370,676	Stamps in Hand	1,277
Add:		<u>Fixed Deposits</u>	
Subscriptions received during the year	55,862	With Indian Bank Shantiniketan	257,402
	426,538	With Steel Authority of India Limited	497,000
Corpus Fund		<u>Interest Accrued</u>	
Opening Balance	530,133	On Fixed Deposit with Indian Bank Shantiniketan	22,646
Add:		On Fixed Deposits with Steel Authority of India Limited	81,454
Donations received during the year	67,624	<u>Furniture</u>	
	597,757	Opening Balance	4,840
Expenses Payable	35,141	Add : Addition during the Year	1,288
		Less: Depreciation	613
		<u>Shed</u>	
		Opening Balance	29,760
		Less: Depreciation	2,976
		<u>Cooler</u>	
		Opening Balance	1,679
		Less : Depreciation	252
		<u>Office Equipment</u>	
		Opening Balance	269
		Less: Depreciation	40
		<u>Deficit Account</u>	
		Opening Balance	73,233
		Add: Excess of Expenditure over	
		Income per Income & Expenditure Account	65,470
	1,059,436		1,059,436

COMMON CAUSE
(REGISTERED UNDER THE SOCIETIES REGISTRATION ACT 1860)

Income and Expenditure Account the Year Ended 31st March, 1993

EXPENDITURE	AMOUNT (RS.)	INCOME	AMOUNT Rs.
Printing & Stationery	91,347	Subscription from members	13,900
Books & Periodicals	1,165	-- Ordinary	7,800
Staff Salary	48,595	-- Associate	
Conveyance Expenses	14,928	Interest Received	3,113
Legal Expenses	3,586	-- Savings Bank	19819
Postage & Telegrams	17,352	-- Fixed Deposit with Bank	8,754
Professional Fee	500	-- Fixed Deposit with SAIL	31,686
Telephone Expenses	9,201		
Membership Charges	102	Interest Accrued	14,027
Repairs & Maintenance	360	-- RIP with bank	59,801
Miscellaneous Expenses	1,667	-- Fixed Deposit with SAIL	73,828
Depreciation	3,881		
	<u>192,684</u>	Excess of Expenditure over Income	<u>65,470</u>
			<u>192,684</u>

As per our report of even date

for Rao & Ravindranath
Chartered Accountants

Govind Narain
President

H.D. Shourie
Director

A.V. Ravindranath
Partner

Brig. R.I.N. Luthra
Secretary

Maj. Gen. U.C. Dubey
Treasurer

Place : New Delhi
Date : 23/10/1993